



# **Ruakura Variation to Hamilton City Proposed District Plan**

**Section 42A Hearing Report  
3<sup>rd</sup> August 2016**

Report on Submissions and Further Submissions  
**Chapter 23 Subdivision**



<b>Table of Contents</b>	<b>Page Number</b>
1. Introduction	1
2. Background	1
3. Submissions	2
4. Analysis	2
a. Key issues	3
5. Conclusion	5

Appendix A – Analysis and Recommendations

Appendix B – Tracked change version –  
Chapter 23 Subdivision

Appendix C – List of Submitters and Further Submitters

## **1 Introduction**

- 1.1 My name is Paula Jane Rolfe. I hold the qualifications of the New Zealand Certificate in Town Planning, Diploma of Business Studies Waikato University and am a member of the New Zealand Planning Institute and Resource management Law Association. I have had over 25 years' experience in planning and management roles in Local Government which has related to regulatory and policy development roles under the Resource management Act 1991 (RMA) as well as under the Local Government Act 2002.
- 1.2 At present I hold the position of Project Manager for the District Plan Review for Hamilton City Council and have held this position since February 2010. As part of this role I worked collaboratively with landowners, other Units within Council, the Waikato Regional Council, Future Proof and NZTA to develop the Proposed District Plan (PDP) provisions for Ruakura.
- 1.3 My role in preparing this report is that of an expert policy planner. Although this is a Council Hearing, I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014. I have complied with that Code when preparing my evidence and I agree to comply with it when I give any oral evidence.
- 1.4 The scope of my evidence relates to comments on submissions and further submissions received in relation to Chapter 23 Subdivision for the Hamilton City Proposed District Plan Variation 1 (notified 11 November 2015)
- 1.5 The data, information, facts and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 1.6 No formal pre-hearing meetings concerning submissions covered by this evidence have been undertaken pursuant to Clause 8AA of the First Schedule of the RMA.
- 1.7 In preparing this report I rely on the expert advice sought from Mr Kivell's evidence for Chapter 3.7, along with the Final Report and Decision of the Board of Inquiry (BOI) into the Proposed Ruakura Development Plan Change.
- 1.8 Giving effect to the Board of Inquiry Decision is a guiding principle of the Variation. As part of consideration of all submissions made on the PDP and the Variation, where alignment with the BOI Decision is recommended this has taken into account the evaluation of the submission points and the relief sought in the context of the Variation.

## **2 Background**

- 2.1 Chapter 2 of the Proposed District Plan provides the strategic framework and identifies that the City's strategic documents aim to manage growth by establishing an increasingly 'compact city' where development is concentrated so land and infrastructure can be provided and used efficiently. The framework within the Proposed District Plan provides the following direction through its objectives that has a relationship with the subdivision of land:
  - That Hamilton is characterised by an increasingly sustainable urban form



- Urban development takes place within areas identified which uses land and infrastructure most efficiently
  - Promote safe, sustainable, good quality urban environments that respond positively to their local context
  - A range of housing densities is available to meet the needs of the community
  - The Waikato River is restored and protected
  - Hamilton’s character, heritage and identity are reflected in its built environment
  - Land use and development of natural and physical resources, especially land, buildings and infrastructure
  - Land use and development is integrated with the provision of infrastructure such as transport, 3 waters and open spaces.
- 2.2 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.
- 2.3 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.
- 2.4 Subdivision has a lasting impact on the built form and function of the city. The policies require that the subdivision process:
- Ensure that the land is suitable for subdivision and will not increase risks to people, the environment and property
  - Respond to the range of form and function matters, such as urban design and resource efficiency, to achieve good environmental and built form outcomes for the City
  - Ensure comprehensive development plans and Land Development Plans are a useful tool for medium residential developments
  - Ensures the provision of infrastructure services

### **3 Submissions**

- 3.1 Nineteen submissions with 25 points of submission were received in relation to Chapter 23 Subdivision as part of the notified variation. Six further submissions with 33 further submission points have been received in relation to principal submissions.
- 3.2 In addition to the above there are 13 deferred submissions with 19 points of submission which were received as part of the Proposed District Plan (PDP). Twelve further submissions with 22 further submission points have been received in relation to these principal submissions. Sixteen submission and further submission points have since been withdrawn.
- 3.3 Appendix C lists submitters and further submitters referred to in this report.



## 4 Analysis

4.1 Appendix A contains an analysis and recommendations on submissions related to Chapter 23 Subdivision.

4.2 The analysis that follows has grouped submissions as follows:

- General
- 23.2.3 Objective and Policy
- 23.3 Rules – Activity Status Tables
- 23.6.1 Subdivision in the Ruakura Structure Plan
- 23.6.8 Subdivision in the Medium-Density Residential and Rototuna Town Centre Zones
- 23.7.1 Allotment Size and Shape
- 23.7.3 General Residential Zone, and all Special Character Areas and 23.7.5 (now 23.7.6) Business 1 to 6 Zones, Central City Zone, Te Rapa North Industrial Zone, Ruakura Industrial Park Zone, Ruakura Logistics Zone and Industrial Zone
- 23.8 Restricted Discretionary Activities Matters of Discretion and Assessment Criteria

4.3 Key issues

### 4.3.1 Allotment sizes for Ruakura Industrial Zones

Changes to the Variation to achieve consistency with the September 2014 BOI Decision is sought. The subdivision provisions under the ODP would apply as the BOI decision only dealt with subdivision in relation to the National Grid corridors and relied on existing provisions under the ODP. The allotment size within the ODP lists the minimum net site area as 500m<sup>2</sup>, or 1000m<sup>2</sup> if fronting a major arterial road.

Within the RLZ and RIPZ the variation has a minimum net site area of 3000m<sup>2</sup>. The reasons for this area are as follows:

- Whilst it is a departure from the BOI reliance was made on existing provisions in place without any examination of the rules for the type of development being proposed, except for within the National Grid Corridors, whereby the BOI provided specific subdivision provisions.
- The PDP provisions at the BOI were not far enough through the process to put any significant weighting on.
- The larger minimum net site area aligns with the unique type of development anticipated in the Ruakura specific zones.
- The objective of the RLZ is to “Optimise the long-term positive, environmental, economic and social benefits of the Ruakura Logistics Zone” which includes policy that requires development proceed in a manner which agglomeration benefits and operational efficiency are supported. The size and scale of activities in the RLZ and RIPZ will lend them to requiring larger sites to achieve the agglomeration benefits associated with the Inland Port.
- The RIPZ has the key attributes of its location adjoining the strategic infrastructure, including the expressway, the Spine Road, the inland port, and



key educational, research and innovation facilities and the co-located benefits for businesses that are derived from these facilities.

- The development anticipates larger warehouse development, rather than the size of sites anticipated by the City Wide industrial rules.
- Greenfield development provides the opportunity for larger sites along with the type of development proposed.
- It is more appropriate to have industrial sites of shapes that provide greater useable, functional and well-designed areas than providing for situations where you can end up with unusable and poor urban design outcomes.

Within the activity table for the RLZ (section 10.3) provision is made for food and beverage outlets and dairies not exceeding 100 m<sup>2</sup>. Within the RIPZ the activity table (section 11.3) it also identifies food and beverage and dairies not exceeding 250 m<sup>2</sup>, wholesale retail and trade supplies, drive-through services, commercial motor vehicle sales and servicing and emergency service facilities, passenger transport facilities and childcare facilities which all could be developed on 1000m<sup>2</sup> or less. It is therefore recommended that provision be made in these zones for a minimum subdivision of 500m<sup>2</sup> for the food and beverage outlets and 1000m<sup>2</sup> for the other activities specified above where the use has been established.

#### **4.3.2 The Large Lot residential enclave around Percival/Ryburn Road**

Submitters seek a 2500m<sup>2</sup> minimum rather than 5000m<sup>2</sup> which is the same as for the large lot residential area at State Highway 26. The background to this rule is as part of the PDP a 2ha rule was put in place for the Percival/Ryburn Road area. The 2ha provided for an allotment size whereby the fragmentation of land for further or more intense rural residential living was not encouraged as the land was identified within the structure plan to become part of the logistics zone over time so as to utilise the railway, expressway and inland port and associated infrastructure. The existing plan provisions, under the Waikato District Plan in the Country Living Zone provide for a 5000m<sup>2</sup> minimum.

Within the section 32 analysis under clause 6.5.6.5 Subdivision (see page 65) an analysis on the full development potential of the Percival/Ryburn Road enclave identifies that the unimplemented subdivision potential that could be developed if the subdivision net area is between 2500 – 5000m<sup>2</sup> an additional 25-92 sites could be created conditional upon each site being self-contained with respect to servicing. There is a requirement that over time this area is to be zoned for logistics as outlined in the Operative Regional Policy Statement and Council must give effect to this.

Section 85 of the Act provides for a landowner to challenge a proposed plans provision when the provision(s) would render the land incapable of reasonable use. As identified within the s32 (page 66) “--a landowner’s expectation of ‘reasonable use’ can be met while promoting the sustainable management purpose of the Act by maintaining existing controls. This is on the basis that there is a highly uncertain timeframe for the expansion of the inland port’s operations being at least beyond the life of the current plan.---“

To maintain 5000m<sup>2</sup> minimum subdivision for the area reflects the current position. If 2500m<sup>2</sup> was allowed then the provisions of the regional policy statement would be



in conflict as the plan wouldn't be recognising the long term expectation for logistics zoning to apply to the area which would undermine the agglomeration benefits associated with the area that was recognised by the BOI decision. This approach also recognises the uncertainty of the rate of expansion of the inland port over the current planning period.

#### **4.3.2 Land Development Plans**

Objective 23.2.3 and its policy that relates to medium density residential development is sought to be deleted and within Rule 23.6.8 reference to Land Development Plan (LDP) is sought to be removed. In addition submitters seek to remove from Rule 23.3 the classifications in the absence of an LDP. They advise that in practice LDPs and subdivision consent applications can be processed in parallel and this can result in proper resource management integration.

The LDP is a planning control that provides an appropriate method for both a developer and the Council to administer the gradual urbanisation of the Ruakura growth cell. It is accepted that within practice joint applications are made and the *"Without an approved LDP"* can be removed from the table as a separate column, however the remaining column would need to say *"With an approved LDP or an LDP and subdivision activity"*. This will allow for further subdivision of land in the future if required.

In addition it is appropriate that an additional activity be added to the table to identify *"Any activity without an approved LDP or an LDP and subdivision activity"* as a non-complying activity. A couple of activities such as boundary adjustments and subdivision to accommodate a network utility service or transport corridor will not have the benefit of permitted or restricted discretionary status through the removal of the column. It is proposed to include these within the activity description within the table to retain their status.

It is not necessary to require a Land Development Plan within the Medium Residential Density Rule 23.6.8 as this is already covered through table 23.3 and the Ruakura Structure Plan, being Rule 23.6.1. Rule 23.6.1 relates to any subdivision within the Ruakura Structure Plan area and requires any subdivision which creates new allotments cannot initiate land use or development which is contrary to Rules 3.7.3.1 to 3.7.3.4 and Rule 3.7.4 of Chapter 3: Structure Plans. As part of these rules a Land Development Plan is to be put in place.

The objective that requires the medium density residential zone areas to be developed comprehensively is relevant. The Board of Inquiry Decision for Ruakura included a Land Development Plan process to ensure a comprehensive approach within the medium residential zone to occur. This is a planning control that provides an appropriate method for both a developer and the Council to administer the gradual urbanisation of the Ruakura growth cell. Whilst this deals with certain activities such as open space and infrastructure, and as there are no other rules that relate to the size and shape of lots for the Ruakura Medium residential zone, it is important to ensure that a mixture of lots provides for higher density and a mixture of housing typologies and to ensure there is interaction with the street and high quality public open spaces and streets for the community. This can be achieved by amending the policy rather than having a policy that relates back to the Land



---

Development Plan. Rule 23.6.1 provides a link back to the Land Development Plan in section 3.7.

Also see *Key Issue: - Merits of retaining Figure 2-16 Ruakura Land Development Plan Areas* of Mr Kivell's evidence.

## **5 Conclusion**

- 5.1 On the basis of my analysis, I recommend that the changes within the Tracked Changes Version (Appendix B) are accepted.
- 5.2 The changes will improve the clarity and administration of the Plan; contribute towards achieving the objectives of the Plan in an effective and efficient manner; and give effect to the purpose and principles of the RMA and the Regional Policy Statement.

PJ Rolfe  
Project Manager District Plan Review  
8 July 2016



# Appendix A



Analysis: 23 Subdivision - General

The Property Council supports the variation in its entirety and the Waikato Regional Council seeks to ensure it is consistent with the PRPS, particularly the Built Environment. The WRC has been party to the process for the development of the Ruakura Structure Plan as part of the PDP, fully involved with the BOI, and party to the development of this variation. The submission is very general and written as a catch-all submission and doesn't identify anything specific that needs to be considered in relation to this chapter.

Transpower seeks a new rule that requires them to be served notice of any application within Ruakura requiring resource consent within a National Grid Yard or National Grid Corridor. Within the subdivision rules tables 23.3a, 23.3b and 23.3c provide for subdivision within the Electricity National Grid. At the end of table 23.3c a 'Note' exists to require consultation with Transpower or its successor. In addition a similar 'note' exists as Note 9 of rule 25.7.4 Activity Status Electricity National Grid Corridor, but it also has an addition to the note that identifies Transpower as an affected party for any development requiring resource consent under or adjacent to high voltage transmission lines. For consistency an addition to the existing note within the subdivision chapter would be appropriate to note Transpower as an affected party. See Tracked Changes.

Chedworth and TGH seek that any changes to the Variation to achieve consistency with the September 2014 Board of Inquiry Decision. What this means is that the subdivision provisions under the ODP would apply. The BOI decision only dealt with subdivision in relation to the National Grid corridors and relied on existing provisions under the ODP. The subdivision provisions were appealed by both Chedworth and TGH and as a result of the negotiations all matters were agreed except for the objective and policy in relation to medium residential development (see 23.2.3 below) and the size of the allotments for the RLZ and RIPZ. The matter in relation to 23.7.6 Business 1-6 Zones, Central City Zone, Te Rapa North Industrial Zone, Ruakura Industrial Park Zone, Ruakura Logistics Zone and Industrial Zone, has been agreed to through the deletion of the Central City from the rule by the above parties, however this awaits confirmation by the Court.

The issue for discussion here is the allotment size.

The allotment size within the ODP lists the minimum net site area as 500m<sup>2</sup>, or 1000m<sup>2</sup> if fronting a major arterial road. The Rotokauri Employment Area is also identified as a minimum of 1000m<sup>2</sup> under the ODP. Under the PDP for the Industrial Zone & other industrial areas such as Rotokauri, Frankton and Riverlea Employment Areas, the minimum is 1000m<sup>2</sup> for front, corner or through sites and 500m<sup>2</sup> for rear sites. This matter was appealed by the Property Council whereby Chedworth and TGH were s274 parties and this matter has subsequently been resolved whereby all parties accepted 1000m<sup>2</sup> for front sites and 500m<sup>2</sup> for rear sites.

Within the RLZ and RIPZ the variation has a minimum net site area of 3000m<sup>2</sup>. The reason for this area is as follows:

- Whilst it is a departure from the BOI reliance was made on existing provisions in place without any examination of the rules for the type of development being proposed, except for within the National Grid Corridors, whereby the BOI provided specific subdivision provisions.
  - The PDP provisions at the BOI were not far enough through the process to put any significant weighting on.
- The larger minimum net site area aligns with the unique type of development anticipated in the Ruakura specific zones
  - The objective of the RLZ is to "Optimise the long-term positive, environmental, economic and social benefits of the Ruakura Logistics Zone" which includes policy that requires development proceed in a manner which agglomeration benefits and operational efficiency are supported.
  - The RIPZ has the key attributes of its location adjoining the strategic infrastructure, including the expressway, the Spine Road, the inland port, and key educational, research and innovation facilities and the co-located benefits for businesses that are derived from these facilities.
  - The development anticipates larger warehouse development, rather than the size of sites anticipated by the City Wide industrial rules.
  - Greenfield development provides the opportunity for larger sites along with the type of development proposed
  - It is more appropriate to have industrial sites of shapes that provide greater useable, functional and well-designed areas than providing for situations where you can end up with unusable and poor urban design outcomes.
- Within the activity table for the RLZ (section 10.3) provision is made for food and beverage outlets and dairies not exceeding 100 m<sup>2</sup>. Within the RIPZ the activity table (section

11.3) it also identifies food and beverage and dairies not exceeding 250 m2, wholesale retail and trade supplies, drive-through services, commercial motor vehicle sales and servicing and emergency service facilities, passenger transport facilities and childcare facilities which all could be developed on 1000m2 or less. It is therefore recommended that provision be made in these zones for a minimum subdivision of 500m2 for the food and beverage outlets and 1000m2 for the other activities specified above where they have been established. bearing in mind if there are unusual circumstances whereby one of the activities wish to develop on a lesser area then any standard that is not met then the effects of that issue will be considered as a restricted discretionary activity. The proposed changes are provided for within the tracked changes in Appendix B.

Heritage New Zealand Pouhere Taonga (44.07) seek amendments to include an archaeological assessment, undertake a comprehensive heritage assessment of historic heritage buildings and places and include new items within Appendix 8, Schedule 8A; Built Heritage of the Proposed District Plan. Further submissions were received in support of and opposition to the relief sought by Heritage New Zealand Pouhere Taonga. The relief sought by Heritage New Zealand is discussed in Chapter 4 S42A Report *Key Issue: Submissions 'On' the Variation – Heritage New Zealand Pouhere Taonga*. All Heritage New Zealand Pouhere Taonga (44) submission points were considered out of scope as part of Council's legal review and advice outlined that Council has no jurisdiction to consider submissions that are not 'on' the Variation.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Property Council of New Zealand	11.07	23 Subdivision	Support	Accept the Ruakura Variation in its entirety.	Accept in part	The provisions that this submission point supports and seeks to retain have been amended in response to other submissions. These other submissions have been accepted for the reasons stated specifically in relation to those submissions.
<i>Fairview Downs Residents and Owners Association</i>	<i>FS3.20</i>		<i>Oppose</i>		Accept in part	<i>FS3.20 is accepted in part as submission 11.07 is accepted in part</i>
<i>Tainui Group Holdings Limited</i>	<i>FS16.260</i>		<i>Support</i>		Accept in part	<i>FS16.260 is accepted in part as submission 11.07 is accepted in part</i>
<i>Chedworth Properties Limited</i>	<i>FS17.125</i>		<i>Support</i>		Accept in part	<i>FS17.125 is accepted in part as submission 11.07 is accepted in part</i>
Waikato Regional Council	21.07	23 Subdivision	Support	Ensure that the Variation is consistent with the provisions of the Proposed Waikato Regional Policy Statement.	Accept	The Variation is consistent with the provisions of the Waikato Regional Policy Statement, particularly the Built Environment.
<i>Fairview Downs Residents and Owners Association</i>	<i>FS3.21</i>		<i>Oppose</i>		Reject	<i>FS3.21 is rejected as submission 21.07 is accepted</i>
Transpower New Zealand Limited	23.07	23 Subdivision	Oppose	Add a new Rule to Chapter 23 Subdivision that requires Transpower NZ Ltd to be served notice of any application within the Ruakura Variation area requiring resource consent due to its location within a National Grid Yard or	Accept	The plan provides for consultation with Transpower or its successor as part of any application for subdivision under Chapter 23 or activity under Chapter 25.7.4 and it is accepted to add to the note under Chapter 23 to identify Transpower New Zealand Limited (or its

			National Grid Corridor.
Chedworth Properties Limited	33.07	23 Subdivision	Support in part Any changes to the Variation to achieve consistency with the September 2014 Board of Inquiry Decision.
Heritage New Zealand Pouhere Taonga	44.07	23 Subdivision	Support in part Amend to include an archaeological assessment or as an alternative advice is placed on the Council's record system to assist with predevelopment discussions. Amend to include a review of historic heritage buildings and places and include within Appendix 8, Schedule 8A; Built Heritage of the Proposed District Plan.
<i>Kellaway, Laura; Beaumont, Louise; and Adam, John P</i>	<i>FS6.1</i>		<i>Support</i>
<i>AgResearch Ltd</i>	<i>FS13.2</i>		<i>Oppose</i>
<i>Waikato Innovation Park Limited</i>	<i>FS14.02</i>		<i>Oppose</i>
<i>Tainui Group Holdings Limited</i>	<i>FS16.259</i>		<i>Oppose</i>
<i>Chedworth Properties Limited</i>	<i>FS17.124</i>		<i>Oppose</i>
<i>The New Zealand Institute for Plant &amp; Food Research Ltd</i>	<i>FS18.02</i>		<i>Oppose</i>
<i>Jennifer West</i>	<i>FS19.29</i>		<i>Support</i>
Tainui Group	48.07	23 Subdivision	Support in part Any changes to the Variation to achieve

	successor) as an affected party.
Accept in part	The Board of Inquiry relied on the existing subdivision provisions of the Operative District Plan. The allotment sizes align with the purpose, objectives and policies of the Ruakura Logistics and Ruakura Industrial Park Zones. These zones were developed to provide for agglomeration benefits, operational efficiency and have locational benefits adjoining key infrastructure. It is however recognised that some activities provided for within the zones will suit smaller lot sizes. See Tracked Changes in Appendix B.
Reject	<i>Out of Scope</i> All Heritage New Zealand Pouhere Taonga (44) submission points were considered out of scope as part of Council's legal review and advice outlined that Council has no jurisdiction to consider submissions that are not 'on' the Variation.
Reject	<i>FS6.1 is rejected as submission 44.07 is rejected</i>
Accept	<i>FS13.2 is accepted as submission 44.07 is rejected</i>
Reject	<i>FS14.2 is accepted as submission 44.07 is rejected</i>
Reject	<i>FS16.259 is accepted as submission 44.07 is rejected</i>
Accept	<i>FS17.124 is accepted as submission 44.07 is rejected</i>
Accept	<i>FS18.2 is accepted as submission 44.07 is rejected</i>
Reject	<i>FS19.29 is rejected as submission 44.07 is rejected</i>
Accept in part	The Board of Inquiry relied on the existing subdivision

Holdings Limited		part	consistency in detail and approach with the September 2014 Board of Inquiry Decision on the Proposed Ruakura Development Plan Change.
<i>The Waikato Tree Trust</i>	<i>FS2.01</i>	<i>Oppose</i>	
<i>Jennifer West</i>	<i>FS19.31</i>	<i>Oppose</i>	

	provisions of the Operative District Plan. The allotment sizes align with the purpose, objectives and policies of the Ruakura Logistics and Ruakura Industrial Park Zones. These zones were developed to provide for agglomeration benefits, operational efficiency and have locational benefits adjoining key infrastructure. It is however recognised that some activities provided for within the zones will suit smaller lot sizes. See Tracked Changes in Appendix B.
<i>N/A</i>	<i>FS2.1 is not relevant to submission 48.07</i>
<i>Accept in part</i>	<i>FS19.31 is accepted in part as submission 48.07 is accepted in part</i>

Analysis: 23.2.3 Objective and Policy

TGH and Chedworth seek the deletion of objective 23.2.3 and its policy that relates to medium density residential development.

The objective that requires the medium density residential zone areas to be developed comprehensively is relevant. The Board of Inquiry Decision for Ruakura included a Land Development Plan process to ensure a comprehensive approach within the medium residential zone to occur. This is a planning control that provides an appropriate method for both a developer and the Council to administer the gradual urbanisation of the Ruakura growth cell. Also see *Key Issue: - Merits of retaining Figure 2-16 Ruakura Land Development Plan Areas* in S42A Report for Chapter 3.7 in Mr Kivell's evidence. Whilst this deals with certain activities such as open space and infrastructure, and as there are no other rules that relate to the size and shape of lots for the Ruakura Medium residential zone, it is important to ensure that a mixture of lots provides for higher density and a mixture of housing typologies and to ensure there is interaction with the street and high quality public open spaces and streets for the community. This can be achieved by amending the policy rather than having a policy that relates back to the Land Development Plan. Rule 23.6.1 provides a link back to the Land Development Plan in section 3.7.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Tainui Group Holdings Ltd	D913.065	23.2.3 Objective and Policy	Oppose	Delete Objective 23.2.3 and Policy 23.2.3a regarding subdivision not occurring in the Rototuna Town Centre Zone or Medium Density Residential Zone without a Comprehensive Development Plan.	Accept in part	The subdivision of medium residential development needs to be comprehensively planned in relation to land-use planning and it is accepted to retain the objective, but provide for a new policy for the Ruakura Medium residential zone so as to ensure a mixture of lots provide for higher density and a mixture of housing typologies and high quality urban design. See tracked changes in Appendix B.
<i>William Cornelis Engelder</i>	<i>DFS160.001</i>		<i>Oppose</i>		<i>Accept in part</i>	<i>DFS160.001 is accepted in part as submission D913.065 is accepted in part</i>

James Hely and Heather Montgomerie -	DFS161.001		Oppose		Accept in part	DFS161.001 is accepted in part as submission D913.065 is accepted in part
New Zealand Transport Agency	DFS270.006		Oppose			Withdrawn
Chedworth Properties Ltd	D1171.029	23.2.3 Objective and Policy	Oppose	Delete Objective 23.2.3 and Policy 23.2.3a	Accept in part	The subdivision of medium residential development needs to be comprehensively planned in relation to land-use planning and it is accepted to retain the objective, but provide for a new policy for the Ruakura Medium residential zone so as to ensure a mixture of lots provide for higher density and a mixture of housing typologies and high quality urban design. See tracked changes in Appendix B.

Analysis: 23.3 Rules – Activity Status Tables

TGH and Chedworth seek to remove from the subdivision Rule 23.3 the classifications in the absence of an approved Land Development Plan (LDP). They advise that in practice LDPs and subdivision consent applications can be processed in parallel and this can result in proper resource management integration. The column that relates to subdivision activity “Without an approved LDP” is sought to be deleted from the table and they seek that the column that refers to “With an approved LDP” be amended to ‘subdivision activity’.

If we considered that in practice joint applications are made and the submitter wants the column removed “Without an approved LDP” then to ensure subdivision is applied for in conjunction with an LDP then we should say so. It is therefore recommended that the following wording apply “With an approved LDP or an LDP and subdivision activity”. This will allow for further subdivision of land in the future if required.

In addition how do we protect subdivision applications being applied for that is not in accordance with an LDP? The LDP is a planning control that provides an appropriate method for both a developer and the Council to administer the gradual urbanisation of the Ruakura growth cell. This should be made clear in the plan and as such it is recommended that an additional activity be added to the table to identify “Any activity without an approved LDP or an LDP and subdivision activity” as a non-complying activity. A couple of activities will not have the benefit of permitted status through the removal of the column “Without an approved LDP” such as boundary adjustments and it is proposed to include these within the activity description within the table to retain their status whilst still being able to delete the column. See tracked changes in Appendix B.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Chedworth Properties Limited	33.32	23.3 Rules – Activity Status Tables	Support in part	Amend Rule 23.3 to delete column referring to 'without an approved LDP'. Amend the column heading 'with an approved LDP' and replace with 'Subdivision activity'.	Accept in part	It is accepted to provide for a Land Development Plan and subdivision activity to be applied for at the same time and that any subdivision activity without a Land Development Plan except for boundary adjustments and network utility service or transport corridor are identified as a non-complying activity. This is to ensure that subdivision is not applied for



<i>Cooper</i>					
<i>New Zealand Transport Agency</i>	<i>DFS270.061</i>		<i>Oppose</i>		Withdrawn
<i>Chedworth Properties Ltd</i>	<i>D1171.033</i>	<i>23.6.1 Subdivision in the Ruakura Structure Plan Area</i>	<i>Oppose</i>	<i>Delete Rule 23.6.1 Subdivision in the Ruakura Structure Plan Area</i>	Withdrawn

Analysis: 23.6.8 Subdivision in the Medium-Density Residential and Rototuna Town Centre Zones

Hamilton City seek to amend 23.6.8d) to read “The standards in rule 23.6.7-8 a) to b)-c) do not apply to subdivision to accommodate a network utility service or transport corridor“

Both TGH and Chedworth seek the deletion of Land Development Plans in rule 23.6.8 for the subdivision of medium residential density. Rule 23.6.1 relates to any subdivision within the Ruakura Structure Plan area and requires any subdivision which creates new allotments cannot initiate land use or development which is contrary to Rules 3.7.3.1 to 3.7.3.4 and Rule 3.7.4 of Chapter 3: Structure Plans. As part of these rules a Land Development Plan is to be put in place. It is therefore accepted to remove the reference to within Rule 23.6.8 and make a note under Rule 23.6.8 to refer back to Rule 23.6.1 for the Ruakura Structure Plan as shown on the tracked changes in Appendix B.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Hamilton City Council	32.27	23.6.8 Subdivision in the Medium-Density Residential and Rototuna Town Centre Zones	Support	Provide clarity for plan users by amending cross reference to relevant section.	Accept	The submission point seeks amendments that will provide clarity for users and provide for better administration and implementation of the Plan.
<i>Jennifer West</i>	<i>FS19.01</i>		<i>Support</i>		Accept	<i>FS19.1 is accepted as submission 32.27 is accepted</i>
Chedworth Properties Limited	33.33	23.6.8 Subdivision in the Medium-Density Residential and Rototuna Town Centre Zones	Support in part	Amend Rule 23.6.8 to delete reference to Land Development Plans for Ruakura.	Accept	It is accepted to delete reference to Land Development Plans in Rule 23.6.8 and make reference through a Note to Rule 23.6.1 Subdivision in the Ruakura Structure Plan Area.
Tainui Group Holdings Limited	48.56	23.6.8 Subdivision in the Medium-Density Residential and Rototuna Town Centre Zones	Support in part	Amend Rule 23.6.8 to delete reference to Land Development Plans for Ruakura.	Accept	It is accepted to delete reference to Land Development Plans in Rule 23.6.8 and make reference through a Note to Rule 23.6.1 Subdivision in the Ruakura Structure Plan Area
<i>The Waikato Tree Trust</i>	<i>FS2.01</i>		<i>Oppose</i>		N/A	<i>FS2.1 is not relevant to submission 48.56</i>
<i>Jennifer West</i>	<i>FS19.31</i>		<i>Oppose</i>		Reject	<i>FS19.31 is rejected as submission 48.56 is accepted</i>

Chedworth Properties Ltd	D1171.034	23.6.7 Subdivision in the Medium-Density Residential and Rototuna Town Centre Zones	Oppose	Delete Rule 23.6.7 regarding Subdivision in the Medium-Density Residential and Rototuna Town Centre Zones		Withdrawn
Tainui Group Holdings Ltd	D913.070	23.6.7 Subdivision in the Medium-Density Residential and Rototuna Town Centre Zones	Oppose	Delete Rule 23.6.7 regarding Subdivision in the Medium-Density Residential and Rototuna Town Centre Zones		Withdrawn
William Cornelis Engelder	DFS160.001		Oppose			
James Hely and Heather Montgomerie	DFS161.001		Oppose			

Analysis: 23.7.1 Allotment Size and Shape

Most of the submitters seek to amend the Large Lot residential for around Percival/Ryburn Road to provide for a 2500m2 minimum rather than 5000m2 which is the same as for the large lot residential area at State Highway 26. The background to this rule is as part of the PDP a 2ha rule was put in place for the Percival/Ryburn Road area. The 2ha provided for an allotment size whereby the fragmentation of land for further or more intense rural residential living was not encouraged as the land was identified within the structure plan to become part of the logistics zone over time so as to utilise the railway, expressway and inland port and associated infrastructure. The existing plan provisions, under the Waikato District Plan in the Country Living Zone provide for a 5000m2 minimum subdivisions.

Within the section 32 analysis under clause 6.5.6.5 Subdivision (see page 65) an analysis on the full development potential of the Percival/Ryburn Road enclave identifies that the unimplemented subdivision potential that could be developed if the subdivision net area is between 2500 – 5000m2 an additional 25-92 sites could be created conditional upon each site being self-contained with respect to servicing.

There is a requirement that over time this area is to be zoned for logistics as outlined in the RPS and Council must give effect to this.

A feasibility study was also undertaken to understand the likely impacts on property values associated with a transition from Country Living/Large lot residential zoned land to a logistics zone use and zoning in the future whereby the report states *“the value will predominantly be determined by supply and demand which is underpinned by physical characteristics and regulatory conditions such as zoning”*. Whilst no quantifiable extent of supply and demand is provided within the report, the following concluding observations were made:

- *Initial values may be impacted by market perception of industrial activity being developed in the inland port area immediately to the south until such time as the activity and its effects can be measured*
- *The retention of the rural residential zoning amongst the surrounding Logistics Zone may alter the natural dynamic and demand toward highest and best use. Potentially this could slow a typical market transition as the intensification of use will require the rezoning of the area.*
- *The retention of the rural residential zoning maintains a market perception of a residential area next to industrial development* <sup>2</sup>

Section 85 of the Act provides for a landowner to challenge a proposed plan provision when the provision(s) would render the land incapable of reasonable use. As identified within the s32 (page 66) “--a landowner’s expectation of ‘reasonable use’ can be met while promoting the sustainable management purpose of the Act by maintaining existing controls. This is on the basis that there is a highly uncertain timeframe for the expansion of the inland port’s operations being at least beyond the life of the current plan.---“

To maintain 5000m2 minimum subdivision for the area reflects the current position. If 2500m2 was allowed then the provisions of the regional policy statement would be in conflict as the plan wouldn’t be recognising the long term expectation for logistics zoning to apply to the area which would undermine the agglomeration benefits associated with the area that was recognised by the BOI decision. This approach also recognises the uncertainty of the rate of expansion of the inland port over the current planning period.

Submitters also sought the protection of amenity values for Percival/Ryburn Road. I refer to the discussion under Chapter 11 Ruakura Industrial Park Zone – Deferred Submissions which deals with this issue. In summary a robust framework of objectives, policies and rules enable the environmental effects of development to be assessed and managed to ensure high amenity is achieved.

TGH and Chedworth seek a minimum lot size of 500m2 for the RLZ and RIPZ. See analysis in Section 23 Subdivision General above and see tracked changes in Appendix B.

Report Percival Road Valuation Statement of Evidence Mr Doug Saunders

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning	
Marsters, Derrick and Robyn	18.07	23.7.1 Allotment Size and Shape	Oppose	Amend the Large Lot Residential Zone Rules to provide for a 2,500m2 minimum lot size to the Percival / Ryburn Road area.	Reject	The proposed amendment to reduce the lot size down to 2500m2 does not achieve the purpose and principles of the Resource Management Act 1991 and give effect to the Regional Policy Statement. The agglomeration benefits of the Percival/Ryburn Road area as identified by the Board of Inquiry would not be undermined, and the reasonable use of land under s85 of the RMA is provided for.	
Tainui Group Holdings Limited	FS16.262		Oppose		Accept		FS16.262 is accepted as submission 18.07 is rejected
Jennifer West	FS19.11		Support		Reject		FS19.11 is rejected as submission 18.07 is rejected
Carmichael, Natasha and Bryce	19.11	23.7.1 Allotment Size and Shape	Oppose	Seek the same rights as other large lot residential zoned areas.	Reject	The proposed amendment to reduce the lot size down to 2500m2 does not achieve the purpose and principles of the Resource Management Act 1991 and give effect to the Regional Policy Statement. The agglomeration benefits of the Percival/Ryburn Road area as identified by the Board of Inquiry would not be undermined, and the reasonable use of land under s85 of the RMA is provided for.	
Tainui Group Holdings Limited	FS16.272		Oppose		Accept		FS16.272 is accepted as submission 19.11 is rejected
Jennifer West	FS19.5		Support		Reject		FS19.5 is rejected as submission 19.11 is rejected

Julian, Alan and Barbara	29.04	23.7.1 Allotment Size and Shape	Support in part	<ol style="list-style-type: none"> <li>1) Amend the Large Lot Residential Zone Rules to provide for a 2,500m<sup>2</sup> minimum lot size to the Percival / Ryburn Road area.</li> <li>2) Seek protection of amenity values for Percival/Ryburn Road.</li> </ol>	Reject	<ol style="list-style-type: none"> <li>1) The proposed amendment to reduce the lot size down to 2500m<sup>2</sup> does not achieve the purpose and principles of the Resource Management Act 1991 and give effect to the Regional Policy Statement. The agglomeration benefits of the Percival/Ryburn Road area as identified by the Board of Inquiry would not be undermined, and the reasonable use of land under s85 of the RMA is provided for.</li> <li>2) A robust framework of objectives, policies and rules enable the environmental effects of development to be assessed and managed to ensure high amenity is achieved.</li> </ol>
<i>Tainui Group Holdings Limited</i>	<i>FS16.267</i>		<i>Oppose</i>		Accept	<i>FS16.267 is accepted as submission 29.04 is rejected</i>
Jennifer West	FS19.08		Support		Reject	<i>FS19.8 is rejected as submission 29.04 is rejected</i>
Cowie, William	30.07	23.7.1 Allotment Size and Shape	Oppose	Amend the Large Lot Residential Zone Rules to provide for a 2,500m <sup>2</sup> minimum lot size to the Percival / Ryburn Road area.		Withdrawn
<i>Tainui Group Holdings Limited</i>	<i>FS16.263</i>		<i>Oppose</i>			
Jennifer West	FS19.03		Support			
Chibnall, David Evan and Karlene	31.07	23.7.1 Allotment Size and Shape	Oppose	Amend the Large Lot Residential Zone Rules to provide for a 2,500m <sup>2</sup> minimum lot size to the Percival / Ryburn Road area.	Reject	The proposed amendment to reduce the lot size down to 2500m <sup>2</sup> does not achieve the purpose and principles of the Resource Management Act 1991 and give effect to the Regional Policy Statement. The agglomeration benefits of the Percival/Ryburn Road area as identified by the Board of Inquiry would not be undermined, and the reasonable use of land under s85 of the RMA is provided for.
<i>Tainui Group Holdings Limited</i>	<i>FS16.269</i>		<i>Oppose</i>		Accept	<i>FS16.269 is accepted as submission 31.07 is rejected</i>
Jennifer West	FS19.06		Support		Reject	<i>FS19.6 is rejected as submission 31.07 is rejected</i>
Madarang, Domingo	35.07	23.7.1 Allotment Size and Shape	Oppose	Amend the Large Lot Residential Zone Rules to provide for a 2,500m <sup>2</sup> minimum lot size to the Percival / Ryburn Road area.	Reject	The proposed amendment to reduce the lot size down to 2500m <sup>2</sup> does not achieve the purpose and principles of the Resource Management Act 1991 and give effect to the Regional Policy Statement.



<i>Tainui Group Holdings Limited</i>	<i>FS16.271</i>	23.7.1 Allotment Size and Shape	<i>Oppose</i>	Amend the Large Lot Residential Zone Rules to provide for a 2,500m2 minimum lot size to the Percival / Ryburn Road area.		RMA is provided for.
<i>Jennifer West</i>	<i>FS19.09</i>		<i>Support</i>			Accept
Alexander, Deanna-Rose	41.04	23.7.1 Allotment Size and Shape	Support in part	Amend the Large Lot Residential Zone Rules to provide for a 2,500m2 minimum lot size to the Percival / Ryburn Road area.	Reject	<i>FS19.9 is rejected as submission 40.07 is rejected</i>
<i>Tainui Group Holdings Limited</i>	<i>FS16.268</i>		<i>Oppose</i>			Reject
<i>Jennifer West</i>	<i>FS19.04</i>	23.7.1 Allotment Size and Shape	<i>Support</i>	1) Amend the Large Lot Residential Zone Rules to provide for a 2,500m2 minimum lot size to the Percival / Ryburn Road area. 2) Seek protection of amenity values for Percival/Ryburn Road.	Accept	<i>FS16.268 is accepted as submission 41.04 is rejected</i>
Wang, Meggie	42.04		Support in part			Reject
<i>Tainui Group Holdings Limited</i>	<i>FS16.264</i>	23.7.1 Allotment Size and Shape	<i>Oppose</i>	Amend the Large Lot Residential Zone Rules to provide for a 2,500m2 minimum lot size to the Percival / Ryburn Road area.	Reject	1) The proposed amendment to reduce the lot size down to 2500m2 does not achieve the purpose and principles of the Resource Management Act 1991 and give effect to the Regional Policy Statement. The agglomeration benefits of the Percival/Ryburn Road area as identified by the Board of Inquiry would not be undermined, and the reasonable use of land under s85 of the RMA is provided for. 2) A robust framework of objectives, policies and rules enable the environmental effects of development to be assessed and managed to ensure high amenity is achieved.
<i>Jennifer West</i>	<i>FS19.13</i>		<i>Support</i>			Accept
Fellowship Baptist Church	45.07	23.7.1 Allotment Size and Shape	Oppose	Amend the Large Lot Residential Zone Rules to provide for a 2,500m2 minimum lot size to the Percival / Ryburn Road area.	Reject	<i>FS19.13 is rejected as submission 42.04 is rejected</i>
					Reject	The proposed amendment to reduce the lot size down to 2500m2 does not achieve the purpose and principles of the Resource Management Act 1991 and give effect to the Regional Policy Statement. The agglomeration benefits of the Percival/Ryburn Road area



ANG & SL Clarke DFS288.050

Oppose

Accept in part

DFS288.050 is accepted in part as submission D913.071 is accepted in part

Analysis: 23.7.3 General Residential Zone, and all Special Character Areas and 23.7.5 (now 23.7.6) Business 1 to 6 Zones, Central City Zone, Te Rapa North Industrial Zone, Ruakura Industrial Park Zone, Ruakura Logistics Zone and Industrial Zone

All of the submitters to 23.7.3 were lodged under the PDP and were provided with a decision to their submission, but it excluded the Ryburn/Percival Road large lot residential area as part of the Ruakura Structure Plan. Most of the decisions were as follows: *“1. That the submission is accepted in part to provide consistency with NZS4404 and that good urban design principles need to be taken into account for the long term development of residential areas including large lot residential areas, exclusive of the Ryburn /Percival Road large lot residential area as part of the Ruakura Structure Plan which is deferred until after the Board of Inquiry. 2. Good urban design contributes to the achievement of functional, attractive, sustainable, safe and well designed environments and provides for the long term built form for the City not only for today, but for the long term benefits of the community. See Appendix C-1.”*

As part of this decision a new section was created being 23.7.4 Large Lot Residential Zone which includes the land zoned around the Ryburn/Percival Road large lot area along with the SH 26 Large Lot Area. All the submitters are from around SH 26 or are surveyors. Council received no appeals to this new provision; however one appeal was received from the Property Council to the provisions in 23.7.3 and as a result of negotiations, all parties agreed to the provisions including TGH, which have now been accepted by the Court, accepting the amendments to rule 23.7.4 as attached in Appendix B. Other party’s signatories to the consent were Chedworth Properties Ltd, Fonterra, Gallagher Management & Gallagher Group, Hamilton JV Investments & Hounsell Holdings, Kiwi Property Group, Porters, Riverside Oak Estate & Findlay, National Trading Company and Waitomo Properties.

A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.

TGH sought the deletion of Rule 23.7.5 c), e), f), g), h) regarding access and private way widths. This rule now 23.7.6 was appealed against by TGH and as a result the removal of the Central City from the heading has been agreed to with no other amendments. This matter has been agreed to and signed off by the parties awaiting confirmation from the Court.

Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Trevor James & Lucy Gay Hancock	D15.001	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Oppose	Oppose restrictions in Clause 23.7.3 relating to Large Lot Residential (Ruakura Structure Plan, SH26) as unrealistic in relation to lot sizes under Clause 4.4.1 (2,500m <sup>2</sup> ). A separate table for 'Large Lot Residential' zones under Clause 23.7.3 is sought with changes made to the following clauses: a) 40m (from 15m) d) 12 (from 5)- allotments served by a single right of way h) 300m (from 50m) - private way length i) 500m (from 75m) - maximum cul-de sac length j) 1 (from 0) - private way accessing directly	-	A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.

				on to a cul-de-sac		
<i>Gwyneth Ann Verkerk (and Dr Raymond Thomas Cursons)</i>	<i>DFS25.005</i>		<i>Support</i>		-	
Blue Wallace Surveyors Ltd	D30.008	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Oppose	Delete Rule 23.7.3c), i) & j) in relation to subdivision	-	A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.
<i>Gwyneth Ann Verkerk (and Dr Raymond Thomas Cursons)</i>	<i>DFS25.007</i>		<i>Support</i>		-	
<i>ANG &amp; SL Clarke</i>	<i>DFS288.001</i>		<i>Support</i>		-	
Align Surveyors	D259.010	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Oppose	Oppose 23.7.3 (d) (Subdivision standards - Maximum number of allotments served by a single private way) being 5. Retain at 10. This will have a flow on effect to change (h) (Maximum private way length) which will need to be longer e.g. 100m rather than 50m	-	A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.
<i>Gwyneth Ann Verkerk (and Dr Raymond Thomas Cursons)</i>	<i>DFS25.005</i>		<i>Support</i>		-	
Dan McDaid (Landform Surveys Ltd)	D261.007	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Oppose	Amend Rule 23.7.3 e) regarding minimum private way widths serving 1-4 allotments - to allow for a reduction in width to 2.8m - 3m when ROW is serving one allotment. Amend Rule 23.7.3 f) Minimum private way width serving 5 allotments so it provides	-	A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.

				instead for 10 allotments. Amend Rule 23.7.3h) to extend the maximum private way length from 50m to 75m. Amend Rule 23.7.3 i) as right of ways are more suitable than building roads or extending cul-de-sac.		
<i>Gwyneth Ann Verkerk (and Dr Raymond Thomas Cursons)</i>	<i>DFS25.004</i>		<i>Support</i>		-	
Gwyneth Ann Verkerk	D293.010	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Oppose	Review 23.7.3 regarding the number of lots served by private ways and the restrictions on the length on private ways under Subdivision Design Standards.  Carry out detailed planning in conjunction with landowners in the Large Lot Residential area of the Ruakura Structure Plan.	-	A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.
<i>Michael John Griffin (n/a)</i>	<i>DFS21.001</i>		<i>Support</i>		-	
James & Heather Hely & Montgomerie	D832.003	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Support in part	Retain Subdivision Design Standards 23.7.3 d, e, f, i, j, k, and h General Residential Zone, Large Lot Residential Zone and All Special Character Zones with amendments.		Withdrawn
<i>ANG &amp; SL Clarke</i>	<i>DFS288.001</i>		<i>Support</i>			
CKC Holdings Ltd	D897.024	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Support in part	Delete all clauses within 23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones except private way widths and retain current standards.	-	A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.
<i>Andrew Yeoman</i>	<i>DFS2.011</i>		<i>Support</i>		-	

PRS Planning Services Limited	D929.052	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Oppose	Subdivision - Remove rules 23.7.3i and j for General Residential Zone, Large Lot Residential Zone and All Special Character Zones	-	A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.
Property Council New Zealand	D938.116	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Oppose	Delete Rules 23.7.3 a), c) and j). Amend Rule 23.7.3 d) to increase the number of allotments off a right of way. Amend Rule 23.7.3 f) regarding minimum private way widths to apply to 5 or more allotments. Amend Rule 23.7.3h) to increase the maximum length of a private way. Amend Rule 23.7.3i) to increase the maximum cul-de-sac length. Amend Rule 23.7.3k) to allow cul-de-sac to access other cul-de-sac.	-	A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.
<i>Andrew Yeoman</i>	<i>DFS2.012</i>		<i>Support</i>		-	
<i>Peter John Findlay, Donna Margaret Findlay, Peter John Findlay &amp; Donna Margaret Findlay as Trustees of the Findlay Family Trust, Riverside Oak Estate Ltd (Baruchel Developments Ltd)</i>	<i>DFS242.001</i>		<i>Support</i>		-	
<i>Peter John Findlay, Donna Margaret Findlay, Peter John Findlay &amp;</i>	<i>DFS277.001</i>		<i>Support</i>		-	

<p><i>Donna Margaret Findlay as Trustees of the Findlay Family Trust, Riverside Oak Estate Ltd (Peter Findlay, Peter Findlay &amp; Associates Ltd)</i></p>						
ANG & SL Clarke	D951.014	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Oppose	Amend Rule 23.7.3 d), e) and f) for the Large Lot Residential Zone to increase the number of allotments able to use a private way and increase minimum private way widths. Delete Rules 23.7.3 h) to l) for the Large Lot Residential Zone.	-	A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.
McPherson Goodwin Surveyors Limited	D1204.025	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Support in part	Delete Rule 23.7.3c), j) and k) and amend Rules 23.7.3d), f), h) i) and m) to reduce design restrictions, support higher residential densities and cul-de-sac designs.	-	A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.
<i>Andrew Yeoman</i>	<i>DFS2.013</i>		<i>Support</i>		-	
<i>ANG &amp; SL Clarke</i>	<i>FS288.002</i>		<i>Support</i>		-	
McCracken Surveys Limited	D1206.118	23.7.3 General Residential Zone, Large Lot Residential Zone and All Special Character Zones	Oppose	Delete Rules 23.7.3 a), c) and j). Amend Rule 23.7.3 d) to increase the number of allotments off a right of way. Amend Rule 23.7.3 f) regarding minimum private way widths to apply to 5 or more allotments. Amend Rule 23.7.3h) to increase the maximum length of a private way. Amend Rule 23.7.3i) to increase the maximum cul-de-sac length. Amend Rule 23.7.3k) to allow cul-de-sac to access other culs-de-sac.	-	A decision on the matters raised in the submission was made pursuant to Clause 10 of Schedule 1 during the Proposed District Plan hearing process. That decision was publically notified. Accordingly, the submission was fully determined during the PDP hearing and decisions. No submission points remain outstanding.
Tainui Group	D913.073	23.7.5 Business 1	Oppose	Delete Rule 23.7.5 c), e), f), g), h) regarding	Accept in part	An agreement has been reached through an appeal to amend

Holdings Ltd	to 7 Zones, Central City Zone, Te Rapa North Industrial Zone, Ruakura Industrial Park Zone, Ruakura Logistics Zone and Industrial Zone		access and private way widths.		this rule to remove reference to the Central City within the heading. Consent documents have been signed and lodged with the Court.
<i>William Cornelis DFS160.001 Engelander</i>		<i>Oppose</i>		Accept in part	<i>FS160.001 is accepted in part as submission D913.073 is accepted in part</i>
<i>James Hely and DFS161.001 Heather Montgomerie -</i>		<i>Oppose</i>		Accept in part	<i>FS161.001 is accepted in part as submission D913.073 is accepted in part.</i>

Analysis: 23.8 Restricted Discretionary Activities Matters of Discretion and Assessment Criteria						
Sub. Name FS.Name	Sub. Point FS. Point	Plan Provision	Sub. Type	Summary	Recommendation	Reasoning
Transpower New Zealand Limited	23.06	23.8 Restricted Discretionary Activities Matters of Discretion and Assessment Criteria	Support	Retain 23.8(a)(ii) cross reference to N - Ruakura.	Accept	No amendments or deletions are proposed by other submissions to the provisions that this submission point seeks to retain





# Appendix B



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

<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"> <li>ii. Is in general accordance with any relevant Structure Plan.</li> <li>iii. Is in general accordance with any relevant Integrated Catchment Management Plan.</li> <li>iv. Maintains and, where possible, enhances existing amenity values.</li> <li>v. Promotes energy, water and resource efficiency.</li> <li>vi. Provides for the recreational needs of the community.</li> <li>vii. Discourages cross-lease land ownership.</li> <li>viii. Ensures that any allotment is suitable for activities anticipated for the zone in which the subdivision is occurring.</li> <li>ix. Contributes to the achievement of identified residential yield requirements over time where appropriate.</li> <li>x. Avoids or minimises adverse effects on the safe and efficient operation, maintenance of and access to network utilities and the transport network.</li> <li>xi. Is avoided where significant adverse effects on established network utilities or the transport network are likely to occur.</li> <li>xii. Promotes connectivity and the integration of transport networks.</li> <li>xiii. Provides appropriate facilities for walking, cycling and passenger transport usage.</li> <li>xiv. Provides and enhances public access to and along the margins of the Waikato River and the City's lakes, gullies and rivers.</li> <li>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.</li> <li>xvi. Ensures that a compliant building platform can be accommodated within the subdivided</li> </ul>
--	--

	allotment outside of the National Grid Yard.
<b>Explanation</b>	
<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>	
<b>Objective</b>	<b>Policies</b>
<p><b>23.2.3</b>                  Medium-Density Residential Zone and Rototuna Town Centre Zone areas are developed comprehensively.</p>	<p><b>23.2.3a</b>                  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 <u>or Land Development Plan for Ruakura.</u></p> <p><b>23.2.3b</b>                  Subdivision that creates additional allotments in the Medium Residential Zone at Ruakura shall ensure a mixture of section sizes and lot widths within each street to provide:</p> <ul style="list-style-type: none"> <li>i. For a mixture of housing typologies</li> <li>ii. For higher density housing in particular around public open spaces and retail centre.</li> <li>iii. For housing to face the street creating an interactive environment</li> <li>iv. High quality public spaces, streets and reserves for the community</li> </ul>
<b>Explanation</b>	
<p><i>Comprehensive Development Plans are a useful tool to ensure a comprehensive approach to the layout and design of medium-density development. <u>The Board of Inquiry Decision for Ruakura included a Land Development Plan process to ensure a comprehensive approach to layout and design within the medium residential zone density-to development occurs and whilst this deals with certain activities such as open space and infrastructure it is important to ensure that a mixture of lots provides for higher density and a mixture of housing typologies and to ensure there is interaction with the street and high quality public open spaces and streets for the community.</u></i></p>	
<b>Objective</b>	<b>Policies</b>
<p><b>23.2.4</b>                  To ensure the provision of infrastructure services as part of</p>	<p><b>23.2.4a</b>                  Subdivision:</p> <ul style="list-style-type: none"> <li>i. Provides an adequate level of infrastructure</li> </ul>

**Comment [HCC1]:**  
 Tainui Group Holdings (Ruakura), ENV-147;  
 Chedworth Properties, ENV-146

**Comment [HCC2]:** D-913.065, D-1171.029

**Comment [HCC3]:** D-913.065, D-1171.029

the subdivision process.	<p>and services appropriate for the proposed development.</p> <ul style="list-style-type: none"> <li>ii. Takes into account and shall not compromise the infrastructural needs of anticipated future development.</li> <li>iii. Does not occur unless appropriate infrastructure and/or infrastructure capacity is available to service the proposed development.</li> <li>iv. Ensures that the capacity, efficiency, performance and sustainability of the wider infrastructure network is not compromised.</li> <li>v. Uses public infrastructure ahead of private infrastructure where appropriate.</li> </ul>
<b>Explanation</b>	
<p><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 includes <del>two</del> areas of Large Lot Residential Zones which <del>is</del> 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></p>	
<b>Objective</b>	<b>Policies</b>
<p><b>23.2.5</b> Subdivision occurs in a manner that recognises historic heritage and natural environments.</p>	<p><b>23.2.5a</b> Subdivision avoids, remedies or mitigates adverse effects on:</p> <ul style="list-style-type: none"> <li>i. Scheduled heritage items.</li> <li>ii. Scheduled archaeological and cultural sites.</li> <li>iii. Scheduled significant trees.</li> <li>iv. Scheduled significant natural areas.</li> <li>v. The Waikato River and gullies and river banks, lakes, rivers and streams.</li> </ul> <p><b>23.2.5b</b> Subdivision protects, and where possible enhances any:</p> <ul style="list-style-type: none"> <li>i. Landforms and natural features.</li> <li>ii. Vegetation.</li> </ul> <p><b>23.2.5c</b> Subdivision of land which protects and enhances the riparian margins of the Waikato River and the City's lakes, gullies and rivers.</p>

**Explanation**

*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.*

## 23.3 Rules – Activity Status Tables

**Table 23.3a:** General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 to 6, Industrial, Knowledge, Ruakura Logistics, Ruakura Industrial Park, Future Urban, All Open Space, Major Facilities, Community Facilities and Transport Corridor Zones and All Hazard Areas

Activity	General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 – 6, 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
<b>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.</b>				
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*	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

**Table 23.3b:** Medium Density Residential and Rototuna Town Centre Zones, and Te Rapa North Industrial Zone

Activity	Medium- Density Residential and Rototuna Town Centre Zones		<u>Ruakura Medium Density Residential Zone</u>		Te Rapa North Industrial Zone			
	Without an approved CDP	As part of or after a CDP has been approved	<u>Without an approved LDP</u>	<u>With an approved LDP or an LDP with subdivision activity</u>	Deferred Industrial outside of Stages 1A & 1B	Within Stages 1A & 1B without a CDP	Within Stages 1A & 1B with a CDP	City Factory
<p><b>For General Residential, Residential Intensification, Large Lot Residential, Central City, Business 1 to 6, 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.</b></p>								
i. Boundary adjustments <u>Inclusive where no LDP exists for Ruakura Medium Density Residential Zone</u>	P	P	<u>P</u>	<u>P</u>	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	<u>P</u>	<u>P</u>	P	P	P	P
iii. Conversion of cross-lease titles into fee simple titles	P	P	<u>P</u>	<u>P</u>	P	P	P	P
iv. Subdivision to accommodate a network utility service or transport corridor <u>Inclusive where no LDP exists for Ruakura Medium Density Residential Zone</u>	RD	RD	<u>RD</u>	<u>RD</u>	RD	D	RD	RD
v. Fee simple subdivision*	NC	D	<u>NC</u>	<u>RD</u>	NC	D	RD	RD
vi. Cross-lease subdivision*	NC	NC	<u>NC</u>	<u>NC</u>	NC	NC	NC	NC
vii. Company-lease subdivision	NC	RD	<u>NC</u>	<u>RD</u>	NC	D	RD	RD

Comment [HCC4]: 33.32, 48.55

viii. Unit-title Subdivision*	NC	RD	<del>NC</del>	<del>RD</del>	NC	D	RD	RD
ix. Leasehold Subdivision	NC	RD	<del>NC</del>	<del>RD</del>	NC	D	RD	RD
x. Subdivision involving any allotment within the Electricity National Grid Corridor	NC	RD	<del>NC</del>	<del>RD</del>	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	<del>NC</del>	<del>D</del>	NC	D	D	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C <sup>1</sup>	NC	D	<del>NC</del>	<del>D</del>	NC	D	RD	RD
xiii. Any subdivision without an approved LDP, or an LDP and subdivision activity, except for i and iv above	-	-		<del>NC</del>	-	-	-	-

Comment [HCC5]: 33.32, 48.55

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		Peacocks Character Zone		Lot 2 DP425316		
	Without an approved CDP	As part of or after a CDP has been approved	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	
<p><b>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 – 6, 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.</b></p>							
i. Boundary adjustments	RD	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	P
iii. Conversion of cross-lease titles into fee simple titles	P	P	P	P	-	-	P

iv. Subdivision to accommodate a: - network utility service or - transport corridor	RD RD	RD RD	RD RD	RD RD	RD NC	D D	RD RD
v. Fee simple subdivision*	NC	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 <sup>2</sup> 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 <sup>2</sup> 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) Subdivision within the Temple View Zone to establish a CDP area according to Volume 2, Appendix 4, Figure 4-5	D	D	-	-	-	-	-
f) Boundary relocation	-	-	D	D	D	D	-
vi. Cross-lease subdivision	NC	NC	NC	NC	NC	NC	NC
vii. Company-lease subdivision*	NC	D	NC	D	NC	D	RD
viii. Unit-Title subdivision*	NC	D	NC	D	NC	D	RD
ix. Leasehold subdivision	NC	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	D
xii. Any subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C	D	D	D	D	NC	D	D

**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 (\*).
3. For any activity not identified above, see Section 1.1.8.1.

Comment [HCC6]: 23.07

## 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 3.7.3.1 to 3.7.3.4~~76~~ and Rule 3.7.4 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 3.7.3.1 to 3.7.3.4~~76~~ and Rule 3.7.4 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 3.7.3.1.

Comment [HCC7]: Clause 16

Comment [HCC8]: Clause 16

### 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 Freehold Subdivision

- a) The proposed boundaries shall align with those exclusive uses area boundaries on the cross-lease plan, except where there are no exclusive use areas.
- b) Where required to protect services, easements shall be provided.

### 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.

### 23.6.8 Subdivision in the Medium-Density Residential and Rototuna Town Centre Zones

- a) Subdivision shall only take place in conjunction with a Comprehensive Development Plan ~~or Land Development Plan for Ruakura~~ application or after a Comprehensive Development Plan ~~or Land Development Plan for Ruakura~~ application has been granted.
- 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 23.6.7-8 a) to ~~cbc~~ do not apply to subdivision to accommodate a network utility service or transport corridor.

Comment [HCC9]: 32.27, 33.33

Comment [HCC10]: 32.27

#### Note

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

Comment [HCC11]: 32.27, 33.33

### 23.6.9 Subdivision in the Te Rapa North Industrial Zone

- a) Subdivision occurring in Stages 1A and 1B 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 14ha of land shall be able to be subdivided; 7ha only in Stage 1A and 7ha in Stage 1B.
  - ii. After 1 January 2021 a maximum of 46ha of land shall be able to be subdivided, 23ha in Stage 1A and 23ha in Stage 1B, being additional to the 7ha provided for in each of the stages 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 Peacocks 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 <sup>2</sup> in the Gully and Hill Areas	<p><u>1. Lots between 10ha and 2ha</u></p> <p>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</p> <p>ii. Limited to one new lot per parent title, other than for utility and access allotments</p>	<p><u>2. Lots between 10ha and 5000m<sup>2</sup></u></p> <p>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</p> <p>ii. Average lot Size = 1ha</p> <p>iii. Limited to one new lot per parent title other than for utility and access allotments</p>
<p><b>Note</b></p> <p>1. A simple Integrated Transport Assessment (ITA) is required as part of the subdivision consent information requirements (refer Volume 2, Appendix 1.2.2.14)</p> <p>2. A Subdivision Concept Plan is required as part of the subdivision consent information requirements (refer Volume 2, Appendix 1.2.2.2d))</p>		
c) Fee Simple Subdivision for lots less than 2ha in the Terrace Area and less than 5000m <sup>2</sup> in the Gully and Hill Areas	<p><u>1. Lots Less than 2ha</u></p> <p>i. Provide full urban infrastructure</p> <p>ii. Connection to the existing wastewater network to the satisfaction of Council</p> <p>iii. Provision of a transport corridor connection across the Waikato River to join with the existing transport network</p>	<p><u>2. Lots less than 5000m<sup>2</sup></u></p> <p>i. Provide full urban infrastructure</p> <p>ii. Connection to the existing wastewater network to the satisfaction of Council</p> <p>iii. Provision of a transport corridor connection across the Waikato River to join with the existing transport network</p>
<p><b>Note</b></p> <p>1. A Master Plan is required as part of the subdivision consent information requirements (refer Volume 2, Appendix 1.2.2.3)</p>		
d) Boundary Relocation Subdivision	<p>i. Minimum lot size of 5000m<sup>2</sup></p> <p>ii. Shall not create any additional certificates of title.</p> <p>iii. All lots involved in the subdivision shall have formed and legal vehicle access</p>	

Activity	Standards	
	Terraced Area	Gully Area and Hill Areas
	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	

- 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 300m<sup>2</sup> and 800m<sup>2</sup> 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<sub>L<sub>Aeq</sub>(24hr)</sub> 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<sub>L<sub>Aeq</sub>(24hr)</sub> 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.

## 23.7 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:
  - i. The unit title subdivision of existing lawfully established buildings; or
  - ii. 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	Average Minimum Net Site Area	Max Net Site Area	Min Shape Factor
a) General Residential Zone (unless otherwise stated)	400m <sup>2</sup>	-	-	15m-diameter circle
b) General Residential Zone (within the Rototuna Structure Plan Area)	400m <sup>2</sup>	650m <sup>2</sup>	750m <sup>2</sup>	15m-diameter circle
c) General Residential Zone (adjoining the Waikato Expressway)	1000m <sup>2</sup>	-	-	-
d) Residential Intensification Zone	350m <sup>2</sup>	-	-	-
e) Special Residential Zone	Front, corner or through site – 600m <sup>2</sup>	-	-	15m-diameter circle
	Rear Site – 400m <sup>2</sup>	-	-	15m-diameter circle
f) Large Lot Residential – SH26, Ruakura Structure Plan	2500m <sup>2</sup>	-	-	15m-diameter circle
g) Large Lot	<del>5000m<sup>2</sup></del> 2ha	-	-	Rule

Zone	Minimum Net Site Area	Average Minimum Net Site Area	Max Net Site Area	Min Shape Factor
Residential – Percival/Ryburn Rd, Ruakura Structure Plan				23.7.1(w) applies
h) Rototuna North East Character Zone	500m <sup>2</sup>	700 m <sup>2</sup>	-	15m-diameter circle
i) Special Heritage Zone (unless otherwise stated)	600m <sup>2</sup>	-	-	15m-diameter circle
j) Special Natural Zone (Lake Waiwhakareke Landscape Character Area)	350m <sup>2</sup>	-	800m <sup>2</sup> 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)	800m <sup>2</sup>	-	-	15m-diameter circle
l) Peacocke Character Zone (Terrace Area)	200m <sup>2</sup>	-	-	15m-diameter circle  Medium density Residential – N/A
m) Peacocke Character Zone (Gully Area)	800m <sup>2</sup>	-	-	15m-diameter circle
n) Peacocke Character Zone (Hill Area where slopes are less than 5 Degrees)	400m <sup>2</sup>	-	800m <sup>2</sup>	15m-diameter circle
o) Peacocke Character Zone (Hill Area where slopes are greater than 5 Degrees)	800m <sup>2</sup>	-	-	15m-diameter circle

**Comment [HCC12]:**  
Hamilton JV Investments & Hounsell Holdings, ENV-143  
Agreement reached waiting consent order

Zone	Minimum Net Site Area	Average Minimum Net Site Area	Max Net Site Area	Min Shape Factor
p) Temple View Zone (Within CDP Area 3)	500m <sup>2</sup>	-	-	15m-diameter circle
q) Temple View Zone (Within CDP Area 1 and CDP Area 2)	200m <sup>2</sup>	-	-	-
r) Central City Zone, Knowledge Zone, Business 1 to 6 Zones	1,000m <sup>2</sup>	-	-	20m-diameter circle
s) Industrial Zone, Rotokauri Employment Area, Riverlea Industrial Area and Frankton Employment Area	Front, corner or through site – 1,000m <sup>2</sup>	-	-	Rule 23.7.1(*z) applies
	Rear sites – 500m <sup>2</sup>	-	-	Rule 23.7.1(*z) applies
t) Te Rapa North Industrial Zone	500m <sup>2</sup>	-	-	Rule 23.7.1(*z) applies
u) Ruakura Logistics Zone and Ruakura Industrial Park Zone	3500m <sup>2</sup>	-	-	Rule 23.7.1(*z) applies
v) <a href="#">Ruakura Logistics and Ruakura Industrial Park Zones for food and beverage outlets to accommodate the established use</a>	<a href="#">500m2</a>			<a href="#">Rule 23.7.1(z) applies</a>
w) <a href="#">Ruakura Industrial Park Zone for wholesale retail and trade supplies, drive-through services, commercial motor vehicle sales and servicing, emergency service facilities, passenger transport facilities, and childcare facilities to accommodate the established use</a>	<a href="#">1000m2</a>			<a href="#">Rule 23.7.1(z) applies</a>

Comment [HCC13]: 33.07, 48.07

Comment [HCC14]: 33.07,48.07

Zone	Minimum Net Site Area	Average Minimum Net Site Area	Max Net Site Area	Min Shape Factor
<u>vx</u> ) Future Urban Zone	10ha	-	-	-

- wy) 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.
- xz) 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.
- yaa) The location of the shape factor circle for each allotment in the Rototuna North East Character Zone, in addition to Rule 23.7.1 wy) shall be positioned so not to require land modification in excess of 40m<sup>3</sup>.
- zbb) 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 5.4.6c).

### 23.7.2 Subdivision Suitability

- a) All subdivisions creating additional 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, and where subdivision is around existing structures that are to be retained comply with bulk and location provisions for the relevant zone.

### 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 CDP Area 1 and CDP Area 2 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 CDP Area 1 and CDP Area 2 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	6
e) Minimum private way width serving 1-3 allotments	3.6m
f) Minimum private way width serving 4-6 allotments	4.5m
g) Maximum private way gradient	1:5m

h) Maximum private way length	50m
i) Maximum cul-de-sac length, including private way	150m
j) Maximum number of private ways accessing directly on to a cul-de-sac	1
k) Maximum number of culs-de-sac accessing directly on to a cul-de-sac	0
l) Maximum pedestrian accessway length through a block	80m
m) 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

**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 allotments	3.6m
e) Minimum private way width serving 6 allotments	4.5m
f) Maximum private way gradient	1:5m
g) 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	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

### 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 5+ allotments	6.5m
e) Maximum private way gradient	1:5
f) Maximum private way length	100m
g) Maximum pedestrian accessway length through a block	80m
h) 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

### 23.7.6 Business 1 to 6 Zones, Central City Zone, 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 <sup>2</sup>	8m
d) Minimum access or private way width serving an allotment with a net site area of 2000m <sup>2</sup> –5000m <sup>2</sup>	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

**Comment [HCC15]:**  
Tainui Group Holdings (Ruakura), ENV-147  
Agreement reached – waiting consent  
order

**Comment [HCC16]:** As above

**Comment [HCC17]:** As above

**Comment [HCC18]:**  
Tainui Group Holdings (Ruakura), ENV-147  
Agreement reached – waiting consent  
order

**Comment [HCC19]:** As above

### 23.7.7 Ruakura Medium Density Residential Zone

a) <a href="#">Minimum lot width of front and rear boundary for front sites</a>	<a href="#">12m</a>
---	---------------------

**Comment [HCC20]:** Consequential amendments from Chapter 4 – 33.54, 48.36

## 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"> <li>C – Character and Amenity</li> </ul>
ii. Subdivision involving any allotment within the Electricity National Grid Corridor	<ul style="list-style-type: none"> <li>I – Network Utilities and Transmission</li> <li><a href="#">N - Ruakura</a></li> </ul>
iii. Subdivision in a Hazard Area	<ul style="list-style-type: none"> <li>F – Hazards and Safety</li> </ul>
iv. Subdivision that may require the provision of Esplanade Reserves and Strips	<ul style="list-style-type: none"> <li>C – Character and Amenity</li> <li>D – Natural Character and Open Space</li> </ul>
v. Subdivision to accommodate a network utility service or transport corridor <a href="#">Inclusive where no LDP exists for Ruakura Medium Density Residential Zone</a>	<ul style="list-style-type: none"> <li>C – Character and Amenity</li> <li><a href="#">I – Network Utilities and Transmission</a></li> <li><a href="#">N - Ruakura</a></li> </ul>
vi. Fee simple subdivision*	<ul style="list-style-type: none"> <li>C – Character and Amenity</li> </ul>
vii. Company-lease subdivision*	<ul style="list-style-type: none"> <li>C – Character and Amenity</li> </ul>
viii. Unit-title subdivision*	<ul style="list-style-type: none"> <li>C – Character and Amenity</li> </ul>
ix. Leasehold Subdivision	<ul style="list-style-type: none"> <li>C – Character and Amenity</li> </ul>
x. Fee Simple Subdivision in the Peacocke Character Zone for lots greater than 10ha	<ul style="list-style-type: none"> <li>C – Character and Amenity</li> <li>E – Heritage Values and Special Character</li> </ul>

**Comment [HCC21]:** 33.32, 48.55

xi. Subdivision of an allotment containing a Significant Natural Area identified in Volume 2, Appendix 9, Schedule 9C, within Stages 1A and 1B after a CDP in the Te Rapa North Industrial Zone	<ul style="list-style-type: none"> <li>• D – Natural Character and Open Space</li> </ul>
xii. Fee Simple subdivision and Boundary Adjustment (within Special Character Zones)	<ul style="list-style-type: none"> <li>• C – Character and Amenity</li> <li>• E – Heritage Values and Special Character</li> </ul>
xiii. Subdivision to accommodate a network utility service or transport corridor (within Special Character Zones)	<ul style="list-style-type: none"> <li>• C – Character and Amenity</li> <li>• E – Heritage Values and Special Character</li> <li>• I – Network Utilities and Transmission</li> </ul>

**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





# Appendix C



## Submitters and Further Submitters referred to in this s42A report

### Submitters

Alexander, Deanna-Rose	41.04
Carmichael, Natasha and Bryce	19.11
Chedworth Properties Limited	33.07
	33.32
	33.33
Chibnall, David Evan and Karlene	31.07
<del>Cowie, William</del>	<del>30.07</del>
Fellowship Baptist Church	45.07
Hamilton City Council	32.27
Heritage New Zealand Pouhere Taonga	44.07
Julian, Alan and Barbara	29.04
Madarang, Domingo	35.07
Marsters, Derrick and Robyn	18.07
Property Council of New Zealand	11.07
<del>Ruakura Residents Group</del>	<del>37.05</del>
Spirig, Wendy and Roland	36.07
Tainui Group Holdings Limited	48.07
	48.55
	48.56
	48.57
Transpower New Zealand Limited	23.06
	23.07
Waikato Regional Council	21.07
Wang, Meggie	42.04
Wang, Yun-Chin and Kung-Yao Lin	40.07



### Further Submitters

<i>AgResearch Ltd</i>	<i>FS13.2</i>
<i>Chedworth Properties Limited</i>	<i>FS17.124</i>
	<i>FS17.125</i>
<i>Fairview Downs Residents and Owners Association</i>	<i>FS3.20</i>
	<i>FS3.21</i>
	<i>FS3.22</i>
<i>Jennifer West</i>	<i>FS19.01</i>
	<i>FS19.02</i>
	<i>FS19.03</i>
	<i>FS19.04</i>
	<i>FS19.05</i>
	<i>FS19.06</i>
	<i>FS19.07</i>
	<i>FS19.08</i>
	<i>FS19.09</i>
	<i>FS19.10</i>
	<i>FS19.11</i>
	<i>FS19.12</i>
	<i>FS19.13</i>
	<i>FS19.29</i>
<i>FS19.31</i>	
<i>Kellaway, Laura; Beaumont, Louise; and Adam, John P</i>	<i>FS6.01</i>
<i>Tainui Group Holdings Limited</i>	<i>FS16.259</i>
	<i>FS16.260</i>
	<i>FS16.261</i>
	<i>FS16.262</i>
	<i>FS16.263</i>
	<i>FS16.264</i>
	<i>FS16.265</i>
	<i>FS16.266</i>
	<i>FS16.267</i>
	<i>FS16.268</i>
	<i>FS16.269</i>
<i>FS16.270</i>	
<i>FS16.271</i>	

	<i>FS16.272</i>
<i>The New Zealand Institute for Plant &amp; Food Research Ltd</i>	<i>FS18.02</i>
<i>The Waikato Tree Trust</i>	<i>FS2.01</i>
<i>Waikato Innovation Park Limited</i>	<i>FS14.02</i>

**Deferred Submitters** referred to in this s42A report are prefixed with D.  
Strikethrough shows that the submission has been withdrawn.

Align Surveyors	D259.010
ANG & SL Clarke	D951.014
Blue Wallace Surveyors Ltd	D30.008
Chedworth Properties Ltd	D1171.029
	<del>D1171.033</del>
	<del>D1171.034</del>
CKC Holdings Ltd	D897.024
Dan McDaid (Landform Surveys Ltd)	D261.007
Gwyneth Ann Verkerk	D293.010
<del>James &amp; Heather Hely &amp; Montgomerie</del>	<del>D832.003</del>
McCracken Surveys Limited	D1206.118
McPherson Goodwin Surveyors Limited	D1204.025
Property Council New Zealand	D938.116
PRS Planning Services Limited	D929.052
Tainui Group Holdings Ltd	D913.065
	<del>D913.069</del>
	<del>D913.070</del>
	D913.071
	D913.073
Trevor James & Lucy Gay Hancock	D15.001



**Deferred Further submitters** referred to in this s42A report are prefixed with *DFS*. Strikethrough shows that either the further submission has been withdrawn or the submission to which it relates has been withdrawn.

<i>Andrew Yeoman</i>	<i>DFS2.011</i>
	<i>DFS2.012</i>
	<i>DFS2.013</i>
<i>ANG &amp; SL Clarke</i>	<del><i>DFS288.001</i></del>
	<i>DFS288.002</i>
	<i>DFS288.050</i>
<i>Gwyneth Ann Verkerk (and Dr Raymond Thomas Cursors)</i>	<i>DFS25.004</i>
	<i>DFS25.005</i>
	<i>DFS25.007</i>
<i>James Hely and Heather Montgomerie</i>	<i>DFS161.001</i>
<i>Michael John Griffin (n/a)</i>	<i>DFS21.001</i>
<i>New Zealand Transport Agency</i>	<i>DFS270.006</i>
	<del><i>DFS270.061</i></del>
<i>Peter John Findlay, Donna Margaret Findlay, Peter John Findlay &amp; Donna Margaret Findlay as Trustees of the Findlay Family Trust, Riverside Oak Estate Ltd (Baruchel Developments Ltd)</i>	<i>DFS242.001</i>
<i>Peter John Findlay, Donna Margaret Findlay, Peter John Findlay &amp; Donna Margaret Findlay as Trustees of the Findlay Family Trust, Riverside Oak Estate Ltd (Peter Findlay, Peter Findlay &amp; Associates Ltd)</i>	<i>DFS277.001</i>
<del><i>Russell Vincent Cooper</i></del>	<del><i>DFS240.015</i></del>
<del><i>William Cornelis Englander</i></del>	<del><i>DFS160.001</i></del>