

23 Subdivision

23.1 Purpose

- a) Subdivision is essentially the process of dividing a parcel of land or a building into one or more further parcels, or changing an existing boundary location. Subdivision by itself is not a use of land, however it often sets the platform for future development and land use.
- b) The development and use of land and buildings can be facilitated by subdivision. As such, the purpose of this chapter is to ensure that subdivision activities within the City are undertaken in a manner that supports the outcomes sought in the underlying zone. It is also to ensure the integrated management of the effects of the use, development or protection of land and associated natural and physical resources.

23.2 Objectives and Policies: Subdivision

Objective	Policies
<p>23.2.1 To ensure that risk to people, the environment and property is not exacerbated by subdivision.</p>	<p>23.2.1a Subdivision:</p> <ol style="list-style-type: none"> i. Does not result in increased risk of erosion, subsidence, slippage or inundation. ii. Minimises any adverse effects on water quality. iii. Ensures that a building platform can be accommodated within the subdivided allotment clear of any areas subject to natural hazards. iv. Ensures that any risks associated with soil contamination are appropriately remedied as part of the subdivision process. v. Ensures reverse sensitivity mitigation measures avoid or minimise effects such as noise associated from an arterial transport corridor or State Highway.
<p><i>Explanation</i></p>	
<p><i>The policies ensure that land is suitable for subdivision and will not increase risks to people, the environment and property.</i></p>	
Objective	Policies
<p>23.2.2 Subdivision contributes to the achievement of functional,</p>	<p>23.2.2a Subdivision:</p> <ol style="list-style-type: none"> i. Is in general accordance with Subdivision

<p>attractive, sustainable, safe and well designed environments.</p>	<p>Design Assessment Criteria to achieve good amenity and design outcomes.</p> <ul style="list-style-type: none"> ii. Is in general accordance with any relevant Structure Plan. iii. Is in general accordance with any relevant Integrated Catchment Management Plan. iv. Maintains and, where possible, enhances existing amenity values. v. Promotes energy, water and resource efficiency. vi. Provides for the recreational needs of the community. vii. Discourages cross-lease land ownership. viii. Ensures that any allotment is suitable for activities anticipated for the zone in which the subdivision is occurring. ix. Contributes to the achievement of identified residential yield requirements over time where appropriate. x. Avoids or minimises adverse effects on the safe and efficient operation, maintenance of and access to network utilities and the transport network. xi. Is avoided where significant adverse effects on established network utilities or the transport network are likely to occur. xii. Promotes connectivity and the integration of transport networks. xiii. Provides appropriate facilities for walking, cycling and passenger transport usage. xiv. Provides and enhances public access to and along the margins of the Waikato River and the City's lakes, gullies and rivers. xv. Facilitates good amenity and urban design outcomes by taking existing electricity transmission infrastructure into account in subdivision design, and where possible locating compatible activities such as infrastructure, roads or open space under or in close proximity to electricity transmission infrastructure. xvi. Ensures that a compliant building platform can be accommodated within the subdivided allotment outside of the National Grid Yard.
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Explanation	
<p><i>Subdivision has a lasting impact on the built form and function of a city. These policies require that the subdivision process respond to the range of form and function matters, such as urban design and resource efficiency, identified in the policy in order to achieve good environmental and built form outcomes in Hamilton City.</i></p>	
Objective	Policies
<p>23.2.3 Medium-Density Residential Zone (excluding Rotokauri North) and Rototuna Town Centre Zone areas are developed comprehensively.</p>	<p>23.2.3a Subdivision that creates additional allotments in the Medium-Density Residential Zone or the Rototuna Town Centre Zone does not occur without an approved Comprehensive Development Plan or Land Development Consents for Ruakura and Te Awa Lakes, except that this policy does not apply for development in Rotokauri North.</p>
Explanation	
<p><i>Comprehensive Development Plans are a useful tool to ensure a comprehensive approach to the layout and design of medium-density development. The Board of Inquiry Decision for Ruakura included a Land Development Consent process to ensure a comprehensive approach to layout and design within the medium density development occurs.</i></p> <p>Rotokauri North contains specific subdivision standards for development to create high amenity design and layout which are more proscriptive in terms of urban development form and layout than other areas in the Medium Density Residential zone, so as to avoid the requiring land use consents for subdivisional layout via a Land Development Consent.</p>	
Objective	Policies
<p>23.2.4 To ensure the provision of infrastructure services as part of the subdivision process.</p>	<p>23.2.4a Subdivision:</p> <ul style="list-style-type: none"> i. Provides an adequate level of infrastructure and services appropriate for the proposed development. ii. Takes into account and shall not compromise the infrastructural needs of anticipated future development. iii. Does not occur unless appropriate infrastructure and/or infrastructure capacity is available to service the proposed development. iv. Ensures that the capacity, efficiency, performance and sustainability of the wider infrastructure network is not compromised.

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	v. Uses public infrastructure ahead of private infrastructure where appropriate.
Explanation	
<i>Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Hamilton City Infrastructure Technical Specifications. The Ruakura Structure Plan area includes two areas of Large Lot Residential Zones which are not anticipated to be serviced with Three Waters infrastructure, and should accommodate on-site servicing. Parts of the Future Urban Zone, where rural uses are to predominate, will also contain on-site servicing.</i>	
Objective	Policies
23.2.5 Subdivision occurs in a manner that recognises historic heritage and natural environments.	23.2.5a Subdivision avoids, remedies or mitigates adverse effects on: <ul style="list-style-type: none"> i. Scheduled heritage items. ii. Scheduled archaeological and cultural sites. iii. Scheduled significant trees. iv. Scheduled significant natural areas. v. The Waikato River and gullies and river banks, lakes, rivers and streams.
	23.2.5b Subdivision protects, and where possible enhances any: <ul style="list-style-type: none"> i. Landforms and natural features. ii. Vegetation.
	23.2.5c Subdivision of land which protects and enhances the riparian margins of the Waikato River and the City's lakes, gullies and rivers.
Explanation	
<i>Subdivision and the associated development of land often involves modification and this has the potential to cause or exacerbate adverse effects. These effects should be managed through the location and design of subdivision.</i>	
Objective	Policies
23.2.6 Subdivision of an existing, or an approved, development shall have suitable instruments in place to manage individual ownership, and any shared rights and interests in common.	23.2.6a To ensure that any subdivision is supported by management structures and legal mechanisms that provides certainty of, and enables effective ongoing, management, maintenance and operation of land, structures, services, apartment buildings, and common areas.

Explanation

The objective and policy ensures that the type of land tenure proposed is the most appropriate to the nature and configuration of underlying development. In the case of fee simple subdivision of apartment buildings, the means by which shared and common components are to be managed by multiple parties is clearly demonstrated and established at the time of application for subdivision.

23.3 Rules – Activity Status Tables

Table 23.3a: General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 to 7, Industrial, Knowledge, Ruakura Logistics, Ruakura Industrial Park, Future Urban, All Open Space, Major Facilities, Community Facilities and Transport Corridor Zones and All Hazard Areas

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Activity	General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 – 7, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park Zones	Future Urban Zone	All Open Space Zones, Major Facilities, Community Facilities, Transport Corridor Zones	All Hazard Areas
For Medium-Density Residential, Rototuna Town Centre Zone and Te Rapa North Industrial Zone see Table 23.3b below. For Special Character Zones see Table 23.3c below. For Rotokauri North see Table 23.3d below.				
i. Boundary adjustments	P	RD	P	RD
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P	P	P	P
iii. Conversion of cross-lease titles into fee simple titles	P	P	P	P
iv. Subdivision to accommodate a network utility service or transport corridor	RD	RD	RD	D
v. Fee simple subdivision* (including fee simple subdivision of apartment buildings)	RD*	RD*	RD*	D
vi. Cross-lease subdivision	NC	NC	NC	NC
vii. Company-lease subdivision*	RD*	RD*	RD*	D
viii. Unit-title Subdivision*	RD*	RD*	RD*	D
ix. Leasehold Subdivision	RD	RD	RD	D
x. Subdivision involving any allotment within the Electricity National Grid Corridor	RD	RD	RD	D

xi. Any subdivision of an allotment containing a Scheduled Historic Heritage Site identified in Volume 2, Appendix 8, Schedules 8A and 8B	D	D	D	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C	D	D	D	D
All Activities and Structures				
xxiii. Any activity not listed above	NC	NC	NC	NC

Table 23.3b: Medium-Density Residential Zones ([excluding Rotokauri North](#)) and Rototuna Town Centre Zones, and Te Rapa North Industrial Zone

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Activity	Medium-Density Residential and Rototuna Town Centre Zones		Ruakura and Te Awa Lakes Medium-Density Residential Zone	Te Rapa North Industrial Zone			
	Without an approved CDP	As part of or after a CDP has been approved	With an approved LDC or an LDC with subdivision activity	Deferred Industrial outside of Stage 1A	Within Stage 1A without a CDP	Within Stage 1A after a CDP	Te Rapa Dairy Manufacturing Site
For General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 to 7, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park, Future Urban, all Open Space, Major Facilities, Community Facilities and Transport Corridor Zones, and all Hazard Areas see Table 23.3a above. For Special Character Zones see Table 23.3c below.							
i. Boundary adjustments Inclusive where no LDC exists for Ruakura and Te Awa Lakes Medium-Density Residential Zone	P	P	P	P	P	P	P
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P	P	P	P	P	P	P
iii. Conversion of cross-lease titles into fee simple titles	P	P	P	P	P	P	P

iv. Subdivision to accommodate a network utility service or transport corridor inclusive where no LDC exists for Ruakura and Te Awa Lakes Medium-Density Residential Zone	RD	RD	RD	RD	D	RD	RD
v. Fee simple subdivision	NC	D	RD*	NC	D	RD*	RD*
vi. Cross-lease subdivision*	NC	NC	NC	NC	NC	NC	NC
vii. Company-lease subdivision	NC	RD	RD	NC	D	RD	RD
viii. Unit-title Subdivision*	NC	RD*	RD*	NC	D	RD*	RD*
ix. Leasehold Subdivision	NC	RD	RD	NC	D	RD	RD
x. Subdivision involving any allotment within the Electricity National Grid Corridor	NC	RD	RD	RD	D	RD	RD
xi. Any subdivision of an allotment containing a Scheduled Historic Heritage Site identified in Volume 2, Appendix 8, Schedules 8A and 8B	NC	D	D	NC	D	D	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C ¹	NC	D	D	NC	D	RD	RD
All Activities and Structures							
xxii. Any activity not listed above	NC	NC	NC	NC	NC	NC	NC

Table 23.3c: Special Character Zones

Activity	All Special Character zones			Special Natural Zone		Rototuna North East Character Zone, Special Residential Zone, Special Heritage Zone and Special Natural Zone
	Temple View Zone	Peacocke Character Zone		Lot 2 DP425316		
		Without an approved Master Plan	As part of or after a Master Plan has been approved	Without an Approved CDP	As part of an application for a CDP or after a CDP has been approved	
For Medium-Density Residential, Rototuna Town Centre Zone and Te Rapa North Industrial Zone see Table 23.3b above. For General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 – 7, Industrial, Knowledge, Ruakura Logistics and Ruakura Industrial Park, Future Urban, all Open Space, Major Facilities, Community Facilities, and Transport Corridor Zones, and all Hazard Areas see Table 23.3a above.						
i. Boundary adjustments	RD	RD	RD	RD	RD	P
ii. Amendments to cross-lease, unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings	P	P	P	-	P	P
iii. Conversion of cross-lease titles into fee simple titles	P	P	P	-	-	P
iv. Subdivision to accommodate a: - network utility service or - transport corridor	RD RD	RD RD	RD RD	RD NC	D D	RD RD
v. Fee simple subdivision*	D	-	-	NC	D	RD*
a) Fee Simple Subdivision within the Peacocke Character Zone for lots greater than 10ha	-	RD	RD	-	-	-

b) Fee Simple Subdivision within the Peacocke Character Zone for lots between 10ha and 2ha in the Terrace Area and between 10ha and 5000m ² in the Gully and Hill Areas	-	D	D	-	-	-
c) Fee Simple Subdivision within the Peacocke Character Zone for lots less than 2ha in the Terrace Area and less than 5000m ² in the Gully and Hill Areas	-	NC	D	-	-	-
d) Subdivision within the Peacocke Character Zone to establish a Master Plan neighbourhood area according to Volume 2, Appendix 2, Figure 2-3 Peacocke Structure Plan – Character Areas and Neighbourhoods	-	D	D	-	-	-
e) Boundary relocation	-	D	D	D	D	-
vi. Cross-lease subdivision	NC	NC	NC	NC	NC	NC
vii. Company-lease subdivision*	D	NC	D	NC	D	RD*
viii. Unit-Title subdivision*	D	NC	D	NC	D	RD*
ix. Leasehold subdivision	D	NC	D	NC	D	RD
x. Subdivision involving any allotment within the Electricity National Grid Corridor	-	-	-	-	-	RD
xi. Any subdivision of an allotment containing a Scheduled Historic Heritage Site identified in Volume 2, Appendix 8, Schedule 8A and 8B	D	D	D	D	D	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C	D	D	D	NC	D	D
All Activities and Structures						

Any activity not listed above	NC	NC	NC	NC	NC	NC
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Table 23.3d: All zones in the Rotokauri North Structure Plan area

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<u>Activity</u>	<u>Rotokauri North</u>
<u>i. Boundary adjustments</u>	<u>P</u>
<u>ii. Amendments unit-titles and company lease plans for the purpose of showing alterations to existing buildings or additional lawfully established buildings</u>	<u>P</u>
<u>iii. Subdivision to accommodate a network utility service or transport corridor</u>	<u>RD</u>
<u>iv. Cross-lease subdivision</u>	<u>NC</u>
<u>v. Company-lease subdivision*</u>	<u>RD*</u>
<u>vi. Unit-title Subdivision*</u>	<u>RD*</u>
<u>vii. Leasehold Subdivision</u>	<u>RD</u>
<u>viii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C</u>	<u>RD</u>
<u>ix. Fee simple subdivision*:</u>	<u>RD*</u>
<u>a) Any subdivision not in accordance with the Structure Plan</u>	<u>D</u>
<u>b) Any fee simple subdivision which creates a rear lot</u>	<u>NC</u>
<u>c) Creation of any vacant lots not meeting the minimum lot size specified in Rule 23.7.1 below</u>	<u>NC</u>
<u>d) Creation of any vacant lots not meeting the minimum lot dimensions specified in Rule 23.7.8 below</u>	<u>D</u>
<u>e) Any subdivision not meeting the block layout dimensions or minimum specified in Rule 23.7.8 below</u>	<u>D</u>
<u>f) Any subdivision with access not meeting Rule 23.7.8 below</u>	<u>D</u>
<u>g) Any subdivision to create road to vest that does not meet the minimum widths in 23.7.8</u>	<u>D</u>
<u>x. Any subdivision which results in a permanent cul-de sac</u>	<u>D</u>
<u>xi. Subdivision in accordance with a land use consent</u>	<u>RD*</u>
<u>xii. Subdivision of a duplex which meets Rule 4.7.12(a) to create fee simple titles</u>	<u>RD*</u>
<u>xiii. Subdivision of apartments to create fee simple or unit titles.</u>	<u>RD*</u>

Note

1. Consultation with Transpower New Zealand Limited (or its successor) is advised when considering subdivision within the Electricity National Grid Corridor. Transpower New

Zealand will be an affected party for any development requiring resource consent for a subdivision under or adjacent to high voltage transmission lines.

2. Refer to Chapter 1.1.9 for activities marked with an asterisk (*).

23.4 Rules – Application of the Transport Corridor Zone

- a) After 13 November 2012 land that is vested in the Council or the Crown as road pursuant to any enactment or provision in this plan, and has been formed as road to Council's required standards, then from the date of formation of the road, the land shall be subject to the rules in the Transport Corridor Zone but shall retain its current zoning.

23.5 Rules – General Standards

23.5.1 Telecommunication, Electricity, Gas and Computer Media

- a) Telecommunication, electricity, gas and ducting for computer media shall be provided at the time of subdivision, in accordance with the requirements of the relevant network utility operator and the relevant standards of the applicable zone.
- b) Telecommunication, electricity, gas and ducting for computer media shall be underground where possible.

Note

1. Acceptable means of compliance for the provision, design and construction of infrastructure is contained within the Hamilton City Infrastructure Technical Specifications.

23.5.2 Provision of Esplanade Reserves and Strips

- a) An Esplanade Reserve or Esplanade Strip of not less than 20m measured from the edge of any river or lake shall be set aside and vested in Council in accordance with section 231 of the Act where any subdivision of land results in the creation of an allotment that adjoins the banks of:
 - i. The Waikato River.
 - ii. The margins of Lake Rotoroa (Hamilton Lake).
 - iii. Any watercourse where the average width of the bed is 3m or more where the river flows through or adjoins an allotment.
 - iv. Where a reserve or road of less than 20m width already exists along the edge of any river or lake, then additional land shall be vested to increase the minimum width to 20m.

23.5.3 Provisions in Other Chapters

- a) The provisions of the following chapters apply to activities within this chapter where relevant.
 - Chapter 3: Structure Plans
 - Chapter 25: City-wide

23.6 Rules – Specific Standards

- a) The standards of Rule 23.6 shall not apply to the subdivision of land to accommodate a network utility service.

23.6.1 Subdivision in the Ruakura Structure Plan Area

- a) Any subdivision which creates new allotments in the Ruakura Structure Plan area cannot initiate land use or development which is contrary to Rules 3.7.4.1 to 3.7.4.5 and Rule 3.7.5 of Chapter 3: Structure Plans, except as provided for within the Large Lot Residential Zone.
- b) A consent notice may be registered against the title of any new allotment to ensure compliance with the Ruakura Structure Plan area rules in Rules 3.7.4.1 to 3.7.4.5 and Rule 3.7.5 of Chapter 3: Structure Plans.
- c) Any subdivision which creates new allotments, and is in accordance with (a) and (b) above where applicable, shall be in accordance with the zoning of the land as identified on the Planning Maps and in accordance with Rule 3.7.4.1.

23.6.2 Company Leases and Unit Title Subdivision

- a) Where an allotment is subject to an application for subdivision consent by way of company lease or unit title subdivision the following rules shall apply.
 - i. All existing buildings to which the subdivision relates shall have:
 - Existing use rights.
 - Been erected in accordance with a resource consent or certificate of compliance and building consent has been issued.
 - Comply with any relevant standards.
- b) All areas to be set aside for the exclusive use of each building or unit shall be shown on the survey plan, in addition to any areas to be used for common access or parking or such other purpose.
- c) In all staged subdivisions, provision shall be made for servicing the building or buildings and all proposed future buildings on the allotment.
- d) Where subdivision consent has been approved, no alterations shall be made to the position of the boundary lines delineated on the survey plan, or otherwise defined, without further subdivision consent.
- e) A design report shall be submitted detailing the effects of the proposed subdivision on the existing buildings pursuant to Section 116A of the Building Act 2004.
- f) If alterations to buildings are necessary to fulfil the requirements of the Building Act or conditions of subdivision consent, they shall be undertaken in terms of a building consent and completed before the issue of a certificate under Section 224 of the Resource Management Act 1991. Such alterations shall comply with the relevant standards of the relevant zone and this chapter.

23.6.3 Amendments to a Cross-lease, Company Lease or Unit Title Plan

- a) The amendments shall be for the purpose of showing alterations to existing buildings or additional lawfully established buildings.
- b) The alteration shall be either permitted or otherwise lawfully established.

23.6.4 Cross-lease to Fee Simple Subdivision

- a) The proposed boundaries shall align with those exclusive use area boundaries on the cross-lease plan. Where no exclusive use areas are shown on the cross lease plan the boundaries shall align with the exclusive and established pattern of occupation associated with the existing underlying development.
- b) Where required to protect services, easements shall be provided.
- c) Rule 23.7 – Subdivision Design Standards shall not apply to subdivisions under this rule.
- d) **The relevant land use rules in the respective zones (excluding Chapter 25.13 Three Waters) shall not apply to existing legally established buildings.**

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23.6.5 Leasehold Subdivision

Where an allotment is subject to an application for subdivision consent by way of leasehold subdivision the following rules shall apply where relevant.

- a) Section 23.4 Application of the Transport Corridor
- b) Section 23.5 Rules - General Standards
- c) Section 23.6 Rules - Specific Standards
- d) Section 23.7 Subdivision Design Standards

23.6.6 Boundary Adjustments

- a) Any boundary adjustment shall not result in the creation of additional allotments, except in circumstances where a boundary adjustment creates an additional allotment or allotments which are required to be held together with another allotment or allotments by way of compulsory amalgamation condition.
- b) Any boundary adjustment shall not alter the size of an existing allotment by greater than 10% of the registered allotment size.
- c) Any allotment subject to a boundary adjustment shall comply with all relevant development and performance standards.
- d) Where required to protect services, easements shall be provided.

23.6.7 Subdivision Activities within the Electricity National Grid Corridor

- a) Any subdivision which creates new allotments within the Electricity National Grid Corridor shall identify a building envelope, compliant with the relevant zone standards and the standards of this Chapter and clear of the National Grid Yard.
- b) Failure to comply with the above standard will result in the proposal being assessed as a non-complying activity.

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23.6.8 Subdivision in the Medium-Density Residential Zones and Rototuna Town Centre Zone ([excluding Rotokauri North Medium Density Residential Zone](#))

- a) Subdivision shall only take place in conjunction with a Comprehensive Development Plan or Land Development Plan application or after a Comprehensive Development Plan or Land Development Plan application has been granted. References to Land Development Plan in this rule relate to the Te Awa Lakes Medium-Density Residential Zone.
- b) Allotment area and configuration shall conform to the allotment areas approved as part of the land-use consent.
- c) A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land-use consent.
- d) The standards in Rule 23.6.8 a) to c) do not apply to subdivision to accommodate a network utility service or transport corridor.
- e) Subdivision in Land Development Plan Areas Q and R and Area X in the Business 6 Zone, shown on Figure 2-20 in Appendix 2 Structure Plans, that does not comply with a) above is a prohibited activity.

Note

1. Refer to Rule 23.6.1 for Medium-Density Residential Subdivision in the Ruakura Structure Plan area

23.6.9 Subdivision in the Te Rapa North Industrial Zone

- a) Subdivision occurring in Stage 1A shall only occur over the following land areas:
 - i. Post the Te Rapa section of the Waikato Expressway being open for public use, and prior to 1 January 2021 no more than 7ha of land shall be able to be subdivided; 7ha only in Stage 1A.
 - ii. After 1 January 2021 a maximum of 23ha of land shall be able to be subdivided, 23ha in Stage 1A, being additional to the 7ha provided for Stage 1A prior to 2021.

23.6.10 Subdivision Within Stage 1 of the Peacocke Structure Plan Area

- a) As part of any subdivision of Sec 1 SO 57582 or the balance of this parent lot, the following infrastructure requirements shall be met and certified by Council.
 - i. Upgrading of the existing wastewater network to provide for future development on the site.
 - ii. Implement a solution at the Dixon Road and State Highway 3 intersection that mitigates the adverse effects of potential traffic volumes from within Stage 1.
 - iii. Any subdivision that does not comply with i) and ii) above will be a non-complying activity.

23.6.11 Subdivision in the Peacocke Character Zone

Activity	Standards	
	Terraced Area	Gully Area and Hill Areas
a) Fee Simple Subdivision for lots greater than 10ha	180m frontage onto a formed and sealed legal road forming part of the City's transport network	
b) Fee Simple Subdivision for lots between 10ha and 2ha in the Terrace Area and between 10ha and 5000m ² in the Gully and Hill Areas	<u>1. Lots between 10ha and 2ha</u> i. Only applies to allotments created prior to 1 September 2011 or if the allotment was created by an acquiring authority, or by boundary adjustment ii. Limited to one new lot per parent title, other than for utility and access allotments	<u>2. Lots between 10ha and 5000m²</u> i. Only applies to allotments created prior to 1 September 2011 or if the allotment was created by a requiring authority, or by boundary adjustment ii. Average lot Size = 1ha iii. Limited to one new lot per parent title other than for utility and access allotments
	Note 1. A simple Integrated Transport Assessment (ITA) is required as part of the subdivision consent information requirements (refer Rule 25.14.3) 2. A Subdivision Concept Plan is required as part of the subdivision consent information requirements (refer Volume 2, Appendix 1.2.2.2d))	
c) Fee Simple Subdivision for lots less than 2ha in the Terrace Area and less than 5000m ² in the Gully and Hill Areas	<u>1. Lots Less than 2ha</u> i. Provide full urban infrastructure ii. Connection to the existing wastewater network to the satisfaction of Council iii. Provision of a transport corridor connection across the Waikato River to join with the existing transport network	<u>2. Lots less than 5000m²</u> i. Provide full urban infrastructure ii. Connection to the existing wastewater network to the satisfaction of Council iii. Provision of a transport corridor connection across the Waikato River to join with the existing transport network
	Note 1. A Master Plan is required as part of the subdivision consent information requirements (refer Volume 2, Appendix 1.2.2.3)	
d) Boundary Relocation Subdivision	i. Minimum lot size of 5000m ² ii. Shall not create any additional certificates of title. iii. All lots involved in the subdivision shall have formed and legal vehicle access iv. A concept plan shall be prepared showing how the allotments in the subdivision can be subsequently re-subdivided in accordance with Volume 2, Appendix 1.2.2.2	

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- e) Any subdivision, other than for urban purposes, shall be required to have a consent notice placed on all titles issued from the subdivision (including the parent lot) requiring the payment of any outstanding development contributions prior to the subdivision of the title for urban purpose being allowed.
- f) Except that the lots approved via subdivision consents (Council Consent Reference Numbers: 11.2009.20620, 11.2009.20621, 11.2099.20769, 11.2009.20770, 11.2007.18574, and 11.2011.22366) granted over the land described as Pt Lot 6 DP 34164, Lot 1 DPS 12991, Lot DPS 78023, Lot 1 DPS 76734, Lot 5 DPS 45202, Lot 2 DP 23381, Lot 5 DP 17475 Lot 8 DP 34164, Allotment 87, Pt Allotment 93 and Pt Allotment 94 Te Rapa PSH, Lot 3 DPS 45202, lots 1, 2 and 3 DPS 40592 and Lots 1, 2, 3, and 4 DPS 81210 can be used to create up to 52 lots for urban purposes without complying with Rule 23.6.10(c)1 or 2 provided that:
- i. A wastewater system sufficient to service urban purposes is provided and certified by Council.
 - ii. A stormwater disposal solution is provided and certified by Council.
 - iii. A Master Plan for the area of not less than one neighbourhood, as identified within Volume 2, Appendix 2, Figure 2-3. Refer to Volume 2, Appendix 1.2.2.3 for information requirements.
 - iv. No further subdivision creating additional allotments is permitted unless Rule 23.6.11(c)1 or 2 is complied with.
- g) Any subdivision for urban purposes that is in accordance with an approved Master Plan shall not be required to prepare an Integrated Catchment Management Plan.
- h) Any subdivision for urban purposes that is in accordance with an approved Master Plan shall not be required to prepare an Integrated Transport Assessment.
- i) Any subdivision within the Peacocks Character Area which does not comply with the standards in Rule 23.6.11 will be a non-complying activity.

23.6.12 Subdivision in the Rototuna North East Character Zone

- a) The maximum development yield shall be 1100 residential units.
- b) The provision of a neighbourhood park area:
 - i. The first subdivision of land adjoining the Waikato Expressway designation (Designation E90) shall submit for approval as part of the subdivision, a neighbourhood park concept plan, consisting of detailed plans and supporting documentation for the entire future reserve area as located on the Rototuna Structure Plan.
 - ii. The neighbourhood park shall:
 - Ensure varied widths no less than 20m.
 - Address and accommodate topographical constraints to ensure usability of the area for informal recreation.
 - Include flat open spaces for informal recreational.
 - Include one area of between 300m² and 800m² for the provision of a children's play area. The location and design of this plan area shall ensure the safe operation of the playground and shall have regard to

- any stormwater attenuation areas and the roading and cycling network. Where necessary, additional safety measures will be taken, such as fencing.
- Include landscaping areas to provide an interesting and varied visual amenity for the area. These areas are to include varied vegetated areas (with the exception of the proposed Cycle and Walking access point across the Waikato Expressway, stormwater attenuation areas and identified viewing areas shown on the Rototuna Structure Plan) having a minimum planting width of 2m when parallel to the boundary of the Waikato Expressway, and consisting of native vegetation capable of reaching heights of at least 8m at maturity.
 - Reflect the principles of Crime Prevention Through Environmental Design (CPTED).
 - Include both a walking and cycling network in accordance with the Rototuna Structure Plan.
 - Show how the area will relate to its surrounding area, including the Waikato Expressway.
- iii. Any subdivision of land adjoining the Waikato Expressway (Designation E90) shall have regard to and implement the portion of the approved neighbourhood concept plan over the land area the subdivision is for at the time of subdivision.
- c) At the time of subdivision of land and only if either the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or confirmed through an Outline Plan of Works approval under S.176A of the RMA; or construction is underway or completed; the following shall be identified on the subdivision plan to be submitted for consent:
- i. A 55dB_{L_{Aeq}(24hr)} contour line from the Waikato Expressway carriageway boundary utilising the following criteria:
 - Traffic flow of 12700 vpd
 - 10%HCV
 - Vehicle speed of 100km/hr (or the posted speed limit if that is lower)
 - Noise mitigation as confirmed by an approved Outline Plan of Works for Designation E90
 - Finished ground levels based on the proposed subdivision design
 - ii. Identification of all lots where any boundary is intersected by the 55 dB_{L_{Aeq}(24hr)} contour line.

23.6.13 Subdivision of Lot 2 DP425316 Lake Waiwhakareke Landscape Character Area

Subdivision shall only take place in conjunction with a Comprehensive Development Plan application or after a Comprehensive Development Plan application has been granted.

23.6.14 All Subdivision in the Te Awa Lakes Structure Plan area

- a) A consent notice shall be registered against the title of each allotment to ensure compliance with the terms of the land use consent relating to the management and eradication of alligator weed.

23.7 Subdivision Design Standards

- a) The standards of Rule 23.7 shall not apply to the subdivision of land to accommodate a network utility service.
- b) The standards of Rule 23.7.1 shall not apply to:
- The unit title subdivision of existing lawfully established buildings; or
 - The fee simple subdivision of existing lawfully established duplex dwellings

Provided that all relevant development and performance standards are met in relation to the proposed boundaries around that building or unless otherwise authorised by resource consent.

23.7.1 Allotment Size and Shape

Zone	Minimum Net Site Area	Max Net Site Area	Min Shape Factor
a) General Residential Zone (unless otherwise stated)	400m ²	-	15m-diameter circle
b) General Residential Zone (within the Rototuna Structure Plan Area)	400m ²	-	15m-diameter circle
c) General Residential Zone (adjoining the Waikato Expressway)	1000m ²	-	-
d) Residential Intensification Zone	350m ²	-	-
e) Special Residential Zone	Front, corner or through site – 600m ²	-	15m-diameter circle
	Rear Site – 400m ²	-	15m-diameter circle
f) Large Lot Residential – SH26, Ruakura Structure Plan area	2500m ²	-	15m-diameter circle
g) Large Lot Residential – Percival/Ryburn Rd, Ruakura Structure Plan area	2ha Except for Lot 8 DP 9210-5000m ²	-	Rule 23.7.1(w) applies

Zone	Minimum Net Site Area	Max Net Site Area	Min Shape Factor
h) Rototuna North East Character Zone	500m ²	-	15m-diameter circle
i) Special Heritage Zone (unless otherwise stated)	600m ²	-	15m-diameter circle
j) Special Natural Zone (Lake Waiwhakareke Landscape Character Area)	350m ²	800m ² where a boundary to a site is adjoining the Lake Waiwhakareke Heritage Park or is separated from it only by a road reserve.	15m-diameter circle
k) Special Natural Zone (Ridgeline Character Area)	600m ²	-	15m-diameter circle
l) Peacocke Character Zone (Terrace Area)	200m ²	-	15m-diameter circle Medium-Density Residential – N/A
m) Peacocke Character Zone (Gully Area)	800m ²	-	15m-diameter circle
n) Peacocke Character Zone (Hill Area where slopes are less than 5 Degrees)	400m ²	800m ²	15m-diameter circle
o) Peacocke Character Zone (Hill Area where slopes are greater than 5 Degrees)	800m ²	-	15m-diameter circle
p) Temple View Zone (Within the Character Areas)	600m ²	-	15m-diameter circle
q) Temple View Zone (As part of a Duplex within precinct 1, 2, 3 and 4)	Duplex dwelling = 200m ² per unit (400m ² per duplex)	-	-
r) Central City Zone, Knowledge Zone, Business 1 to 7 Zones	1,000m ²	-	20m-diameter circle
s) Industrial Zone, Rotokauri Employment Area and Riverlea Industrial Area	Front, corner or through site – 1,000m ²	-	Rule 23.7.1(bb) applies
	Rear sites – 500m ²	-	Rule 23.7.1(bb) applies
t) Te Rapa North Industrial	500m ²	-	Rule 23.7.1(bb)

Zone	Minimum Net Site Area	Max Net Site Area	Min Shape Factor
Zone			applies
u) Ruakura Logistics Zone	3000m ²	-	Rule 23.7.1(bb) applies
v) Ruakura Industrial Park Zone	3000m ² Except up to a maximum of 20% of sites for each subdivision stage shall have a minimum net site area of 1000m ² for front sites and 500m ² for rear sites.	-	Rule 23.7.1(bb) applies
w) Ruakura Industrial Park Zone LDP Areas T & G	Front, corner or through site- 1000m ²	-	Rule 23.7.1(bb) Applies
	Rear Sites – 500m ²	-	Rule 23.7.1(bb) Applies
x) Future Urban Zone	10ha	-	-
y) Te Awa Lakes Medium-Density Residential Zone lots that adjoin any existing or proposed esplanade reserve adjacent to the Waikato River (River Interface Overlay)	1000m ²	-	15m diameter circle
z) Rotokauri North Medium-Density Residential Zone - applies to vacant lots only	280m²		

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- aa) Where the shape factor circle standard applies to any subdivision, unless otherwise specified, each allotment shall be of a shape that can accommodate a circle of the specified diameter in a position which does not infringe any required front yard requirements of the respective zone.
- bb) Allotments in the Industrial, Te Rapa North Industrial, Ruakura Logistics and Ruakura Industrial Park Zones shall be of such a shape as to contain a 20 meter diameter circle. The circle shall not infringe any required front setback or any setback adjoining a residential, special character or open space zone.

- cc) The location of the shape factor circle for each allotment in the Rototuna North East Character Zone, in addition to Rule 23.7.1 aa) shall be positioned so not to require land modification in excess of 40m³.
- dd) Allotments in the Rototuna North East Character Zone, adjoining the Waikato Expressway Designation (Designation E90), and prior to either the location of the carriageway within the designation corridor of the Waikato Expressway has been confirmed in writing by the Requiring Authority; or confirmed through an Outline Plan of Works approval under S.176A of the RMA; or construction is underway or completed the location of the shape factor circle for each allotment shall not infringe the 65m habitable building setback (refer to Figure 5.4.6a).

23.7.2 Subdivision Suitability

- a) All subdivisions creating fee simple allotments shall ensure that new allotments (excluding any utility, road or reserve allotment, or allotment subject to amalgamation) are of a size and shape to enable activities anticipated in the zone.
- b) Where allotments are proposed that contain existing development on the existing title,
- (i) the applicable general and specific standards for the zone and activity under consideration shall be complied with for each allotment; and
 - (ii) the applicable standards in chapter 25 – city wide shall be complied with for each allotment

Note

For the avoidance of doubt, Rule 23.7.2b does not apply to an infringement that has existing use rights or was approved under a Land Use Resource Consent.

- c) Where allotments are proposed that contain development that has been approved under separate land use consent, compliance with the approved layout shall be achieved as part of the subdivision.
- d) Where b) or c) is not complied with, a concurrent application for land use consent for the identified areas of non-compliance with the applicable general and specific standards, or the approved layout shall be made.

23.7.3 General Residential Zone, and All Special Character Zones

a) Minimum transport corridor boundary length for a front site (except in the Terrace area of the Peacocke Character Zone and within the Character Areas of the Temple View Zone)	15m
b) Minimum transport corridor boundary length for a front site within the Terrace area of the Peacocke Character Zone and within the Character Areas of the Temple View Zone	10m
c) Minimum rear boundary length of a front site	10m
d) Maximum number of allotments served by a single private way	20
e) Minimum private way width serving 1- 3 6 allotments	3.6m
f) Minimum private way width serving 7 – 20 principal units where access forms common property under a unit title arrangement or, 7-9 units (where access is part of a fee simple subdivision)	6.0m

g) Minimum width of vehicle access (to be formed and vested as public road) serving 10-20 fee simple lots	16m
f) Minimum private way width serving 4-6 allotments	4.5m
h) Minimum width of vehicle access to be formed and vested as public road:	
i. Serving more than 20 allotments (Local Road)	20.0m
ii. Serving more than 20 allotments (Collector Road on structure plan)	23.0m
gi) Maximum private way gradient	1:5m
hj) Maximum private way length	50m 100m (with passing every 50m)
ik) Maximum cul-de-sac length, including private way	150m
jl) Maximum number of private ways accessing directly on to a cul-de-sac turning head	1
km) Maximum number of culs-de-sac accessing directly on to a cul-de-sac	0
ln) Maximum pedestrian accessway length through a block	80m
mo) Minimum pedestrian accessway width through a block	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide
p) The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a) and 25.14.4.1c) shall be demonstrated.	-

Note

- Standard 23.7.3 only has immediate legal effect when subdivision occurs in the Special Heritage Zone or Heritage Area of the Temple View Zone, as shown on Planning Map 60B.

23.7.4 Large Lot Residential Zone

a) Minimum transport corridor boundary length for a front site	40m
b) Minimum rear boundary length of a front site	10m
c) Maximum number of allotments served by a single private way	6
d) Minimum private way width serving 1-3 1-6 allotments	3.6m
e) Minimum private way width serving 6 allotments	4.5m
e) Public road serving 7 – 20 allotments	16.0m
f) Public road serving more than 20 allotments (Local Road)	20.0m
g) Public road serving more than 20 allotments (Collector Road)	23.0m
fh) Maximum private way gradient	1:5m
gi) Maximum private way length	100m with passing

	every 50m
h) Maximum cul-de-sac length	150m
i) Maximum number of private ways accessing directly on to a cul-de-sac turning head	0
j) Maximum number of culs-de-sac accessing directly on to a cul-de-sac	0
k) Maximum pedestrian accessway length through a block	80m
l) Minimum pedestrian accessway width through a block	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide
m) The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a) and 25.14.4.1c) shall be demonstrated.	-

23.7.5 Residential Intensification Zone

a) Minimum transport corridor boundary length for a front site	15m
b) Minimum rear boundary width of a front site	10m
c) Minimum private way width serving 1-4 allotments	3.5m
d) Minimum private way width serving 7 – 20 principal units where access forms common property under a unit title arrangement	6.0m
d) Minimum private way width serving 5+ allotments	6.5m
e) Minimum width of vehicle access (to be formed and vested as public road) serving 7-20 fee simple lots	16m
f) Minimum width of vehicle access to be formed and vested as public road:	
i. Serving more than 20 allotments (Local Road)	20.0m
ii. Serving more than 20 allotments (Collector Road)	23.0m
g) Maximum private way gradient	1:5
h) Maximum private way length	100m
i) Maximum pedestrian accessway length through a block	80m
j) Minimum pedestrian accessway width through a block	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide
k) The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a) and 25.14.4.1c) shall be demonstrated.	-

23.7.6 Business 1 to 7 Zones, Te Rapa North Industrial Zone, Ruakura Industrial Park Zone, Ruakura Logistics Zone and Industrial Zone

a) Minimum transport corridor boundary length	8m
b) Minimum transport corridor boundary length adjoining a major arterial transport corridor	20m
c) Minimum access or private way width serving an allotment with a net site area of less than 2000m ²	8m
d) Minimum access or private way width serving an allotment with a net site area of 2000m ² –5000m ²	10m
e) Minimum access or private way width serving an allotment with direct access to a major arterial transport corridor	10m
f) Minimum private way width serving 1-5 allotments	10m
g) Maximum private way gradient	1:8
h) Maximum private way length	100m
i) Maximum pedestrian accessway length	80m
j) Minimum pedestrian accessway width	40m or less in length: 6m wide 41m – 60m in length: 9m wide 61m – 80m in length: 12m wide
k) The ability for any proposed lot in a subdivision to comply with the vehicle crossing separation distance requirements in Rule 25.14.4.1a) and 25.14.4.1c) shall be demonstrated.	-

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23.7.7 Ruakura and Te Awa Lakes Medium-Density Residential Zone

a) Minimum lot width of front and rear boundary for front sites; except up to a maximum of 10% of sites for each subdivision stage shall be no less than 10m.	12m
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23.7.8 Rotokauri North Structure Plan Area

a) For vacant fee simple residential lots:

i. <u>Minimum transport corridor boundary length</u>	<u>12.5m</u>
ii. <u>Minimum transport corridor boundary length if:</u> <ul style="list-style-type: none"> <u>A legal mechanism (consent notice) restricts the width of a garage and vehicle crossing for any subsequent building development to a single car width up to 3.2m; OR</u> <u>A rear lane provides legal vehicle access</u> 	<u>10m</u>
iii. <u>Minimum lot depth</u>	<u>28m</u>
iv. <u>For corner lots only one transport corridor boundary needs to meet the minimum length and the minimum depth needs only be</u>	

achieved along one side boundary.	
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b) All vacant fee simple lot subdivisions must comply with the following controls:

i. Maximum urban block length	250m
ii. Maximum urban block perimeter (bounded by roads)	750m
iii. For clarity the measurements above may be curvilinear and include frontage to a green linkage or reserve or proposed reserve	

c) All roads/accessways must be constructed to the standards:

i. Minimum legal width of a two-way rear lane	7m
ii. Minimum legal width of one-way rear lane where parking spaces accessed directly off the lane and/or any reverse vehicle manoeuvring into the lane are aligned between 0° (parallel parking) to 45° (angled parking) to the lane.	4m
iii. Minimum legal width of one-way rear lane where parking spaces accessed directly off the lane and/or any reverse vehicle manoeuvring into the lane are aligned between 46° (angled parking) and 90° (perpendicular parking).	7m
iv. Local Road minimum width (to be vested)	16m
v. Collector Road minimum width (to be vested)	20m

23.8 Restricted Discretionary Activities: Matters of Discretion and Assessment Criteria

- a) In determining any application for resource consent for a restricted discretionary activity, Council shall have regard to the matters referenced below, to which Council has restricted the exercise of its discretion. Assessment Criteria within Volume 2, Appendix 1.3 provide for assessment of applications as will any relevant objectives and policies. In addition, when considering any Restricted Discretionary Activity located within the Natural Open Space Zone, Waikato Riverbank and Gully hazard Area, or Significant Natural Area Council will also restrict its discretion to Waikato River Corridor or Gully System Matters (see the objectives and policies of Chapter 21: Waikato River Corridor and Gully Systems).

Activity Specific	Matter of Discretion and Assessment Criteria Reference Number (Refer to Volume 2, Appendix 1.3)
i. Boundary adjustments	<ul style="list-style-type: none"> C – Character and Amenity
ii. Subdivision involving any allotment within the Electricity National Grid Corridor	<ul style="list-style-type: none"> I – Network Utilities and Transmission N – Ruakura

iii. Subdivision in a Hazard Area	<ul style="list-style-type: none"> • F – Hazards and Safety
iv. Subdivision that may require the provision of Esplanade Reserves and Strips	<ul style="list-style-type: none"> • C – Character and Amenity • D – Natural Character and Open Space
v. Subdivision to accommodate a network utility service or transport corridor inclusive where no LDC exists for Ruakura Medium-Density Residential Zone	<ul style="list-style-type: none"> • C – Character and Amenity • I – Network Utilities and Transmission • N – Ruakura
vi. Fee simple subdivision*	<ul style="list-style-type: none"> • C – Character and Amenity
vii. Company-lease subdivision*	<ul style="list-style-type: none"> • C – Character and Amenity
viii. Unit-title subdivision*	<ul style="list-style-type: none"> • C – Character and Amenity
ix. Leasehold Subdivision	<ul style="list-style-type: none"> • C – Character and Amenity
x. Fee Simple Subdivision in the Peacocke Character Zone for lots greater than 10ha	<ul style="list-style-type: none"> • C – Character and Amenity • E – Heritage Values and Special Character
xi. Subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C, within Stages 1A after a CDP in the Te Rapa North Industrial Zone	<ul style="list-style-type: none"> • D – Natural Character and Open Space
xii. Fee Simple subdivision and Boundary Adjustment (within Special Character Zones)	<ul style="list-style-type: none"> • C – Character and Amenity • E – Heritage Values and Special Character
xiii. Subdivision to accommodate a network utility service or transport corridor (within Special Character Zones)	<ul style="list-style-type: none"> • C – Character and Amenity • E – Heritage Values and Special Character • I – Network Utilities and Transmission
xiv. Any restricted discretionary activity subdivision in Rotokauri North (excluding subdivision of a duplex which meets Rule 4.7.12(a))	<ul style="list-style-type: none"> • C - Character and Amenity • O – Rotokauri North
xv. Subdivision of a duplex which meets Rule 4.7.12(a) – Rotokauri North only	<ul style="list-style-type: none"> • O4 – Rotokauri North

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Note

1. Refer to Chapter 1.1.9 for activities marked with an asterisk (*).

23.9 Other Resource Consent Information

Refer to Chapter 1: Plan Overview for guidance on the following.

- How to Use this District Plan
- Explanation of Activity Status
- Activity Status Defaults
- Notification / Non-notification Rules
- Rules Having Early or Delayed Effect

Refer to Volume 2, Appendix 1: District Plan Administration for the following.

- Definitions and Terms Used in the District Plan
- Information Requirements
- Controlled Activities – Matters of Control
- Restricted Discretionary, Discretionary and Non-Complying Activities Assessment Criteria
- Design Guides
- Other Methods of Implementation