

Appendix I: Table of submission points

Submission Point	Submitter	Support Oppose	Decision Requested	Reasons	Recommendation	Section of the report where the submission point is addressed
14.1	Steve Cochrane	Neutral/Amend	Amend Section 22.4 Subdivision to provide for 2500m ² lot sizes in Matangi.	The District Plan does not reflect the needs of some of the residents. Older residents not able to maintain grounds as large as they used to. For properties over 1 hectare, some parts are screened off and this seems a waste. The need to have livestock is not always convenient as the residents get older. The submitter lives in an area of elite soil types, but as these lifestyle sites are unproductive it would seem more effective to follow Waipa District and Matamata-Piako District Council's by allowing smaller lifestyle sites of 2500m ² . The Waikato Regional Council will permit a septic tank on this size site. Matangi has existing infrastructure with businesses, services and schooling. For the community to thrive or be sustained there needs to be growth.	Reject	6.2
FS1311.1	Ethan & Rachael Findlay	Support	Support submission point 14.1.	To provide provisions to allow most efficient use of land and allow smaller lot sizes, including in Matangi. To support intent of allowing smaller lot sizes in Matangi.	Reject	6.2
FS1379.2	Hamilton City Council	Oppose		HCC opposes the relief sought to allow for smaller lot sizes (2,500 sqm) within the Rural Zone of Matangi. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the Future Proof Strategy and the Waikato Regional Policy Statement (WRPS).	Accept	6.2
FS1277.70	Waikato Regional Council	Oppose	Retain zoning as notified	The supply and location of large lot residential and rural residential land must be considered strategically across the whole district. The district plan must give effect to Policy 6.17 and implementation Method 6.1.5 under the WRPS.	Accept	6.2
FS1305.25	Andrew Mowbray	Support	Seek that the whole of the submission be allowed.	Matangi is a strategic growth location for the Waikato region and allowing for more intensive housing is a sensible and practical idea for the area. Especially due to its close proximity and easy access to Hamilton.	Accept	6.2
FS1386.10	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	6.2
20.1	Glenn Morse	Neutral/Amend	Amend the table in Rule 22.4.1.6 (a)(i)	This would allow the submitter and other persons in a similar situation to construct a dwelling upon existing available land to meet	Reject	12.5

			Conservation lot subdivision to reduce the minimum 2ha area of Significant Natural Area to be legally protected to 1ha to enable more development.	the targets of the district plan with minimum impact upon available greenfield land.		
28.1	Roko Urlich	Support	Retain 22.4.1.2 General subdivision to enable the creation of a new 1.6ha lot from the 23ha at 2603 Highway 22, Glen Murray, except for the amendments sought below. AND Amend Rule 22.4.1.2 General subdivision to allow the new 1.6ha site to be net of the accessway.	The existing old farm house is not suitable for retirement purposes. Due to steep topography, any new dwelling would need to use the existing access and be located at the rear of the farm.	Reject	8.2
FS1386.23	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
46.1	Marc ter Beek	Oppose	Amend Rule 22.4.1.1 PR2 and PR3 Prohibited Subdivision to have Discretionary activity status rather than Prohibited activity status.	Discretionary activity status is adequate to protect the high quality soil resource and productive capacity of the land, where the lot is already too small for economic farming. Where land is already fragmented to uneconomically small size, Policy 5.2.3 is not advanced by Rule 22.4.1.1.	Reject	7.2
FS1062.2	Andrew and Christine Gore	Support	Support in part submission point 46.1. Prohibited subdivision to have discretionary status, allow in	<ul style="list-style-type: none"> Important that lots too small for economic farming can be subdivided. 	Reject	7.2

			part.			
FS1268.5	Jennie Hayman	Support	Support. Delete prohibited activity status, identify key resource management issues, and the objectives and policies that the method seeks to implement, and reclassify as appropriate to RD, D or NC.	Identifies lack of causal connection between rule and policy 5.2.3, a failure which extends to objectives 5.1.1, 5.2.1, 5.3.1; and then to WRPS 3.25, 3.26, 14.1, 14.2. Example – what is the link between WRPS 14.2.1(c) and the prohibition of subdivision.	Reject	7.2
FS1328.1	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree Discretionary Activity Status is adequate protection of high quality soils.	Reject	7.2
FS1386.35	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2
46.2	Marc ter Beek	Oppose	Delete Rule 22.4.3 Title Boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance.	Rule 22.4.3 unnecessarily limits the future development potential of the land. The rule prevents other future property owners to own part of a Significant Natural Area.	Reject	15.2
FS1323.125	Heritage New Zealand Pouhere Taonga	Oppose	That the amendments sought are declined.	HNZPT is concerned that the deletion of this rule will lead to adverse effects on Heritage items and Maaori sites and areas of significance at the time of subdivision. A non-complying activity status should be retained for activities that do not meet the restricted discretionary matters of assessment to avoid adverse effects on historic heritage.	Accept	15.2
61.1	Anthony Viner	Oppose	Delete Rule 22.4.1.2 RD1 (a)(ii) General Subdivision requiring a minimum of 20ha to subdivide in the Rural Zone.	The restriction of subdivision to lots larger than 20ha is inappropriate for small lots in areas already fragmented such as Summerfield Lane, Tamahere. None of the criteria in Policy 5.3.8 for rural zones are compromised by providing for smaller lots in areas such as this.	Reject	8.2
FS1353.26	Tuakau Proteins Limited	Oppose	Retain Rule 22.4.1.2 RD1 (a)(ii) General Subdivision requiring a	Amending this standard to enable smaller lots to be further subdivided is not in line with maintaining the productive capacity of rural productive land and may lead to reverse sensitivity issues with existing established land	Accept	8.2

			minimum of 20ha to subdivide in the Rural Zone.	uses.		
FSI353.27	Tuakau Proteins Limited	Oppose	Retain Rule 22.4.1.2 RD1 (a)(iv) The additional lot must have a proposed area of between 8,000m2 and 1.6ha.	Having such small lots within the Rural Zone may lead to reverse sensitivity issues with existing established land uses.	Accept	8.2
FSI386.46	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
61.2	Anthony Viner	Oppose	Amend Rule 22.4.1.2 RD1 (a)(iv) General Subdivision to reduce minimum lot sizes in the Rural Zone from 8,000m2-1.6ha to 5,000m2.	5000m2 is sufficient to maintain the values stated in Policy 5.3.8, and is the Waikato District conventional minimum lot size. In the specific case of the proposed subdivision it is already surrounded by many lots of about 5000m2.	Reject	8.2
FSI386.47	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
62.1	Tara Wrigley	Neutral/Amended	Amend Rule 22.4.1.6(j) Conservation lot subdivision by inserting a new row to the table regarding the Whaanga Coast as follows: Contiguous Area to be	The rule as proposed does not provide significant incentive to create additional legally protected conservation areas. The costs of doing so (approximately between \$35,000 and \$45,000) per ha for native planting plus fencing costs, and Council /Compliance costs) outweigh the return. There are unique opportunities on the Whaanga Coast to increase the area of land protected for conservation. Land use along this Coast is also changing from generating income from livestock, to	Reject	12.5

			legally protected (hectares): <u>Between 1ha and 2ha in areas within the Whaanga Coast</u> <u>Maximum number of new Records of Title:</u> <u>1</u>	generating income from events and tourism. An increase in the land protected for conservation would benefit this changing land use.		
62.2	Tara Wrigley	Not Stated	Amend the table in Rule 22.4.1.6(i) Conservation lot subdivision to increase the maximum number of titles in each row as follows: Less than 2ha in all other areas: 0 1 2ha to less than 5ha: 1 2 5ha to less than 10ha: 2 3 10ha or more: 3 4	The rule as proposed does not provide significant incentive to create additional legally protected conservation areas. The costs of doing so (approximately between \$35,000 and \$45,000) per ha for native planting plus fencing costs, and Council /Compliance costs) outweigh the return. There are unique opportunities on the Whaanga Coast to increase the area of land protected for conservation. Land use along this Coast is also changing from generating income from livestock, to generating income from events and tourism. An increase in the land protected for conservation would benefit this changing land use.	Reject	12.5
69.2	Lucy Stallworthy	Neutral/Amended	Amend Rule 22.4.1.6 Conservation lot subdivision which applies to the Hamilton Basin to the area around the northern boundary of the Waikato along the boundary with Auckland, particularly around the Tuakau, Puni, Mauku, south side of Pukekohe Hill area (Tramway / Settlement / Cameron Town Roads) to enable them to receive 1 new title in this area if they have between 1-2ha of Significant Natural Area protected. AND/OR Amend the fourth row in the table in Rule 22.4.1.6 Conservation	Submitter considers the rules should be amended as: There are a lot of small areas of bush / wetland and streams in this area that need protection but are not necessarily 2ha or greater in size. A rule such as that suggested by the submitter would provide an incentive to protect these natural area. This area is very highly developed already with market gardens, the natural areas that are remaining need to be protected. It is also an area that is already highly subdivided with lots of lifestyle properties so it makes sense to allow a little more subdivision in these areas provided the natural areas are preserved. The rural character would in fact be enhanced as it could lead to more areas not being turned into market gardens. By limiting to areas around watercourses / streams / wetlands would also lead to water quality improvements. Small natural areas provide a refuge for wildlife and if they are dotted around the area can be like a series of refuges for wildlife as they move around the area.	Reject	12.5

			lot subdivision to read as follows: 2.1ha to less than 5ha			
FS1386.56	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	12.5
70.2	Ben Stallworthy	Neutral/Amend	Amend Rule 22.4.1.6 Conservation Lot Subdivision, to allow for 1 new title around Pukekohe and Tuakau where there is 1-2 ha in a conservation area AND Amend Rule 22.4.1.6 Conservation Lot Subdivision, to allow the creation of new titles around Pukekohe and Tuakau where there is less than 1 ha in a conservation area, AND Amend Rule 22.4.1.6 Conservation Lot Subdivision, to enable creation of 2 new titles where there is a conservation area between 2-5ha.	There are a lot of small natural areas that need to be protected and this would encourage land owners to protect these areas. There is so much market gardening around this area and very little natural areas. Allowing two titles from protecting 2-5ha would encourage people to enlarge the small natural areas they do have. Enabling subdivision through planting around streams like the Puni/Mauku stream would encourage people to protect the stream. Many of the areas around Cameron Town/Settlement/Tramway Road are already subdivided with lifestyle blocks and market gardens. Need to allow more limited housing in exchange for protecting what naturalness is left and adding to it.	Reject	12.5
FS1386.58	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to	Accept	12.5

				include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
81.166	Waikato Regional Council	Support	Retain Rule 22.4.1.1 Prohibited subdivision.	The prohibited activity status for certain types of subdivision on high quality soils is supported noting WRPS Policy 14.2 and associated Implementation Method 14.2.1.	Accept in part	7.2
FS1287.4	Blue Wallace Surveyors Ltd	Oppose	Blue Wallace seek that the submission be rejected, and a more appropriate compromise be implemented.	The submission point is opposed as the Submitter contends the prohibition of land for subdivision is too heavy handed. It is considered that a co-operative approach would be more appropriate, and a more equitable solution could be developed.	Accept in part	7.2
FS1328.2	Kenneth Graham Barry	Oppose	Disallow the submission point in full.	These provisions can render lots incapable of reasonable use placing an unfair and unreasonable burden on landowners. WRPS Policy 14.2 seeks to avoid the decline in high class soils available for primary production. Avoidance is not prohibition and there should be scope to consider whether primary production is viable on the land in question. Similarly, Implementation Method 14.2.1 requires the "restriction," not prohibition, of development on high class soils. Avoidance and restriction can be adequately achieved by a Discretionary Activity Status. The Discretionary Activity Status will allow the Waikato District Council the ability to review individual circumstances: My property has been designated high class soils but it is hill country which cannot be profitably used for primary production. Implementation Method 14.2.1 (e)-(f) and the explanation to Policy 14.2 expressly address the situation where development on high class soils cannot be avoided. Prohibition therefore goes beyond what was envisaged by the WRPS.	Accept in part	7.2
FS1062.12	Andrew and Christine Gore	Oppose	Oppose and disallow submission point 81.166 relating to prohibited subdivision.	<ul style="list-style-type: none"> Prohibited subdivision does not allow for land owners who have had their land use impacted by large scale projects to develop their land. Unfair rule. 	Accept in part	7.2
FS1223.37	Mercury NZ Limited	Support		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
FS1330.12	Middlemiss Farm Holdings Limited	Oppose	Reject Submission.	The rule is too restrictive and will not promote the Purpose of the Act.	Accept in part	
81.167	Waikato Regional Council	Neutral/Amended	Amend Rule 22.4.1.2(a)(ii) General subdivision to	Rule 22.4.1.2 acknowledges the role of high class soils and to limit the extent of rural land fragmentation. As currently written a minimum 20ha lot size is required	Accept	8.2

			increase the subdivision threshold to 40ha.	before subdivision can be considered. In Rule 22.4.1.2 (a)(ii) a threshold set at 20 ha has the effect of increasing the area of land within the district for which subdivision may be permitted, thus increasing the potential for more fragmentation of rural land (and high class soils) than would otherwise be the case (with a 40 ha threshold). It may also lead to more diffuse rural residential development. This is inconsistent with policy 5.2.3(a) of the proposed plan around minimising the fragmentation of productive rural land.		
FS1020.1	Roger & Bronwyn Crawford on behalf of Roger & Bronwyn Crawford	Oppose	Oppose submission point 81.167.	General Lot Subdivision is a legacy rule from the Waikato District Plan - Waikato Section (WDP-W), which currently provides limited growth within the rural areas without prescriptive restrictions on protection of high-class soils. Rule 22.4.1.2(a)(v) introduces greater restrictions for subdivision of high-class soils after consideration of various options for rural subdivision that provides for demand of rural-residential living in the Rural Zone and avoids inappropriate fragmentation of high-class soils- as discussed in Section 32 report. Amending rule 24.4.1.2(a)(ii) to require a minimum lot size of 40 ha before being eligible to subdivide would be an effective tool to further restrict subdivision in the rural zone. However, its effectiveness in relation to the impact of limiting fragmentation of high-class soils vs. the need to provide for limited rural growth is not quantified.	Reject	8.2
FS1130.1	James Crisp Holdings & Ryedale Farm Partnership	Oppose	Reject submission and retain Rule 22.4.1.2 (a)(ii) as currently notified.	The provision for General Subdivision in the Rural Zone (as notified in the PWDP) is a legacy activity that has been adopted from the Operative Waikato District Plan (Waikato Section) (WDP-WS). As written, it is considered that the activity (and its associated standards) function appropriately to provide limited opportunities for growth in rural areas. In this submission it is mentioned that increasing the lot size threshold to 40ha is necessary to combat rural fragmentation as the 20ha threshold "has the effect of increasing the area of land within the district for which subdivision may be permitted, thus increasing the potential for more fragmentation of rural land (and high class soils) than would otherwise be the case (with a 40ha threshold)." This is erroneous reasoning given it cannot be concluded with any certainty that retaining the General Subdivision activity as notified would result in increased rural fragmentation. Furthermore, the comment refers to "increasing the area of land within the district for which subdivision may be permitted," this is a strange comment given a large area of the Waikato District is currently subject to the WDP-WS provisions. On this basis it is thought that increasing the minimum lot size requirement to 40ha is not necessary and that rural fragmentation is sufficiently addressed through other methods.	Reject	8.2
FS1287.5	Blue Wallace Surveyors Ltd	Oppose	Blue Wallace seek the submission point be declined in full.	This will further restrict the ability for farmers to be able to retain rural lifestyle following retirement (succession planning). The 20ha area is considered to be appropriate.	Reject	8.2
FS1328.3	Kenneth Graham Barry	Oppose	Disallow the submission point	Having a Restricted Discretionary minimum lots size of 20ha is too restrictive let alone 40ha. The	Reject	8.2

			<i>in full.</i>	<i>submission point fails to consider the commercial realities of primary production and does not promote sustainable management.</i>		
FSI223.38	Mercury NZ Limited	Support		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
FSI330.13	Middlemiss Farm Holdings Limited	Oppose	Reject Submission.	The increase from 20ha is overly restrictive and will limit opportunities for more intensive productive activities. While the WRC is concerned about the fragmentation of productive land, arguably a more significant issue in the District is the dramatic loss of biodiversity and the fragmentation of natural values and patterns e.g. around the waterways.	Reject	8.2
FSI333.18	Fonterra Limited	Support	Allow the relief.	For the reasons stated in the submission.	Accept	8.2
FSI308.145	The Surveying Company	Oppose		No reasoning is provided as to why a 40ha requested minimum should apply. The General Subdivision provisions allowing for the creation of a greater number of small rural lots will only provide additional subdivision rights to a limited number of properties in the former Franklin area of the Waikato District. The 20ha minimum is sufficient to maintain the existing rural production activity on the balance and maintain rural character and amenity values.	Reject	8.2
81.168	Waikato Regional Council	Neutral/Amended	Amend Rule 22.4.1.2(a)(v) General subdivision to clarify that a property scale/site specific Land Use Capability Assessment is required.	In Rule 22.4.1.2(a)(v) it is important that the Land Use Capability Assessment be prepared at a suitable scale to reflect the specific property or properties. An assessment using regionally available data will not be sufficient to assess the class of soils on a site.	Accept	8.2
FSI223.39	Mercury NZ Limited	Support		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2

FS1330.14	Middlemiss Farm Holdings Limited	Oppose	Reject Submission.	The proposed changes ignore the benefits of incentive based enhancement subdivision in appropriate locations to restore fragmented ecological patterns and biodiversity in rural areas.	Reject	8.2
FS1308.146	The Surveying Company	Oppose		No reasoning is provided as to why a 40ha requested minimum should apply. The General Subdivision provisions allowing for the creation of a greater number of small rural lots will only provide additional subdivision rights to a limited number of properties in the former Franklin area of the Waikato District. The 20ha minimum is sufficient to maintain the existing rural production activity on the balance and maintain rural character and amenity values.	Reject	8.2
81.169	Waikato Regional Council	Neutral/Amend	Amend Rule 22.4.1.2(a)(v) General subdivision to provide for a minimum of 90% high class soils in the parent lot, and a maximum of 10% high class soils in the child lot.	Rule 22.4.1.2(a)(v) also seeks that one lot must contain a minimum of 80% of the high class soils, while the other lot may consist of up to 20% of high class soils. Clarification is needed that the parent lot is required to have the higher percentage of high class soils. To more effectively give effect to objectives and policies regarding high class soils a higher level of high class soils should be retained in the parent lot, and a 90%/10% split should apply.	Reject	8.2
FS1328.4	Kenneth Graham Barry	Oppose	Disallow the submission point in full.	The proposed provision is arbitrary and unduly restrictive and the amendment sought by the submitter is even more unduly restrictive.	Reject	8.2
FS1223.40	Mercury NZ Limited	Support		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
FS1330.15	Middlemiss Farm Holdings Limited	Oppose	Reject Submission.	The proposed changes ignore the benefits of incentive based enhancement subdivision in appropriate locations to restore fragmented ecological patterns and biodiversity in rural areas.	Accept	8.2
FS1308.147	The Surveying Company	Oppose		Adherence to this blunt rule irrespective what the percentages are will be at the expense of rural character and amenity, farm management and landscape. Site-specific subdivision layout and design which considers the actual operation of the primary production activity, physical features, topography, reverse sensitivity and access should all be considered in the subdivision design and layout. The requirement to retain 90% of the high-class soils within the parent site does not account for sites where there are only small pockets of high-class soil identified. While these areas may be considered to be Class 1-3 based on topography, soil type and climate, these areas may be too small to be used for a wide range of production activities and therefore not versatile – i.e.	Accept	8.2

				<p><i>suitable for a wide range of uses. The presence of high-class soils, their availability to support a wide range of primary production activities should be factored into a substantive assessment together with other considerations for rural subdivision such as landscape. We are of the opinion that consideration of high-class soils is important but are more appropriately addressed through assessment criteria for general subdivision.</i></p>		
81.170	Waikato Regional Council	Neutral/Amended	Add to 22.4.1.2(b) General subdivision the matters of discretion to include the availability of water supply, wastewater services and stormwater management.	There is no assessment criteria relating to water supply, wastewater services and stormwater management. This should be included to promote the integration of infrastructure and land use and subdivision, giving effect to WRPS Policy 6.3.	Accept	8.2
FS114.1	Fire and Emergency New Zealand	Support		FENZ supports this submission to include the availability of water supply as a matter of discretion under the General Subdivision Rule 22.4.1.2(b). This supports FENZ's submission to amend this provision seeking the provision of infrastructure, including water supply for firefighting purposes under Rule 22.4.1.2(b) be included as a matter of discretion.	Accept	8.2
FS1371.2	Lakeside Development Limited	Support	Lakeside development seeks that the submission made by Waikato Regional Council in relation to including storm water management as an assessment criterion be allowed.	Will promote the sustainable management of resources and will achieve the purpose of the RMA. Will enable the well-being of the community. Will meet the reasonably foreseeable need of future generations. Will enable the efficient use and development of the district's assets. Will represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means. Storm water management is obviously a key aspect of the development of Lakeside. LDL accepts this and supports the submission.	Accept	8.2
FS1062.13	Andrew and Christine Gore	Oppose	Seek to disallow submission point 81.170.	• It is important to take into account that some development will advantaged with own water/waste management.	Reject	8.2
FS1176.16	Watercare Services Ltd	Support		Watercare supports this submission point and agrees that water supply, wastewater services and stormwater management should be matters for discretion/assessment criteria.	Reject	8.2
81.171	Waikato Regional Council	Neutral/Amended	Add to Rule 22.4.1.5 (b) Rural Hamlet Subdivision the matters of discretion to include the availability of water supply, wastewater services and stormwater management.	There is no assessment criteria relating to water supply, wastewater services and stormwater management. This should be included to promote the integration of infrastructure and land use and subdivision, giving effect to WRPS Policy 6.3.	Accept	11.2

FS1114.2	Fire and Emergency New Zealand	Support		FENZ supports this submission to include the availability of water supply as a matter of discretion under the Rural Hamlet Subdivision Rule 22.4.1.5(b). This supports FENZ's submission to amend this provision seeking the provision of infrastructure, including water supply for firefighting purposes under Rule 22.4.1.2(b) be included as a matter of discretion.	Accept	11.2
FS1371.3	Lakeside Development Limited	Support	Lakeside development seeks that the submission made by Waikato Regional Council in relation to including storm water management as an assessment criterion be allowed.	Will promote the sustainable management of resources and will achieve the purpose of the RMA. Will enable the well-being of the community. Will meet the reasonably foreseeable need of future generations. Will enable the efficient use and development of the district's assets. Will represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means. Storm water management is obviously a key aspect of the development of Lakeside. LDL accepts this and supports the submission.	Accept	11.2
FS1176.17	Watercare Services Ltd	Support		Watercare supports this submission point and agrees that water supply, wastewater services and stormwater management should be matters for discretion/assessment criteria.	Accept	11.2
FS1308.148	The Surveying Company	Support		We support this submission point.	Accept	11.2
81.172	Waikato Regional Council	Neutral/Amend	Amend Rule 22.4.1.4 Boundary relocation to reduce the scope for inappropriate sized subdivision that does not provide for a suitable minimum size for productive rural activities.	The rule as currently written could potentially provide for lots through boundary adjustment that are neither smaller rural residential sized lots, nor suitably sized to provide for productive rural activities. This is not consistent with the policy framework of either the WRPS or the objectives and policies in the Proposed Waikato District Plan.	Reject	10.4
FS1131.49	The Village Church Trust	Oppose	Reject the submission point.	WRC is seeking to amend Rule 22.4.1.4 Boundary relocation to reduce the scope for inappropriate sized subdivision that does not provide for a suitable minimum size for productive rural activities. There are circumstances where productive rural activities are no longer feasible and the purpose of the RMA would not be achieved by the amendment sought.	Accept	10.4
FS1379.14	Hamilton City Council	Support		HCC supports WRC in relation to requiring changes to the subdivision rules. HCC opposes plan provisions that increase subdivision opportunities in the Rural or CLZ.	Reject	10.4
FS1386.66	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate	Accept	10.4

				significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
FS1308.149	The Surveying Company	Oppose		We oppose the requirement for minimum lot size as specified by this submission point. In our experience boundary relocations are generally specific to the primary production activity on the property and boundary relocations are usually undertaken in support of these activities. Site-specific consideration is preferred over a minimum site size requirement. The amalgamation of lots and the creation of a small rural residential sized lot (.8-1.6ha) also has a positive benefit and potentially increasing the productivity of the balance.	Accept	10.4
81.173	Waikato Regional Council	Neutral/Amended	Amend Rule 22.4.1.5(v) Rural Hamlet Subdivision to provide for a minimum 40ha balance lot.	A threshold set at 20 ha has the effect of increasing the area of land within the district for which subdivision may be permitted, thus increasing the potential for more fragmentation of rural land (and high class soils) than would otherwise be the case (with a 40 ha threshold). It may also lead to more diffuse rural residential development. This is inconsistent with policy 5.2.3(a) of the Proposed Plan around minimising the fragmentation of productive rural land.	Accept	11.2
FS1170.1	Bhaady Miller and Simon Upton	Oppose	Contrary to the Regional Council's assertion, increasing the proposed balance lot size to 40ha is likely to perpetuate existing fragmentation. There are many farms with several titles whose owners have resisted the temptation to sell these lots. The idea of rural hamlets provides a pragmatic way of preserving some of the value associated with those small lots whilst achieving the amalgamation of existing titles. Far from increasing the potential for fragmentation, a 40ha threshold would almost certainly ensure that at some future point open rural land will be broken up. The proposal almost certainly penalizes		Reject	11.2

			landowners that have maintained the rural character of their land while those around them have subdivided benefiting from earlier less restrictive rules.			
FS1287.6	Blue Wallace Surveyors Ltd	Oppose	Blue Wallace seek that the submission point be rejected and the current 20ha area be retained as written.	The submitter opposes this submission point as it will increase the lot size requirement and restrict farmers ability to retain rural lifestyle following retirement (i.e., succession planning). The 20ha area is appropriate.	Reject	11.2
FS1330.16	Middlemiss Farm Holdings Limited	Oppose	Reject Submission.	The proposed changes ignore the benefits of incentive based enhancement subdivision in appropriate locations to restore fragmented ecological patterns and biodiversity in rural areas.	Reject	11.2
FS1379.15	Hamilton City Council	Support		HCC supports WRC in relation to requiring a larger minimum balance lot size. HCC opposes plan provisions that increase subdivision opportunities in the Rural or CLZ. The relief sought will reduce the number of properties that can undertake this type of subdivision and therefore minimise land fragmentation in Hamilton's Area of Interest.	Accept	11.2
FS1308.150	The Surveying Company	Oppose		No reasoning is provided as to why a 40ha requested minimum should apply. The 20ha minimum is sufficient to maintain the existing rural production activity on the balance and maintain rural character and amenity values.	Reject	11.2
81.174	Waikato Regional Council	Support	Retain Rule 22.4.1.6 Conservation lot subdivision.	The submitter is supportive of mechanisms that incentivise the protection and enhancement of SNA's. This is consistent with Implementation Method 11.1.8 of the WRPS.	Accept in part	12.4
FS1138.32	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	Transferable development rights incentivise the protection of SNA's, or ecological areas meeting those criteria of significance, whether mapped or not.		Accept in part	12.4
FS1315.19	Lochiel Farmlands Limited	Support		Is consistent with LFL's position to generally support the provisions of Rule 22.4.1.6.	Accept in part	12.4
81.175	Waikato Regional Council	Neutral/Amend	Amend Rule 22.4.5 Subdivision within identified areas to make subdivision of land containing a Significant Natural Area that is not a conservation lot subdivision, a discretionary activity.	Subdivision of land containing an SNA could be considered a restricted discretionary activity under Rule 22.4.1.2 (if the conservation lot opportunity is not taken up). However, for other overlay areas subdivision is a discretionary activity under Rule 22.4.5. In order to manage the effects of subdivision and any subsequent land use activities on SNA's it is considered that a discretionary activity status is more appropriate. This would give effect to Policy 11.1 and 11.2 and associated implementation methods in the WRPS.		

FS1330.17	Middlemiss Farm Holdings Limited	Oppose	Reject Submission.	RDA is an appropriate activity status to meet the Purpose of the Act.		
87.1	Dianne O'Hara	Oppose	Amend the Proposed District Plan to enable subdivision of the property at 261C Rotowaro Road Huntly, into smaller lots.	To make the property more productive in the future.	Reject	23.1
102.1	Lawrence and Audrey Cummings on behalf of Waiawa Downs Ltd	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Amend the 1.6ha maximum lot size in Rule 22.4.1.2 General Subdivision (specific amendments not stated in the submission).	To have greater flexibility for establishing a range of rural activities within the new lot.	Reject	8.2
1386	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
102.2	Lawrence and Audrey Cummings on behalf of Waiawa Downs Ltd	Support	Retain Rule 22.4.1.6 Conservation lot subdivision in its entirety.	No reasons provided.	Accept in part	12.4
106.3	Bruce and Dorothy Chipman	Oppose	Amend the activity status of Rule 22.4.1.1 PR2 Prohibited subdivision, from Prohibited to a Non-Complying Activity.	There may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies, particularly with regards to rural character and landscape.	Accept in part	8.2
FS1062.18	Andrew and Christine Gore	Support	Seek to allow submission point 106.3.	<ul style="list-style-type: none"> This is important to allow subdivision where high class soils can no longer be used for production. 	Accept in part	8.2

FSI 129.40	Auckland Council	Oppose			Accept in part	8.2
FSI 386.80	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
106.4	Bruce and Dorothy Chipman	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, to replace "lot" with "Record of Title or consented lot".	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur where a stream or a public road bisects land held together in one Record of Title.		
FSI 386.81	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
106.5	Bruce and Dorothy Chipman	Support	Retain Rule 22.4.1.2 (a)(i) – (ii) General Subdivision.	Submitter supports the inclusion of General Subdivision rules.	Accept in part	8.2
FSI 386.82	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
106.6	Bruce and Dorothy Chipman	Neutral/Amended	Add a performance standard to Rule	General Subdivision creating a child lot around an existing dwelling should be able to be smaller than 8,000m ² . Where	Reject	8.2

			22.4.1.2 (a)(iv) General Subdivision that allows for smaller lots around existing dwellings that follow the fenced curtilage, driveway, effluent disposal and any reserve area.	curtilage is established and a farming regime in place, flexibility in lot size should be provided to ensure that the existing farming regime can continue.		
FS1386.83	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
106.7	Bruce and Dorothy Chipman	Oppose	Delete Rule 22.4.1.2 (a)(v) General Subdivision, in relation to the 80/20 provision for high class soil.	The submitter agrees with the intent of this rule, which is to design subdivision to avoid the fragmentation and loss of the high class soils. The strict and arbitrary 80/20 requirement may not necessarily result in the best layout, design or environmental outcome for the site. Would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The requirement to include Landuse Capability Reporting with every subdivision under the General Provisions becomes an additional compliance cost that does not result in a better outcome. There is no analysis in the s32 report as to why the 80/20 rule was chosen as a method.	Reject	8.2
FS1379.22	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	8.2
FS1386.84	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner	Accept	8.2

				<i>to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
106.8	Bruce and Dorothy Chipman	Neutral/Amended	Add the following matter of discretion to Rule 22.4.1.2 General Subdivision, as follows: <u>(b)(vii) effects on rural productivity and fragmentation of high class soils.</u>	Council's planners should be able to have discretion of where these are required to adequately assess the effects of the subdivision. Would like to see matters relating to the retention of high class soils and the maintenance of productivity /farming systems addressed as a matter of discretion for the General Subdivision provisions.	Accept	8.2
FS1386.85	Mercury NZ Limited for Mercury C	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	8.2
106.9	Bruce and Dorothy Chipman	Neutral/Amended	Amend Rule 22.4.1.4 Boundary Relocation, to read as follows: (a) The boundary relocation must: (i) Relocate a common boundary or boundaries between two <u>or more</u> existing Records of Title <u>or consented</u> lots that existed prior to 18 July 2018...	Support the inclusion of boundary relocation provisions. Support flexibility to allow rural properties to rationalise large landholdings. Would like provision made for the relocation of the boundaries of adjacent and consented lots and Records of title held in common ownership. This could be achieved by allowing consented lots to be relocated under the Boundary Relocation and Rural Hamlet Subdivision Rules.	Reject	10.5
FS1386.86	Mercury NZ Limited for Mercury C	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	10.5

106.10	Bruce and Dorothy Chipman	Neutral/Amended	Amend Rule 22.4.1.5 Rural Hamlet Subdivision as follows: (a) Subdivision to create a Rural Hamlet must comply with all of the following conditions: ... (iii) Each proposed lot has a minimum area of <u>5,000m²</u> <u>8,000m²</u> . (iv) Each proposed lot has a maximum area of <u>1.0ha</u> <u>1.6ha</u> . (b) Council's discretion is restricted to the following matters: ... (vi) <u>Effects on rural productivity and fragmentation of high class soils.</u>	Allow for relocation of consented General Lots within a continuous landholding as part of a Rural Hamlet, where farmers have multiple titles. Would have positive outcomes through the provision of shared infrastructure and maintenance of the production systems. It will limit the wide dispersal of lots and enable subdivision layout to account for effects from intensive farming or mineral extraction activities. Rural hamlets can be difficult to achieve in reality and hamlet design needs to specifically respond to the site circumstances and it may be more appropriate to have smaller size lots to ensure the benefits of Hamlet design are achieved. The design guide should ensure that a response to the landscape context is more important than meeting performance standards relating to lot size and should allow for a reduction in the lot size. Rural Character and amenity values will be maintained by the 20ha + balance surrounding the Hamlet. Five lots at 1.6ha would take up 8ha of land and would visually result in dispersed rural housing and not a Hamlet and would result in a loss of productive land.	Reject	11.2
FS1386.87	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	11.2
106.11	Bruce and Dorothy Chipman	Neutral/Amended	Add the following matter of discretion to Rule 22.4.1.4 Boundary Relocation: (v) <u>Effects on farm management and productivity.</u>	Support the inclusion of boundary relocation provisions. Support flexibility to allow rural properties to rationalise large landholdings. Would like provision made for the relocation of the boundaries of adjacent and consented lots and Records of title held in common ownership. This could be achieved by allowing consented lots to be relocated under the Boundary Relocation and Rural Hamlet Subdivision Rules.	Accept	10.6
FS1386.88	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to	Reject	10.6

				<i>include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
171.3	Louis (Luke) Faesenkloet	Support	Retain Rule 22.4.1.2 NCI General subdivision, where subdivision that does not comply with Rule 22.4.1.2 (RD1) is a non-complying activity.	Non-complying activity status is more appropriate than prohibited activity status.	Accept	8.2
<i>FS1386.149</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	<i>Reject</i>	<i>8.2</i>
171.4	Louis (Luke) Faesenkloet	Neutral/Amend	Amend Rule 22.4.1.4 (RD1) Boundary Relocation to ensure that a boundary relocation can occur in relation to the submitter's property in McWatt Road, where the smallest title is 9965m2 and the two titles are currently separated by an unformed paper road (see screen shot attached to submission).	The submitter's smallest title on 130 McWatt Road is separated from our other nearest title by way of a paper road. The location of the paper roads will make development of this smallest site difficult, particularly given the building setback requirements from roads for habitable buildings. As a result, the submitter is seeking that the boundary relocation provisions be adjusted to enable them to relocate the boundaries between the smallest title and the next closest title, notwithstanding that there is currently a paper road separating the two titles. The submitter will approach the Council about potentially stopping one part of the paper road.	Reject	23.1
<i>FS1386.150</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner</i>	<i>Accept</i>	<i>23.1</i>

				<i>to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
197.30	Jeska McHugh for NZ Pork	Neutral/Amended	Retain Rule 22.4.9 RDI Subdivision - Building platform, insofar as it requires a specified building platform for proposed lots AND Add a new matter of discretion to Rule 22.4.9 RDI Subdivision – Building platform, as follows: <u>(b) (vii) The relationship of the building platform and future use of the site with surrounding rural production activities and measures to avoid for reverse sensitivity effects.</u>	The requirement for a specified building platform for a proposed lot is supported. The matters of discretion need to be expanded to consider the relationship of the building platform and future use of the site with surrounding rural production activities.	Accept in part	21.2
FS1388.15	<i>Combined Poultry Industry on behalf of The Poultry Industry Association of NZ; Inghams Enterprises (NZ) Ltd; Brinks NZ Chicken; The Egg Producers Federation of NZ; and Tegel Foods Ltd</i>	Support		<i>For the reasons set out in CPI submission.</i>	Accept in part	21.2
FS1386.207	<i>Mercury NZ Limited for Mercury C</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	21.2
273.5	Russell Luders	Oppose	No specific decision sought, but submission	Boundaries must be determined by topography, and some Significant Amenity Landscapes already have property	Reject	14.2

			opposes the restrictions in Rule 22.4.2 RDI (a) Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas.	boundaries through them.		
FS1386.279	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	14.2
273.6	Russell Luders	Oppose	No specific decision sought, but submission opposes the restrictions in Rule 22.4.3 RDI (a) Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance.	Boundaries must be determined by topography, and some Significant Natural Areas already have property boundaries through them.	Reject	15.2
FS1323.126	Heritage New Zealand Pouhere Taonga	Oppose	That the amendments sought are declined.	HNZPT is concerned that the deletion of this rule will lead to adverse effects on Heritage items and Maaori sites and areas of significance at the time of subdivision. A non-complying activity status should be retained for activities that do not meet the restricted discretionary matters of assessment to avoid adverse effects on historic heritage.	Accept	15.2
273.7	Russell Luders	Oppose	Delete Environmental Protection Areas from all of the Proposed District Plan, including Rule 22.4.6 Subdivision of land containing	Environmental Protection Area is not defined. There is no apparent reason for having both Significant Natural Areas and Environmental Protection Areas.	Reject	18.2

			all or part of an Environmental Protection Area.			
273.12	Russell Luders	Neutral/Amended	No specific decision is sought, but the submission opposes Rule 22.4.1.6 RD1 (a) Conservation Lot Subdivision.	If the Waikato District Council is intent on defining a piece of the submitter's land as being of public interest, then those public benefits should be accounted for by a transaction. If perceived value of conservation lots are assessed on a per hectare basis, then the real ongoing costs and liabilities to landowners must be calculated and compensated on a per hectare basis. All conservation lots, regardless of size will require an ongoing commitment and liability to the landowners for maintenance and management. All Significant Natural Areas should be eligible for compensation which is in proportion to the size of the Significant Natural Area and its' conservation lot. Many landowners do not wish to subdivide their land, or their land is unsuitable for subdivision, therefore a subdivision incentive is not an option. Monetary compensation must be offered.	Reject	12.3
276.8	Ted and Kathryn Letford	Oppose	Delete the Prohibited Activity Status from Rural subdivision rules (Rule 22.4.1.1 Prohibited Subdivision).	Many farmers want the right to split off a block that can be used for family members to build on or to sell during hard times and generate some income. If the record of title is large (over 20ha) then splitting off a small block (for example between 2500m2 and 5000m2) has minimal effects on losing those high quality soils. The Plan should allow this. Similarly, if the record of title is small to begin with (less than 4ha) and is not a viable productive rural block, then splitting off a small block as per above, is not going to result in a loss of productive land. The Plan should allow this. Prohibited activity status is too restrictive.	Reject	7.2
FS1328.5	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree that if the record of title is large (over 20ha) then splitting off a block between 2500m2 and 5000m2 has minimal effect. Agree that Prohibited Activity Status is too restrictive.	Reject	7.2
FS1386.285	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2

276.9	Ted and Kathryn Letford	Oppose	Amend Rule 22.4.1.2 RDI (a) (iv) General Subdivision to reduce the size of the additional lot.	This is too large. Area should be smaller and rural blocks left in larger holdings. People want a small block and do not want to maintain a block size up to 1.6ha.	Reject	8.2
FSI268.6	Jennie Hayman	Support	Support/Oppose in part. Delete references to arbitrary minimum size thresholds, and to arbitrarily set subdivision dates, and develop criteria to assess the effects of subdivision on values that are trying to be retained and/or enhanced. This requires that these values are first identified, i.e. what is meant by "rural character" and several other sound bites that are repeated, seemingly accepted, but never defined (except perhaps in case law?).	Identifies blunt instrument (method) used to achieve objectives and policies noted above, i.e. restricting subdivision to large land holdings (20ha) has the opposite effect i.e. "fragmentation" of large holdings, while small holdings, allegedly not "viable" for primary productive purposes, remain so, yet are prohibited from performing any alternative function/s.	Reject	8.2
FSI328.6	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree that a lot size of between 8,000m2 and 1.6ha is too large.	Reject	8.2
FSI386.286	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
276.12	Ted and Kathryn Letford	Oppose	No specific decision sought, but submission considers Rule 22.4.1.2 RDI (a)(v) is too restrictive to enable subdivision based on soil type and will create difficulty in excessive	Too restrictive to enable subdivision based on soil type. If additional lots are sufficiently small, this will minimise loss of productive land. Requirement will create difficulty in extensive assessment reports having to test right across the title in order to quantify the two lots in terms of high class soils.	Reject	8.2

			assessment reports having to test the entire property.			
FS1386.288	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
276.13	Ted and Kathryn Letford	Neutral/Amended	Amend Rule 22.4.1.4 RDI (a)(iv) Boundary relocation, for the lots to be smaller than 8000m2. AND Retain the absence of the requirement for boundary relocation titles to be held in common ownership in Rule 22.4.1.4 Boundary relocation.	Rural farmers do not want to lose too much land, but want ability for smaller blocks. Support removing requirement for boundary relocation titles to be held in common ownership, which is an improvement on the Operative District Plan.	Accept in part	10.2
FS1386.289	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.2
276.14	Ted and Kathryn Letford	Neutral/Amended	Amend Rule 22.4.1.5 RDI (a) (iii) Rural Hamlet Subdivision to reduce the 8000m2 minimum area requirement.	Support in principle. Should be provision for smaller blocks. Will retain rural balance blocks in larger holdings.	Reject	11.2
FS1379.56	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land	Accept	11.2

				<i>fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.</i>		
276.15	Ted and Kathryn Letford	Neutral/Amended	Amend Rule 22.4.1.6 RDI (vi) and (vii) Conservation lot subdivision, to enable smaller lots.	Support in principal. The minimum lot size is too large at 8000m ² . Provision to cater for smaller lots should be available and will result in larger balance rural land blocks.	Reject	12.6
276.16	Ted and Kathryn Letford	Support	Retain Rule 22.4.9 Subdivision - Building Platform. AND Retain the number of car parks for a dwelling in Table 14.12.5.7 Required parking spaces and loading bays.	Support the number of car parking spaces for the dwelling. This is an improvement on the Operative District Plan, requiring one parking space per bedroom.	Accept in part	21.2
279.1	Robbie Bennett	Neutral/Amended	Amend Rule 22.4.1.6 (a) (vi) Conservation lot subdivision to allow for a minimum lot size of 5,000m ² .	5,000m ² lot size still retains rural character. Subdivision of properties that contain indigenous vegetation need good incentive to protect, and 5,000m ² would encourage this. There are properties west of Ngaruawahia, that often have a LUC of 4-6e. Class 1-3e soils would still be protected. The Country Living Zone allows for properties to have a minimum lot size of 5,000m ² . By allowing 5,000m ² there is more potential to support the rural communities, (in particular rural schools). There are Rural Zoned properties on sealed roads within 10km of a township (eg Ngaruawahia). More rates to contribute to the maintenance of the roads. The neighbouring council of Waipa allows for 5,000m ² which will mean Waikato District will be consistent with our neighbouring council.	Reject	12.6
302.29	Jeremy Talbot for Barker & Associates Limited on behalf of EnviroWaste New Zealand Limited	Oppose	Delete from Section 22.4 Subdivision the arbitrary title date from all rules. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in	There is no justification to have an arbitrary title date for further subdivision or boundary adjustments. Potential fragmentation issues can be dealt via other less arbitrary mechanisms.	Reject	8.2

			the submission.			
FS1268.7	Jennie Hayman	Support	Support. Delete arbitrary dates and prohibited activity status from the rural subdivision chapter and develop methods which give effect to (s5) sustainable resource management principles, including providing for s6 requirements, i.e. a more nuanced suite of objectives, policies and rules.	Identifies failure of the approach which uses arbitrary dates, and prohibited activity status, amongst other non-sequiturs to address effects on natural and physical resources.	Reject	8.2
FS1379.66	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	8.2
FS1386.346	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
302.30	Jeremy Talbot for Barker & Associates Limited on behalf of EnviroWaste New Zealand Limited	Oppose	Delete Rule 22.4.1.1 Prohibited Subdivision so there is no prohibited subdivision activity. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.	Effects on soil classification can be managed in other ways (i.e. objectives and policies) which are far more consistent with an "effects based" approach to resource management.	Reject	7.2
FS1328.7	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree that soil classification can be managed in other ways which are more consistent with an effects based approach as required under the RMA 1991.	Reject	7.2

FS1308.12	The Surveying Company	Support		We agree that high-class soils can be adequately protected through the objectives and policies and Non-Complying Activity status.	Accept	7.2
FS1386.347	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2
302.31	Jeremy Talbot for Barker & Associates Limited on behalf of EnviroWaste New Zealand Limited	Neutral/Amend	Amend Rule 22.4.1.6 Conservation lot subdivision to take into account enhancement planting for the total area to be protected. AND Amend the Proposed District Plan to make consequential amendments or additional amendments to address the matters raised in the submission.	There is a significant environmental benefit to be obtained from enhancement planting, particularly to "join up" areas of SEA (and other non-identified features).	Accept in part	12.3
FS1287.11	Blue Wallace Surveyors Ltd	Support	Blue Wallace seek that the submission point be allowed in full.	The Submitter supports his submission point as it recognises that there is environmental benefit to extending significant areas of vegetation and this should be acknowledged in the District Plan.	Accept in part	12.3
311.4	Harpal Singh-Sandhu	Neutral/Amend	Amend Rule 22.4.1.1 PR1 Prohibited subdivision, to be a non-complying activity.	It is acknowledged that the high-class soils should be protected for rural land use practices. Inappropriate subdivision and land use should be directed away from locations/properties with high-class soils to ensure that the rural capabilities of the land are retained. There are pockets of land that are considered high class soils, however they cannot be easily used to support the overall operation of a rural land use and activity. This results in an inefficient use of a resource that could otherwise be used to provide properties and housing for members of the community that are not directly employed in rural businesses, but support other business and institutions (e.g. schools, stores) within the local community. It is supported that high-class soils be protected, however it should not be considered a prohibited activity, particularly because such subdivision may be considered appropriate in various circumstances. Therefore, such	Accept	7.2

				proposed subdivision should be considered a non-complying activity.		
FS1131.7	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks amendment to Rule 22.4.1.1 PR1 Prohibited subdivision, to be a non-complying activity. This is supported because the prohibited status is too restrictive and adequate RMA outcomes can be achieved through non-complying status.	Accept	7.2
FS1062.23	Andrew and Christine Gore	Support	Allow submission point 311.4 in its entirety.	<ul style="list-style-type: none"> Varying circumstances need to be considered in regard to subdivision and high class soils. The activity should not be prohibited. 	Accept	7.2
FS1129.41	Auckland Council	Oppose			Reject	7.2
FS1308.15	The Surveying Company	Support		We support this submission and agree with the comments.	Accept	7.2
FS1386.374	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	7.2
311.5	Harpal Singh-Sandhu	Neutral/Amended	Amend Rule 22.4.1.1 PR4 Prohibited subdivision to be a non-complying activity.	<p>It is acknowledged that the high-class soils should be protected for rural land use practices. Inappropriate subdivision and land use should be directed away from locations/properties with high-class soils to ensure that the rural capabilities of the land are retained.</p> <p>There are pockets of land that are considered high class soils, however they cannot be easily used to support the overall operation of a rural land use and activity. This results in an inefficient use of a resource that could otherwise be used to provide properties and housing for members of the community that are not directly employed in rural businesses, but support other business and institutions (e.g. schools, stores) within the local community.</p> <p>It is supported that high-class soils be protected, however it should not be considered a prohibited activity, particularly because such subdivision may be considered appropriate in various circumstances. Therefore, such proposed subdivision should be considered a non-complying activity.</p>	Reject	7.2
FS1129.42	Auckland Council	Oppose			Accept	7.2
FS1308.16	The Surveying Company	Support		We support this submission and agree with the comments.	Reject	7.2
FS1386.375	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is	Accept	7.2

				<p>therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
312.2	Brian Putt for Metro Planning Ltd	Oppose	Amend Rule 22.4.1.1 Prohibited subdivision, by deleting all references to a prohibited activity.	A prohibited activity status for subdivision represents an abrogation of resource management principles in respect of land use, development and subdivision in the Rural Zone. Subdivision is the principal method for providing for land use activity in the Rural Zone that achieves the economic, social and cultural well-being of the rural community. This is achieved through the underlying creation of titles providing for rural investment. Planning cannot predict the future opportunities for rural investment and therefore must leave subdivision available as a technique for achieving the purpose of the RMA. The prohibited activities provisions in Rule 22.4.1 have no foundation in the objectives and policies of the district plan. Prohibited activities are not mentioned in Chapter 5. Accordingly, providing for prohibited activity subdivision is contrary to the purpose of the RMA, in particular section 5.	Reject	7.2
FS1131.8	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks amendment to Rule 22.4.1.1 Prohibited subdivision, by deleting all references to a prohibited activity. This is supported because the prohibited status is too restrictive and adequate RMA outcomes can be achieved through less activity categories.	Reject	7.2
FS1328.8	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree with the reasoning of the submitter.	Reject	7.2
FS1287.12	Blue Wallace Surveyors Ltd	Support	Blue Wallace seek that the submission point be allowed in full.	The Submitter supports this submission point, requesting the activity status be converted to noncomplying, as the subdivision is unnecessarily heavy handed by Council and precludes collaboration.	Reject	7.2
FS1308.17	The Surveying Company	Support		We support this submission point and the reasons provided by this submitter.	Reject	7.2
323.1	Dorothy Chipman	Neutral/Amended	No specific decision sought, but submission states support in part for rule 22.4.1.4 Boundary relocation and expresses desire to be able to relocate a boundary within one farming property from the Waikato area to the	Submitter has 3 titles adjacent to each other, 2 covered under the Waikato and 1 under the Franklin District Council. Would like to move a title which can be created from the Waikato area to the Franklin area. Have gone to considerable unnecessary expense to try and relocate the extra title to the Franklin area. Will allow retention of a large land holding more suitable for productive farming by keeping titles in a small rural hamlet together and leaving remaining titles in a productive farming enterprise and make landholdings larger. Unfairly restrained by boundary relocation due to being situated over 2 differing councils with a	Reject	10.2

			Franklin area.	paper road bisecting the property. There will be a definite advantage in keeping productive soils from subdivided by keeping land together under a boundary relocation.		
FS1386.376	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
330.3	Andrew and Christine Gore	Support	Retain Rule 22.4.1.6 Conservation lot subdivision, allowing an extra subdivision right to protect ecological areas and for the contiguous area to be determined by an experienced and suitably qualified ecologist.	No reasons provided.	Accept in part	12.4
FS1386.428	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	12.4
330.138	Andrew and Christine Gore	Oppose	Amend Rule 22.4.1.1 PR1 Prohibited subdivision to not apply to land that is fragmented by projects the council supports, in particular by other publicly driven projects such as	The submitters are in a Rural Zone, and should be able to subdivide a rural subdivision and build a business that supports the Rural Zone. As a property owner that has been fragmented by NZTA/Alliance roading projects, the submitters are no longer able to produce off the land. As a property owner under a future Urban Zone, the submitters cannot intensively farm the land with agriculture. The submitters are penalized because of development around them. Their land is 4ha and is too small to be	Reject	7.2

			expressway development.	economic on its own. With all of the boundary constraints, they should be able to develop a rural subdivision that meets ecological management and Waikato river basin management requirements. They cannot be in a holding pattern of prohibited activity by either the Waikato District Council or the Hamilton City Council. They own the land, the WDC and the HCC do not.		
FSI379.78	Hamilton City Council	Oppose		HCC opposes the amendment of Rule 22.4.1.1 PRI Prohibited Subdivision. Increased subdivision within this overlay is contrary to the purpose of the UEA.	Accept	7.2
FSI386.405	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2
330.139	Andrew and Christine Gore	Oppose	Amend Rule 22.4.1.2 RDI General Subdivision to reflect rural values but supply some urban demand AND Add new clauses to Rule 22.4.1.2 RDI General Subdivision to allow for smaller rural lots that are developed ecologically. AND Amend Rule 22.4.1.2 RDI General Subdivision to require that subdivision should be ecological in management in order to retain a natural environment.	RDI (a) is not practical where properties are future Urban Zone and Rural Zones, and Hamilton basin zoned. As the area is future Urban Zoned, the development needs to be rurally sensitive but also urban pitched within the ecological management.	Reject	8.2
FSI379.79	Hamilton City Council	Oppose		HCC opposes the amendment to Rule 22.4.1.2 RDI General Subdivision, to reflect rural values but supply some urban demand and add provisions to allow for smaller rural lots. This amendment would apply to all rural-zoned land including HCC's Area of Interest and could result in significant development in rural areas. The key purpose of the Rural Zone is to protect the	Accept	8.2

				productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the Waikato Regional Policy Statement (WRPS) and Future Proof Strategy.		
FS1386.406	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
330.141	Andrew and Christine Gore	Oppose	Amend the Proposed District Plan to allow small land holdings such as 4ha to be sensitivity developed as Country Living Zones, in particular land that has been fragmented by publicly driven projects such as the expressway.	The submitters are in a Rural Zone, and should be able to subdivide a rural subdivision and build a business that supports the Rural Zone. As a property owner that has been fragmented by NZTA/Alliance roading projects, the submitters are no longer able to produce off the land. As a property owner under a future Urban Zone, the submitters cannot intensively farm the land with agriculture. The submitters are penalized because of development around them. Their land is 4ha and is too small to be economic on its own. With all of the boundary constraints, they should be able to develop a rural subdivision that meets ecological management and Waikato river basin management requirements. They cannot be in a holding pattern of prohibited activity by either the Waikato District Council or the Hamilton City Council. They own the land, the WDC and the HCC do not.	Reject	8.2
FS1277.75	Waikato Regional Council	Oppose	Retain zoning as notified.	The supply and location of large lot residential and rural residential land must be considered strategically across the whole district. The district plan must give effect to Policy 6.17 and implementation Method 6.1.5 under the WRPS.	Accept	8.2
FS1379.81	Hamilton City Council	Oppose		HCC opposes amendments to allow small land holdings (particularly land that has been fragmented by publicly-driven projects such as the Waikato Expressway) to be developed as CLZ. This would result in ad hoc, unplanned peri-urban development on HCC's boundary.	Accept	8.2
FS1386.407	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district	Accept	8.2

				<i>plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
330.155	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4 Subdivision.	No reasons provided.	Reject	8.2
<i>FSI386.414</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
330.156	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.1.1 Prohibited subdivision.	No reasons provided.	Reject	8.2
<i>FSI386.415</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
330.157	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.1.2 General subdivision.	No reasons provided.	Reject	8.2
<i>FSI386.416</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate</i>	Accept	8.2

				<i>from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
330.158	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.1.3 Subdivision of Maori Freehold Land.	No reasons provided.	Reject	9.2
330.159	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.1.4 Boundary relocation.	No reasons provided.	Reject	10.2
<i>FS1386.417</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
330.160	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.1.5 Rural Hamlet Subdivision.	No reasons provided.	Reject	11.2
330.161	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.1.6 Conservation lot subdivision.	No reasons provided.	Reject	12.4

330.162	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.1.7 Subdivision to create a reserve.	No reasons provided.	Reject	13.2
330.163	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.2 Title boundaries - natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas.	No reasons provided.	Reject	14.2
FS1386.418	Mercury NZ Limited for Mercury C	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	14.2
330.164	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.3 Title boundaries - Significant Natural Areas, heritage items, Maori sites of significance and Maori areas of significance.	No reasons provided.	Reject	15.2
FS1323.127	Heritage New Zealand Pouhere Taonga	Oppose	<i>That the amendments sought are declined.</i>	<i>HNZPT is concerned that the deletion of this rule will lead to adverse effects on Heritage items and Maori sites and areas of significance at the time of subdivision. A non-complying activity status should be retained for activities that do not meet the restricted discretionary matters of assessment to avoid adverse effects on historic heritage.</i>	Accept	15.2

330.165	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.4 Subdivision - Road frontage.	No reasons provided.	Reject	16.2
330.166	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.3.5 Subdivision within identified areas.	No reasons provided.	Reject	8.2
FS1386.419	<i>Mercury NZ Limited for Mercury C</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
330.167	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area.	No reasons provided.	Reject	18.2
FS1386.420	<i>Mercury NZ Limited for Mercury C</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	18.2
330.168	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission	No reasons provided.	Reject	19.2

			refers to Rule 22.4.7 Esplanade reserves and esplanade strips.			
330.169	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.8 Subdivision of land containing heritage items.	No reasons provided.		
330.170	Andrew and Christine Gore	Not Stated	No specific decision sought, however submission refers to Rule 22.4.9 Subdivision - Building platform.	No reasons provided.	Reject	21.2
332.9	Gwyneth & Barrie Smith	Oppose	Amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from prohibited to non-complying AND Amend all references to "lot" with the term "Record of Title".	With regards to PR2 and PR3, there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. However, it is fanciful to think that every subdivision on high class soil would result in a significant adverse effect on the environment. There are circumstances where it may be unavoidable to create an additional record of title. The rule relies on the definition of 'high class soils' within the Proposed District Plan and may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities and it is appropriate for these to be subdivided from other rural activities on the site. There may be circumstances where subdivision enables more significant opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons may necessitate subdivision including the desire to sell or lease the business, rather than having no other option but to dispose of the entire property or invest more capital. Prohibited activity status prevents opportunities for subdivision where there is a significant capital investments and the intensive rural activity will continue to be commercially viable and sustainably following is subdivision. . PR4 unreasonably restricts the subdivision potential over and above what is necessary to avoid undermining the intent of the rule under which these records of title were created. While subdividing lots amalgamated under	Accept in part	7.2

				section 22b of the Franklin Section require more attention, this should merit a non-comply activity status only. The objectives and policies of the Proposed District Plan should be sufficiently strong to ensure that the subdivision of land with high class soils is protected from inappropriate subdivision and development. The change in terms from "lot" to "record of title" is necessary to capture multiple lots and hold them in one Record of Title. e.g. roads or streams bisecting land.		
FSI131.9	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FSI129.43	Auckland Council	Oppose			Accept in part	7.2
FSI287.13	Blue Wallace Surveyors Ltd	Support	Blue Wallace seek that the submission point be allowed in full.	The Submitter supports this submission point, as it acknowledges that the prohibition of subdivision is too heavy handed. The submitter also supports the replacement of the term 'lot' with 'record of title'.	Accept in part	7.2
FSI386.460	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
332.10	Gwyneth & Barrie Smith	Neutral/Amend	Retain Rule 22.4.1.4 Boundary relocation, except for the amendments sought below AND Amend Rule 22.4.1.4 Boundary Relocation as follows: RDI (a) The boundary relocation must: (i) Relocate a common boundary or boundaries between two or more existing Records of Title or consented lots that existed	Support the inclusion of boundary relocation provisions and flexibility to allow large rural landholdings to provide a logical lot arrangement that supports farming activities. Boundary relocations typically result in positive effects through the enhancement of the farming system and allows for the relocation of house sites to favourable locations. Seek that provision be made for the relocation of the boundaries of adjacent consented lots and records of title held in common ownership as per the Frankline section of the Operative District Plan. Consider the retention of the date, 18 July 2018 is appropriate and will allow for scrutiny of those records of title and consented lots created under the Transferable and Environmental Lot rules of the previous sections of the district plan. Consider it appropriate to include a matter of discretion to acknowledge the effects on high class soils, farm management and productivity in combination with the objectives and policies within Chapter 5 to	Accept in part	10.5

			prior to 18 July 2018; ... (b) Council's discretion is restricted to the following matters: ... (v) <u>effects on high class soils, farm management and productivity.</u>	provide a robust framework to ensure adverse effects on high class soils are avoided.		
FS1379.86	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and WRPS. The Rural Zoning also helps protect the productive nature of the land.	Accept in part	10.5
332.12	Gwyneth & Barrie Smith	Support	Retain Rule 22.4.1.2(a)(i)-(iii) General subdivision.	Support the inclusion of the general subdivision rules.	Accept in part	8.2
332.13	Gwyneth & Barrie Smith	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Amend Rule 22.4.1.2 General subdivision to include a discretionary activity rule as follows: DI (a) <u>General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2(iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2(iv) RDI. ...</u>	The creation of an additional vacant lot between 8,000m2 and 1.6ha is supported. Creating a child lot around an existing dwelling, where a curtilage and farming regime is established will provide flexibility in lot size to ensure that farming can continue. It ensures practical location of boundaries. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the the proposed lot size whilst achieving the objectives and policies. The creation of lots that accommodate existing and well-established rural activities with a viable, sustainable and permanent nature can be appropriately subdivided from other other activities on the site should be provided for. Lots greater than 1.6ha may need an assessment on productive potential of the land.	Reject	8.2
FS1386.461	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is	Accept	8.2

				necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
332.14	Gwyneth & Barrie Smith	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General subdivision AND Amend Rule 22.4.1.2(b)(vi) General subdivision as follows: RDI (a) Subdivision must comply with all of the following conditions:</p> <p>(v) Land containing high class soil (as determined by a Land Use Capability Assessment prepared by a suitably qualified person) must be contained within the boundaries of only two lots as follows; A. one lot must contain a minimum of 90% of the high class soil; and B. the other lot may contain up to 20% of high class soil. (b) Council's discretion is restricted to the following matters: ... (vi) <u>Effects on rural productivity and fragmentation of high class soils.</u></p> <p>....</p>	<p>There is no analysis of this rule in the section 32 report regarding relevance or practicality. Agree with the intent to design subdivision to avoid the fragmentation of high class soils. The strict 80/20 requirement of this rule may not result in the best layout, design or farming outcome for the site. The objectives and policies given primacy to the protection of high class soils. The submitter would like to see the matters relating to the retention of high class soils and maintenance of productivity/farming systems be addressed as a matter of discretion. The objectives and policies with the matters of discretion will be strong enough to avoid adverse outcomes on high class soils. The 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the general provisions and this will become an additional compliance cost and box ticking exercise for Council.</p>	Accept in part	8.2
FSI386.462	Mercury NZ Limited for Mercury C	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy</p>	Accept in part	8.2

				<i>and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
332.15	Gwyneth & Barrie Smith	Neutral/Amended	<p>Retain Rule 22.4.1.6 Conservation lot subdivision, except for the amendments sought below</p> <p>AND Amend Rule 22.4.1.6 Conservation lot subdivision as follows:</p> <p>RD1 (a) The subdivision must comply with all of the following conditions: (i) The lot must contain: <u>A. a contiguous area of existing Significant Natural Area</u> either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist <u>which meets; or B. a contiguous area, to be enhanced and/or restored;</u> in accordance with the table below: ... (ii) The area of Significant Natural Area, <u>or area to be enhanced and/or restored,</u> is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area <u>or area to be restored is not already subject to a conservation-covenant-</u></p>	<p>Support the incentivisation of legally and physically protecting Significant Natural Areas and other areas of existing biodiversity. There is no provision for ecological enhancement and/or restoration in the Conservation Lot Rule. The Proposed District Plan should be enabling or improving both biodiversity and water quality within the Waikato Catchment and incentivising/restoring areas that meet one or more criteria outlined in Appendix 2. Incentivising through subdivision would assist in offsetting the cost of enhancing and restoring. Seeks the inclusion of provisions that enable ecological enhancement and/or restoration of appropriate areas to be included in the Conservation Lot Subdivision rules. This includes appropriate features as noted in Appendix 2 of the Proposed District Plan or areas identified as Significant Natural Areas that do not meet the minimum size requirements for subdivision without additional enhancement and/or restoration planting. Minimum areas for enhancement should be in accordance with rule 22.4.1.6. This rule requires legal protection only; suggest leaving the mechanism of protection to the discretion of Council when assessing the application. Flexibility for lot size around an existing dwelling avoids unnecessary fragmentation of productive farming land and could be addressed as a matter of discretion.</p>	Accept in part	12.3

~~pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act legal protection.~~ (iv) The subdivision proposes to legally protect all areas of Significant Natural Area ~~or area to be restored by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act.~~ (v) An ecological management plan is prepared to address the ongoing management of the ~~covenant-protected area~~ to ensure that the ~~Significant Natural Area area to be protected~~ is a self-sustaining and that plan: A. Addresses fencing requirement for the ~~covenant-protected area~~; B. Addresses ongoing pest plan and animal control; C. Identifies any enhancement ~~and/or restoration or edge planting~~ required within the ~~covenant-area~~ to be protected. ... (b) Council's discretion is restricted to the following matters: (i) Subdivision layout and proximity of building platforms to ~~Significant Natural Area~~

			<p><u>the area to be protected;</u> (ii) Matters contained in an ecological management plan for the <u>covenant-protected area;</u> (iii) Effects of the subdivision on <u>localised</u> rural character and amenity values; (iv) Extent of earthworks including earthworks for the location of building platform and access ways; (v) <u>Mechanism of legal protection for the area to be protected.</u></p> <p><u>DI</u> <u>(a)Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6(vi-vii)</u> <u>RDI. (b)</u> <u>Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii)</u> <u>RDI. ...</u></p>			
332.16	Gwyneth & Barrie Smith	Neutral/Amended	<p>Retain Rule 22.4.1.5 Rural Hamlet Subdivision, except for the amendments sought below AND Amend Rule 22.4.1.5 Rural Hamlet Subdivision to allow relocation of consented lots to allow clustering of General lots in a hamlet and reduce lot size requirements as follows: RDI (a)</p>	<p>Support the hamlet subdivision within the Rural Zone. Well-designed rural hamlets will result in benefits such as shared infrastructure, improved and enhanced farming systems, housing and lifestyle choices. Seek the inclusion of consented lots in the hamlet provisions. This would have positive outcomes through the provision of shared infrastructure and enhancement of production systems, and would limit the wider dispersal of lots. The purpose of rural hamlets is to allow for compact design within a rural setting. Dwellings within a hamlet borrow their rural character and amenity from adjoining rural land. The hamlet provisions should ensure that a response to the landscape context is more important than meeting performance standards relating to lot size etc. Smaller lot sizes would visually result in a more compact development.</p>	Accept in part	11.2

Subdivision to create a Rural Hamlet must comply with all of the following conditions: (i) it results in 3 to 5 proposed lots being clustered together; (ii) All existing Records of Title and/or consented lots form one continuous landholding; (iii) Each proposed lot has a maximum area of 85,000m²; (iv) Each proposed lot has a maximum area of 1.60ha; (v) The proposed balance lot has a minimum area of 20ha; and (vi) It does not create any additional lots beyond the number of existing Records of Title. (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimension, shape and orientation of the proposed lots and specified building areas; (ii) effects on rural character and amenity values; (iii) effects on landscape values; (iv) potential for reverse sensitivity effects; (v) extent of earthworks including earthworks for the location of building platforms and access ways.; (vi) effects on rural

			productivity and fragmentation of high class soils.			
FSI 129.69	Auckland Council	Oppose			Accept in part	11.2
FSI 379.87	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept in part	11.2
345.1	Brent Trail	Oppose	Amend Rule 22.4.1.1 PR4 Prohibited subdivision, by replacing with the following: <u>Any Subdivision where a lot of a record of title that has been created for the purpose of a transferable rural lot subdivision under the provisions of the previous Operative Waikato District Plan - Franklin. Except where an additional lot is created by any of the following rules: (i) The conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation).</u> AND Delete Rule 22.4.1.1 PR4 Prohibited subdivision.	Wording is inappropriate considering previous clauses. Subdivision should be allowed using other provisions that have not been utilised in the past. The rules are an attempt to stop people using new lifestyle provisions to gain further subdivisions. It makes sense that properties can be subdivided for other reasons.	Accept in part	7.2
FSI 308.19	The Surveying Company	Oppose		We oppose the inclusion PR4 in its entirety. Assessment on a case by case basis to ensure any subdivision does not undermine the original purpose of the amalgamation is appropriate.	Accept in part	7.2
FSI 386.481	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of	Accept in part	7.2

				<i>the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
345.2	Brent Trail	Support	Retain Rule 22.4.1.2(a)(i)-(iii) General subdivision.	No reasons provided.	Accept in part	8.2
FS1386.482	Mercury NZ Limited for Mercury C	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
345.3	Brent Trail	Neutral/Amend	Amend Rule 22.4.1.2(a)(v) General subdivision, to reduce the minimum lot size to 5000m2 and increase the upper limit to 3ha, or a percentage of the total land area.	In the interests of keeping as much land in rural production as possible the minimum should be reduced to 5000m2. To give the ability for someone, who wants to produce something and needs a larger area, the upper limit should be increased to 3ha, which could be a viable orchard area in the right conditions. It could be limited to a certain percentage of the total land area, e.g. 10%, which equates to 2ha of a 20ha farm and 4ha of a 40ha farm.	Reject	8.2
FS1386.483	Mercury NZ Limited for Mercury C	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
345.4	Brent Trail	Oppose	Delete Rule 22.4.1.2(a)(v) General subdivision.	The high class soils limit is unnecessarily complex and unnecessary given the small size of excised block relative to the balance block. It could create a situation where the lifestyle block is forced onto unsuitable land, particularly when a large block is largely low productive land but has a small buildable area, and this type of land is quite possible. The small lifestyle block may be more productive than the larger block.	Reject	8.2

				The limit in size of the small block will sufficiently take care of this issue.		
FS1386.484	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
345.5	Brent Trail	Oppose	Delete Rule 22.4.1.4 RDI (a)(i) Boundary relocation.	The date is not needed. The provision should apply to all records of title, regardless of the date they were established. There can be all manner of reasons for relocating e.g. size, earth deformation of flooding, reverse sensitivity etc.	Reject	10.5
FS1386.485	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.5
345.6	Brent Trail	Oppose	Amend Rule 22.4.1.4 RDI (a)(iii) and (iv) and RDI (b) Boundary relocation, to replace the word "lot" with "record of title".	It should refer to "record of title" rather than "lot" as some Records of Title can be made up of multiple lots due to survey regulations.	Accept in part	10.2
FS1386.486	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	10.2

345.7	Brent Trail	Neutral/Amend	Amend Rule 22.4.1.5 RDI (a) Rural Hamlet Subdivision, to replace the word "lot" with "record of title".	The interchangeability between "lot" and "record of title" is confusing and incorrect. A lot is a separately surveyed and marked piece of contiguous land, whereas a record of title may be comprised of one or more lots.		
345.8	Brent Trail	Neutral/Amend	Amend Rule 22.4.1.5 RDI (iv) Rural Hamlet Subdivision as follows: (iv) Each proposed lot has a maximum area of 1.6ha <u>except the balance title, which should be as follows</u> OR Amend Rule 22.4.1.5 RDI (iv) into one bullet point as follows: (iv) Each proposed lot has a maximum area of 1.6ha <u>except for (v) the proposed balance lot record of title</u> which has a minimum area of 20ha; and (vi) (v) It does not create any additional lots beyond the number of existing Records of Title.	The wording of (iv) is not entirely correct and should be merged with (v) into one statement as indicated.	Reject	11.2
345.9	Brent Trail	Support	Retain Rule 22.4.1.6 RDI (a)(i) Conservation lot subdivision. AND Retain Rule 22.4.1.6 RDI (a)(iii) Conservation lot subdivision.	No reasons provided.	Accept in part	12.4
345.10	Brent Trail	Oppose	No specific decision sought, but submission opposes Rule 22.4.1.6 RDI (a)(iii) and (iv) Conservation lot subdivision.	Effectively penalises landowners who have taken the initiative to privately covenant significant areas and not take subdivision credits at the time. It is common in other districts to be able to claim subdivision credits retrospectively. It could perhaps be handled as a non-complying application in the above circumstance but the land owner should not	Reject	12.3

				have to go through the process without certainty.		
345.11	Brent Trail	Support	Retain Rule 22.4.1.6 RDI(a)(v) Conservation lot subdivision.	No reasons provided.	Accept in part	12.4
345.12	Brent Trail	Oppose	Amend Rule 22.4.1.6 RDI(a)(vi) Conservation lot subdivision, to have a minimum lot size of 5000m2. AND Amend Rule 22.4.1.6 RDI(a)(vii) Conservation lot subdivision, to have a maximum area of 3ha or a percentage of the total land area, e.g. 10%.	In the interests of keeping as much land in rural production as possible the minimum should be reduced to 5000m2. To give the ability for those wanting to produce something and need a larger area, the upper limit should be increased to 3ha. This could be a viable orchard area in the right conditions. Could be limited to a certain percentage of the total land area, e.g. 10%.	Reject	12.6
345.13	Brent Trail	Support	Retain Rule 22.4.1.6 RDI (a)(viii) Conservation lot subdivision.	No reasons provided.	Accept in part	12.4
345.14	Brent Trail	Support	Retain Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area.	No reasons provided.	Accept	18.2
FS1386.487	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	18.2

345.16	Brent Trail	Oppose	Amend Rule 22.4.9 RDI (a)(ii) Subdivision building platform, to have an average gradient of 1:5. AND Amend the equivalent rule in all zones to an average gradient of 1:5.	Rule concerns submitter, along with the same rule appearing anywhere else, particularly in Country Living and Village Zones. It is unrealistic. Given earthworks take place, a grade of 1.5 would be acceptable. Given you require evidence from a geotechnical engineer even steeper may be acceptable.	Reject	21.2
345.17	Brent Trail	Oppose	No specific decision sought, but submission opposes Rule 22.4.9 RDI (a)(iii) Building platform and the equivalent requirement for certification by a geotechnical engineer of a building platform for subdivision in all other zones.	Rule concerns submitter, along with the same rule appearing anywhere else, particularly in Country Living and Village Zones. It is unrealistic. It is inappropriate for a flat site. A soils engineer should be able to certify such a site up to 1:5. Council should seek independent advice on the matter and to not over specify the level of engineer required on straight forward sites. Sites can be readily constructed on sloping ground subject to the recommendation and supervision from soils engineers without particular geotechnical qualifications, if they consider it out of their field they are expected to engage an expert.	Reject	21.2
345.24	Brent Trail	Support	Retain Rule 22.4.1.6 RDI (b) Conservation lot subdivision.	No reasons provided.	Accept in part	12.4
345.25	Brent Trail	Oppose	Delete Rule 22.4.2 RDI (a)(iii) Title boundaries - natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas and the associated matters of discretion. AND Delete from every zone the subdivision rule which requires the boundary of every proposed	This rule concerns the submitter, along with the same rule that appears anywhere else, particularly in Country Living and Village zones. Agrees that a boundary should ideally not go through a notable tree, but there are instances where a boundary could go through a contaminated area, natural hazard or significant landscape. Much of Waikato's rural land is contaminated due to high levels of cadium, thus any rural boundary line would not be allowed. Vast lengths of the coast may also be determined to be a natural hazard, therefore any coastal subdivision where lots are required to intersect the coastal reserve will likely be affected by this rule.	Accept	14.2

			lot to not divide any of the following: A natural hazard area; Contaminated land; Significant Amenity Landscape; Notable trees and the associated matters of discretion.			
FS1386.492	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	14.2
345.26	Brent Trail	Oppose	Delete Rule 22.4.3 Title boundaries - Significant Natural Areas, heritage items, Maaori Sites of Significance and Maaori Areas of Significance. AND Delete from every zone the subdivision rule for Title boundaries - Significant Natural Areas, heritage items, Maaori Sites of Significance and Maaori Areas of Significance.	The rule concerns submitter and oppose it along with the same rule appearing anywhere else, particularly in Country Living and Village Zones. Significant natural areas and Maaori sites can be very large, and often to create access, viable building sites and practical boundaries, and such sites may be required to have boundaries go through parts of them. Submitter agrees parts of significant Maaori sites should not be severed, however some sites, by their nature can be spread out.	Accept	15.2
345.27	Brent Trail	Oppose	Delete Rule 22.4.4 Road Frontage. OR Amend Rule 22.4.4 RDI (a) Road Frontage, to be reduced to 40m.	A narrower road frontage, as long as it is not on all lots, can still manage the necessary separation of access and can be an advantage for amenity and rural character, enabling dwellings and buildings to locate further from the road.	Reject	16.2

345.28	Brent Trail	Neutral/Amend	Amend Rule 22.4.4 Road Frontage to change all references to "lot" to "record of title".	No reasons provided.	Reject	16.2
349.6	Kim Robinson on behalf of Lochiel Farmlands Limited	Not Stated	Delete the limitation in Rule 22.4.3(a)(i) Significant Natural Areas on title boundaries not dividing Significant Natural Areas.	It should be an incentive to further protect Significant Natural Areas even if only part of the Significant Natural Areas is to be protected as a conservation lot. There is an inconsistency between Rule 22.4.3 and Policy 22.4.3 if applied to large sites within Significant Natural Areas.	Reject	15.2
349.23	Kim Robinson on behalf of Lochiel Farmlands Limited	Not Stated	Retain Rule 22.4.1.6 Conservation lot subdivision.	Generally support the provisions for conservation lot subdivision.	Accept in part	12.4
349.24	Kim Robinson on behalf of Lochiel Farmlands Limited	Not Stated	Delete Rule 22.4.3RD1(a)(i) Title boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance.	Within large Significant Natural Area site area it may be difficult to ensure that a boundary of a proposed lot does not divide a Significant Natural Area. There may be geographical reasons as to why the boundary of a proposed lot runs through a Significant Natural Area. A boundary does not stop a Significant Natural Area from continuing to be considered a Significant Natural Area. Landowners of large Significant Natural Areas should be encouraged to protect the Significant Natural Areas as conservation lots and not be required to encompass all of the Significant Natural Area where it is large.	Reject	15.2
FS1323.128	Heritage New Zealand Pouhere Taonga	Oppose	That the amendments sought are declined.	HNZPT is concerned that the deletion of this rule will lead to adverse effects on Heritage items and Maaori sites and areas of significance at the time of subdivision. A non-complying activity status should be retained for activities that do not meet the restricted discretionary matters of assessment to avoid adverse effects on historic heritage.	Accept	15.2
349.25	Kim Robinson on behalf of Lochiel Farmlands Limited	Not Stated	Amend Rule 22.4.4RD1 Subdivision - Road frontage, to a discretionary activity rather than a restricted discretionary activity and read RD1DI	No reasons stated.	Reject	16.2

349.26	Kim Robinson on behalf of Lochiel Farmlands Limited	Not Stated	Amend Rule 22.4.3 Title boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance so that subdivision that does not comply with the standards for Title Boundaries on SNAs and Maaori sites/areas of significance is a discretionary activity.	Subdivision that divides a Significant Natural Area becomes a non-complying activity and this is unreasonable. The effects of dividing a Significant Natural Area into a new lot can be managed as a Restricted Discretionary criterion without triggering a non-complying activity status.	Reject	15.2
FS1323.129	<i>Heritage New Zealand Pouhere Taonga</i>	Oppose	<i>That the amendments sought are declined.</i>	<i>HNZPT is concerned that the deletion of this rule will lead to adverse effects on Heritage items and Maaori sites and areas of significance at the time of subdivision. A non-complying activity status should be retained for activities that do not meet the restricted discretionary matters of assessment to avoid adverse effects on historic heritage.</i>	Accept	15.2
349.27	Kim Robinson on behalf of Lochiel Farmlands Limited	Not Stated	Delete references to the Environmental Protection Area in Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area.	The Proposed District Plan has no definition of an Environmental Protection Area and it would seem to be a duplication of Significant Natural Areas.	Reject	18.2
FS1386.503	<i>Mercury NZ Limited for Mercury C</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	18.2
352.4	Terence Denton on behalf of Terence Denton & Bernardina van Loon	Oppose	No specific decision sought, but submission opposes Rule 22.4.3 RDI (a), RDI (b) and NCI Title boundaries - significant Natural Areas, heritage items, Maaori sites of	The plan does not adequately address rules applying to existing non-compliant elements or activities within the overlay.	Reject	15.2

			significance and Maaori areas of significance.			
FS1323.30	Heritage New Zealand Pouhere Taonga	Oppose	That the amendments sought are declined.	HNZPT is concerned that the deletion of this rule will lead to adverse effects on Heritage items and Maaori sites and areas of significance at the time of subdivision. A non-complying activity status should be retained for activities that do not meet the restricted discretionary matters of assessment to avoid adverse effects on historic heritage.	Accept	15.2
354.2	Peter & Janette Middlemiss	Oppose	Delete restrictions in Rule 22.4.1.2(a)(i) General Subdivision for Record of Title date. OR Amend Rule 22.4.1.2(a)(i) if the Rural Zone is tiered, e.g. any lot less than 8,000m2 cannot be further divided.	Rule outdated. Should be removed from current plan structure Could be incorporated in a different form if the Rural Zone is tiered, e.g. lots less than 8,000m2 cannot be further subdivided.	Reject	8.2
FS1328.9	Kenneth Graham Barry	Support	Allow the submission point in full.	Support the deletions and amendments to Rule 22.4.1.2 and the suggestion of some sort of tiered approach. Consider that the criteria provided in Rule 22.4.1.2 is unduly restrictive and amendments proposed by the submitter will allow a level of discretion.	Reject	8.2
FS1386.507	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
354.3	Peter & Janette Middlemiss	Oppose	Delete restrictions in Rule 22.4.1.2(a)(ii) General Subdivision for minimum qualifying title size of 20ha, particularly for those properties where bordering titles are less than the 20 hectare limit.	In areas where surrounding/bordering titles are less than 20 ha, this part of the rule needs removing. Some property sizes are approximately 5,000m2, 2, 4, 6 and 17 ha e.g. Te Puroa and Waipa Heights Roads.	Reject	8.2
FS1328.10	Kenneth Graham Barry	Support	Allow the submission point in full.	Support the deletions and amendments to Rule 22.4.1.2 and the suggestion of some sort of tiered approach. Consider that the criteria	Reject	8.2

				provided in Rule 22.4.1.2 is unduly restrictive and amendments proposed by the submitter will allow a level of discretion.		
FS1379.93	Hamilton City Council	Oppose		HCC opposes the relief sought to delete the 20ha minimum parent lot size within the Rural Zone, when there is already subdivision less than the size bordering the property. Through its own submission, HCC sought a larger parent lot size of 40ha and does not accept that more lenient subdivision provisions should apply. Such subdivision would result in further fragmentation of the rural area and it would prove difficult to manage and control growth.	Accept	8.2
FS1386.508	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
354.4	Peter & Janette Middlemiss	Oppose	Amend restrictions in Rule 22.4.1.2(a)(iv) General Subdivision, requiring the additional lot size being between 8,000m2 and 1.6ha.	The upper limit of this rule is not realistic and requires increasing or being negotiable. For example where a block is less than 20ha in an already subdivided area or a larger property where subdivision is required for inheritance or family reasons. Sizes should be negotiable or tiered in the Rural zone. There needs to be a distinction between 'life style' properties and larger properties.	Reject	8.2
FS1328.11	Kenneth Graham Barry	Support	Allow the submission point in full.	Support the deletions and amendments to Rule 22.4.1.2 and the suggestion of some sort of tiered approach. Consider that the criteria provided in Rule 22.4.1.2 is unduly restrictive and amendments proposed by the submitter will allow a level of discretion.	Reject	8.2
FS1386.509	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
354.5	Peter & Janette Middlemiss	Oppose	Amend restrictions in Rule 22.4.1.2(a)(v)	In some circumstances percentage should be negotiable. Rural Zoning encompasses all rural classified land regardless of size, contour, locations or	Accept in part	8.2

			General Subdivision, such that the high class soil criteria is negotiable in some circumstances.	what subdivision have been allowed in the past for example Te Puroa Road, Waipa Heights Road, Hill Side Heights Road, Huntly, Kimihia and James Road, Huntly. Need to consider Waikato Regional Council requirements to fence off waterways or retire areas at risk of erosion. This will further reduce areas of smaller properties rendering them less able to generate income if the percentage of area is significant due to multiple waterways on a property. Property at 495 Te Puroa Road has three different water sources in the bottom of each gully. Due to property at 495 Te Puroa Road being under 20 hectares this will reduce the amount of land available for our use. Subdivision is already part of the character of the immediate area and should be considered correct and proper use of the land.		
FS1062.26	Andrew and Christine Gore	Support	Allow submission point 354.5.	• Subdivision on some high class soils is negotiable, as it may be fragmented and unable to be used as production.	Accept in part	8.2
FS1328.12	Kenneth Graham Barry	Support	Allow the submission point in full.	Support the deletions and amendments to Rule 22.4.1.2 and the suggestion of some sort of tiered approach. Consider that the criteria provided in Rule 22.4.1.2 is unduly restrictive and amendments proposed by the submitter will allow a level of discretion.	Accept in part	8.2
FS1386.510	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
354.6	Peter & Janette Middlemiss	Oppose	Delete Rule 22.4.1.2 (a)(iii) General Subdivision.	This part of the rule should not be applied to all subdivision. If the Rural Zone is tiered, this could be addressed an applied to those larger properties with a commercial land use.	Reject	8.2
FS1328.13	Kenneth Graham Barry	Support	Allow the submission point in full.	Support the deletions and amendments to Rule 22.4.1.2 and the suggestion of some sort of tiered approach. Consider that the criteria provided in Rule 22.4.1.2 is unduly restrictive and amendments proposed by the submitter will allow a level of discretion.	Reject	8.2
FS1386.511	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management	Accept	8.2

				controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
355.5	Scott & Tina Ferguson	Support	Retain Rule 22.4.1.2 (a)(i) – (iii) General Subdivision, as notified.	The submitter supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1386.514	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
355.6	Scott & Tina Ferguson	Neutral/Amended	Amend Rule 22.4.1.2 General Subdivision to create new discretionary activities, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI.</u> <u>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u>	General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. •A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature, and it is appropriate for	Reject	8.2

				these to be subdivided from other rural activities on the site should be provided for.		
FS1386.515	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
355.7	Scott & Tina Ferguson	Oppose	Delete Rule 22.4.1.2(a)(v) General Subdivision AND Add a new matter of discretion to Rule 22.4.1.2 (b) General Subdivision, as follows: <u>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</u>	The strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.	Accept in part	8.2
FS1386.516	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
355.8	Scott & Tina Ferguson	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision.	Creation of a vacant lot between 8,000m2 and 1.6ha is supported as a Restricted Discretionary activity.	Accept in part	8.2

FS1386.517	Mercury NZ Limited for Mercury C	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
355.10	Scott & Tina Ferguson	Oppose	<p>Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from Prohibited to Non-Complying Activities.</p>	<p>There may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. In some instances it may be unavoidable to create an additional Record of Title. The rule relies on a definition of "High Class Soils". High class soils as defined in the Proposed Plan (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities which are viable and sustainable such as greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business, rather than disposal of the entire property or the need to invest more capital in the operation. This activity status prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings, and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 228 of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section</p>	Accept in part	7.2

				22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.		
FS1131.10	The Village Church Trust	Support	Amend provisions(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances, The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1386.518	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
355.11	Scott & Tina Ferguson	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision to replace "lot" with "Record of Title".	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur where a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1386.519	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
356.1	Robert & Colleen Endicott	Oppose	Amend Rule 22.4.1.2 General Subdivision, to delete restrictions on	These restrictions are unreasonable in regards to existing land holdings that are already too small to be an economic farming unit.	Reject	8.2

			subdivision of rural land smaller than 20ha and to delete the requirement that a title issued prior to 1997.			
FSI062.28	Andrew and Christine Gore	Support	Allow submission point 356.1.	<ul style="list-style-type: none"> • Important to include land under 20ha with subdivision. • Restriction is unreasonable if it is an uneconomic farming unit. 	Reject	8.2
FSI379.94	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS.	Accept	8.2
FSI386.520	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
362.9	CYK Limited	Oppose	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited Subdivision, from Prohibited to Non-Complying activities.	There may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. It is fanciful to think that every subdivision on high class soil would result in a significant adverse effect on the environment. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. Unfair and unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries or commercial orchard activities. Rural activities do not need to be held on the same certificate of title as other rural activities, and there may be circumstances	Accept in part	7.2

				<p>where subdivision enables more significant opportunities for economic wellbeing and the efficient and effective operation of the activity. A number of commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than having no other option but to dispose of the entire property, or the need to invest more capital in the operation. The prohibited activity status prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable in the long-term following its separation from other rural activities on the site. PR4 states any subdivision of a lot previously amalgamated for the purpose of a transferable lot subdivision is prohibited. This rule may unreasonably restrict the subdivision potential over and above what is necessary to avoid undermining the intent of the rule under which these Records of Title were created. Under Rule 22B of the Franklin Section, the donor certificates of title had to meet a minimum area of 1ha each. However there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. We also note that under the Franklin Section of the District Plan there were no corresponding rules that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22B of the Franklin Section require closer scrutiny this should merit a Non-Complying status only. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries with a neighbour without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected in the Rural Zone from inappropriate subdivision and development and that subdivision in the Urban Expansion Area does not undermine the integrated and efficient development of this zone.</p>		
FS1062.31	Andrew and Christine Gore	Support	Allow submission point 362.9.	<ul style="list-style-type: none"> To allow for different circumstances change from rural prohibited to non-complying. 	Accept in part	7.2
FS1131.11	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1386.526	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a	Accept in part	7.2

				<p>land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</p> <p>Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
362.11	CYK Limited	Neutral/Amended	<p>Add a new discretionary activity to Rule 22.4.1.6 Conservation lot subdivision, as follows: <u>DI (a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6(vi-vii) RDI. (b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii) RDI.</u></p>	No reasons provided.	Reject	12.6
362.12	CYK Limited	Support	Retain Rule 22.4.1.2 (a)(iv) General Subdivision.	Creation of a vacant lot between 8,000m ² and 1.6ha is supported as a Restricted Discretionary activity.	Accept in part	8.2
FS1386.527	Mercury NZ Limited for Mercury C	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
362.13	CYK Limited	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, to replace	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur where a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2

			references to "lot" with "Record of Title".			
FS1386.528	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
362.14	CYK Limited	Support	Retain Rule 22.4.1.2 (a)(i) – (iii) General Subdivision, as notified.	Supports the inclusion of General Subdivision provisions.	Accept in part	8.2
FS1386.529	Mercury NZ Limited for Mercury C	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
362.15	CYK Limited	Neutral/Amen d	Retain Rule 22.4.2.2 General subdivision, except for the amendments sought below AND Amend Rule 22.4.2.2 General subdivision to add new discretionary activities as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI.</u> <u>(b) General subdivision</u>	General subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. This will ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not to meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies and achieving the anticipated environmental results. For lots smaller than 8,000m2 it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha	Accept in part	8.2

			<p><u>around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>	<p>may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. The creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other activities on the site should be provided for.</p>		
FS1386.530	Mercury NZ Limited for Mercury C	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
362.16	CYK Limited	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision AND Add a new matter of discretion to Rule 22.4.1.2, as follows: <u>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>There is no analysis in the s32 report regarding the relevance or practicality of this rule. The submitter agrees with the intent of this rule, which is to design subdivision to avoid the fragmentation of the high class soils. The strict and arbitrary 80/20 requirement of this rule may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the General Provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Consent planners should have the discretion of where these are required in accordance with the recommended matter of discretion.</p>	Accept in part	8.2

FS1386.531	Mercury NZ Limited for Mercury C	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
362.17	CYK Limited	Neutral/Amended	<p>Amend clauses (a) and (b) in Rule 22.4.1.6 (a) Conservation Lot subdivision, as follows: (i) RD1 (a) The subdivision must comply with all of the following conditions: (i) The lot must contain: <u>A. a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist which meets; or B. a contiguous area, to be enhanced and/or restored;</u> in accordance with the table below: ... (ii) The area of Significant Natural Area, <u>or area to be enhanced and/or restored,</u> is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area <u>or</u></p>	<p>Support the incentivisation of legally and physically protecting Significant Natural Areas and other areas of existing biodiversity which offers positive benefits for the Region. There is no provision for ecological enhancement and/or restoration in the Conservation Lot rules. There are significant biodiversity and water quality benefits to be gained from ecological enhancement particularly along waterways and wetland areas. Water quality is a key issue identified in the Regional Policy Statement and the Vision and Strategy. Recognised in the rural objectives and policies which seek enhancement of surface and ground water quality and the natural characteristics of waterways. The plan should be enabling of improving biodiversity and water quality within the Waikato Catchment and incentivise enhancement and/or restoration of areas that meet criteria in Appendix 2. Re-vegetation costs approximately \$45,000 per hectare. Incentivisation through subdivision would assist in offsetting this cost and encourage enhancement and/or restoration. Seek that provisions for ecological enhancement and/or restoration of appropriate areas be included. Minimum areas for enhancement and/or restoration should be in accordance with Rule 22.4.1.6. Rule 22.4.1.6 ii requires the legal protection of the conservation feature. Other forms of legal protection, such as the vesting of the conservation area in Council ownership (esplanade reserve) or by S221 consent notice may be appropriate. Suggest that this rule require legal protection only and leave the mechanism of protection to discretion of Council. Rule 22.4.1.6 (vi) requires a minimum area of 8,000m2, flexibility for lot area should be provided where dwellings or established rural activities exist. This avoids unnecessary fragmentation of productive land. This could be addressed as a matter of discretion.</p>	Accept in part	12.3

~~area to be restored is not already subject to a conservation-covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act legal protection.~~ (iv) The subdivision proposes to legally protect all areas of Significant Natural Area or area to be restored by way of a conservation-covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth National Trust Act. (v) An ecological management plan is prepared to address the ongoing management of the ~~covenant-protected area~~ to ensure that the ~~Significant-Natural-Area area to be protected~~ is a self-sustaining and that plan: A. Addresses fencing requirement for the ~~covenant-protected area~~; B. Addresses ongoing pest plan and animal control; C. Identifies any enhancement and/or restoration or edge planting required within the ~~covenant-area to be protected~~. ... (b) Council's discretion is restricted to the following matters: (i) Subdivision

			<p>layout and proximity of building platforms to Significant-Natural Area <u>the area to be protected</u>; (ii) Matters contained in an ecological management plan for the covenant-protected <u>protected</u> area; (iii) Effects of the subdivision on <u>localised</u> rural character and amenity values; (iv) Extent of earthworks including earthworks for the location of building platform and access ways; (v) <u>Mechanism of legal protection for the area to be protected.</u></p> <p><u>DI</u> (a) <u>Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6(vi-vii) RDI.</u> (b) <u>Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii) RDI.</u> ...</p>			
364.5	Michael Innes	Support	Retain Rule 22.4.1.2 (a)(i) – (iii) General Subdivision, as notified.	Support the inclusion of the General Subdivision rules.	Accept in part	8.2
<i>FS1386.537</i>	<i>Mercury NZ Limited for Mercury C</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is</i>	Accept in part	8.2

				<p>necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
364.6	Michael Innes	Neutral/Amended	<p>Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Amend Rule 22.4.1.2 General Subdivision to create new discretionary activities as follows: D1 <u>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI.</u> <u>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>	<p>General subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. This will ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not to meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should be provided for lots less than 8,000m² and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies and achieving the anticipated environmental results. For lots smaller than 8,000m² it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. The creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other activities on the site should be provided for.</p>	Accept in part	8.2
FS1386.538	Mercury NZ Limited for Mercury C	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River</p>	Accept in part	8.2

				<i>Catchment is appropriate.</i>		
364.7	Michael Innes	Oppose	Delete Rule 22.4.1.2(a)(v) General Subdivision AND Add a new matter of discretion to Rule 22.4.1.2(b) General Subdivision, as follows: <u>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</u>	There is no analysis in the s32 report regarding the relevance or practicality of this rule. We agree with the intent of this rule, which is to design subdivision to avoid the fragmentation of the high class soils. The strict and arbitrary 80/20 requirement of this rule may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the General Provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Consent planners should have the discretion of where these are required in accordance with the recommended matter of discretion.	Accept in part	8.2
FS1386.539	Mercury NZ Limited for Mercury C	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
364.8	Michael Innes	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision.	Creation of a vacant lot between 8,000m2 and 1.6ha is supported as a Restricted Discretionary activity.	Accept in part	8.2
FS1386.540	Mercury NZ Limited for Mercury C	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate</i>	Accept in part	8.2

				<i>significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
364.10	Michael Innes	Oppose	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from Prohibited to Non-Complying Activities.	<p>There may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. It is fanciful to think that every subdivision on high class soil would result in a significant adverse effect on the environment. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. Unfair and unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries or commercial orchard activities. Rural activities do not need to be held on the same certificate of title as other rural activities, and there may be circumstances where subdivision enables more significant opportunities for economic wellbeing and the efficient and effective operation of the activity. A number of commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than having no other option but to dispose of the entire property, or the need to invest more capital in the operation. The prohibited activity status prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable in the long-term following its separation from other rural activities on the site. PR4 states any subdivision of a lot previously amalgamated for the purpose of a transferable lot subdivision is prohibited. This rule may unreasonably restrict the subdivision potential over and above what is necessary to avoid undermining the intent of the rule under which these Records of Title were created. Under Rule 22B of the Franklin Section, the donor certificates of title had to meet a minimum area of 1ha each. However there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. We also note that under the Franklin Section of the District Plan there were no corresponding rules that</p>	Accept in part	7.2

				<p>limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22B of the Franklin Section require closer scrutiny this should merit a Non-Complying status only. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries with a neighbour without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected in the Rural Zone from inappropriate subdivision and development and that subdivision in the Urban Expansion Area does not undermine the integrated and efficient development of this zone.</p>		
FS1062.33	Andrew and Christine Gore	Support	Allow submission point 364.10.	<ul style="list-style-type: none"> • There may be circumstances where subdivision on high class soils is the only positive effect. • Where land is uneconomic to farm or affected by a large scale public work. 	Accept in part	7.2
FS1129.44	Auckland Council	Oppose			Accept in part	7.2
FS1131.12	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1386.541	Mercury NZ Limited for Mercury C	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	7.2
364.11	Michael Innes	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, to replace reference to "lot" with "Record of Title".	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur where a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1386.542	Mercury NZ Limited for Mercury C	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood</p>	Accept in part	7.2

				<p><i>hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>		
365.1	Delta Property Group	Neutral/Amended	<p>Amend Rule 22.4.1.2 General Subdivision, to add a new restricted discretionary activity for records of title containing no high class soils and to allow a minimum lot area of 4ha on properties that do not contain high class soils as follows: RDI A1 - Record of Title containing High Class Soil: (a) RD2 A2 - Record of Title containing no High Class Soil: (a) Subdivision must comply with all of the following conditions: (i) The Record of Title to be subdivided must not have previously been used to gain an additional subdivision entitlement under this Rule (Note: A consent notice will be required on new Titles created under this Rule confirming no further subdivision under this Rule may be made); (ii) The Record of Title to be subdivided must be at least 20 hectares in area; (iii) The proposed subdivision must create no more than one additional lot,</p>	<p>There are many cases where there are rural sites that do not contain high class soils that could be potentially subdivided down to smaller sizes without compromising productivity or the character and amenity of the rural zone. This could be achieved by making a larger minimum lot size (with no maximum) and providing a one-time only provision to ensure subdivision retains rural character and amenity and ensures lot sizes are sufficiently sized for productive use.</p>	Reject	8.2

			<p>excluding an access allotment. (iv) The additional lot must have a minimum lot area of 4ha; (b) Council's discretion is restricted to the following matters: ...</p>		
FS1386.543	Mercury NZ Limited for Mercury C	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	<p>Accept</p> <p>8.2</p>
365.2	Delta Property Group	Neutral/Amended	<p>Amend Rule 22.4.1.6 RD1(a) Conservation Lot Subdivision, as follows: (a)(i) The lots must contain an contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the table below:</p> <p>Contiguous area to be legally protected (hectares) —</p> <p>Maximum number of new Records of Title Between 1ha and 2ha in area within the Hamilton Basin</p> <p>1 Less than 2ha in all other areas</p> <p>10 2ha to less than 5ha</p> <p>2 1-5ha or more to less than 10ha</p> <p>3 10ha or more</p> <p>3 ... (vii) In</p>	<p>Current requirement for both contiguous areas of significance and the minimum lot area are too restrictive. These requirements provide no incentive for potential protection for future generations in cases where the current area is less than the minimums or segregated by some feature but still containing a Significant Natural Area. Council still maintains discretion for areas less than two hectares. By removing the requirements for the areas to be "contiguous", Council may find that proposals could be made to reinstate land between non-contiguous areas as part of possible future Significant Natural Areas. Where this rule is utilised, there should be different lot sizes for areas of land that do and do not contain high class soils.</p>	<p>Reject</p> <p>12.5</p>

			<p>cases where <u>high class soils exist onsite, and exist within the parent title, all proposed lots....</u> AND Add a new clause to Rule 22.4.1.6 RDI(a) Conservation Lot Subdivision as follows: <u>(viii) In cases where no high class soils exist onsite, or exist within the parent title, all proposed lots excluding the balance lot, there is no maximum lot size;</u></p>			
372.19	Steve van Kampen for Auckland Council	Support	Retain Rule 22.4.1.1 Prohibited subdivision.	Supports provisions that protect and retain high class soils, particularly for their value in food production.	Accept in part	7.2
FS1388.6	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	7.2
FS1287.14	Blue Wallace Surveyors Ltd	Oppose	Blue Wallace seek that the submission be rejected, and a more appropriate compromise be implemented.	<i>The submission point is opposed as the Submitter contends the prohibition of land subdivision is too heavy handed. It is considered that a co-operation that a co-operative approach would be more appropriate, and a more equitable solution could be developed.</i>	Accept in part	7.2
FS1308.26	The Surveying Company	Oppose		<i>A prohibited status is not needed to achieve the protection and retention of high-class soils, is unnecessarily restrictive and may result in unintended limitations on the rural production activities. Policy 14.2 seeks to avoid the decline in the availability for primary production due to the inappropriate subdivision, use or development. The strength of the objectives and policies of the Proposed Plan, together with a Non-Complying Activity status will give effect to this policy. The loss of high-class soils needs to be considered in balance with many other factors such as rural landscape and character, and rural production. Subdivision around existing,</i>	Accept in part	7.2

				established activities such as greenhouses, packing sheds etc. may also be economically enabling for the primary production industry and should not be unnecessarily prohibited, but rather considered on a case by case basis. Prohibiting any subdivision of a lot previously amalgamated for the purpose of a transferable lot subdivision is restrictive well beyond the intent of the legacy plan and will result in rural landowners being unable to use boundary relocation as a land management tool. Inclusion of PR4 is completely contrary to the direction of Plan which is to enable rural production.		
FS1328.14	Kenneth Graham Barry	Oppose	Disallow the submission point in full.	Protection and retention of high class soils is not required by the higher order documents and does not promote sustainable management. Not all high class soils are suitable for food production and a Prohibited Activity status makes a blanket assumption that it is.	Accept in part	7.2
FS1330.20	Middlemiss Farm Holdings Limited	Oppose	Reject Submission.	Subdivision on high class soils may be appropriate where it meets the Purpose of the Act.	Accept in part	7.2
FS1308.179	The Surveying Company	Oppose		We oppose this submission point. This rule, as currently written, restricts all subdivision of any lot created for the purpose of a transferable rural lot subdivision under the Franklin Section by amalgamation or resurvey. The absence of transferable lot right subdivision from the inclusion of a pre-1997 title date in the general subdivision provisions largely restricts further subdivision and the creation of additional lots where post-1997 titles for donor lots have been issued. Many donor properties for transferable lot subdivision under the Franklin Section also contain no high-class soils. Therefore prohibition of further subdivision of these Records of Title does not achieve the objectives and policies of the Plan. It also denies rural land owners the ability to create conservation lots or undertake a boundary relocation with an adjoining land owner, both of which have potential positive benefits.	Accept in part	7.2
372.20	Steve van Kampen for Auckland Council	Neutral/Amended	Amend Rule 22.4.1.1 PR4 Prohibited subdivision PR4, to make it more absolute that no additional lots are able to be subdivided where a transferable rural lot subdivision has occurred in the past.	Waikato District Plan approach to rural subdivision does not include TTR mechanism which enables additional subdivision rights to be transferred to other sites where certain criteria are met. Suggest amendments to make it more absolute that no additional lots are to be subdivided where a transferable rural lot for subdivision has occurred in the past.	Accept	7.2
372.21	Steve van Kampen for Auckland Council	Oppose	Amend Rule 22.4.1.5 Rural Hamlet Subdivision, to be limited and focused around existing towns and villages.	Rural Hamlets and the growth of new residential areas should be limited and focused around existing towns and villages. Strategic directions in the plan encourage growth around existing towns and centres, therefore enabling rural hamlets do not align with this. Rural hamlet developments have the potential to create small enclaves of	Reject	11.2

				residential activity, with potential effects on reverse sensitivity, transport management and on rural character.		
FSI308.27	The Surveying Company	Oppose		We oppose this submission point; the point of Rural Hamlet is to allow for small living in rural setting. Sitting on the outskirts of towns and villages would not achieve this. The Rural Hamlet provisions allow for well-designed and sited Hamlets with the positive benefit of shared infrastructure and amalgamation of the balance farmland.	Accept	11.2
FSI330.21	Middlemiss Farm Holdings Limited	Oppose	Reject Submission.	The Waikato District is experiencing significant growth and there should be the opportunity to create new hamlets etc, and not be constrained to the "existing towns and villages."	Accept	11.2
372.22	Steve van Kampen for Auckland Council	Neutral/Amend	No specific decision sought, but submission states support for further section 32 analysis to consider the potential costs and benefits of conservation lots in the rural area.	Support further section 32 analysis to consider the potential costs and benefits of conservation lots in the rural area, in particular the impacts of potential yields on rural character where these provisions are utilised to create additional lots. Analysis to consider the potential impact on growth in the rural area would be beneficial.	Accept in part	12.4
FSI138.34	Glenn Michael Soroka and Louise Claire Meredith as Trustees of the Pakau Trust	Support	terms of reference and transferable title rights need to be considered.	In part.	Accept in part	12.4
376.1	Jolene Francis	Neutral/Amend	Amend Rule 22.4.1.2 General Subdivision, by including additional provisions to permit additional subdivision to occur that does not have a detrimental impact on amenity and economic values on the rural environment.	Recognising that fragmentation of rural land and loss of productive and versatile land is not ideal, the rules as currently written encourage this by only permitting the subdivision of larger farms, rather than allowing smaller blocks of 10-20 acres the opportunity to subdivide one lot from their property allowing two titles. These size blocks still provide low density housing, are most likely not of a size to be productive and are not likely to be amalgamated into a large more economically viable block. Yet they are also unable to subdivide. In many circumstances, having the opportunity to create another title and subdivide results in income directed back into the property and further opportunities to diversify.	Reject	8.2
FSI062.34	Andrew and Christine Gore	Support	Allow submission point 376.1.	• Fragmentation of rural land needs to be recognised. The opportunity to subdivide needs to be considered.	Reject	8.2
FSI197.13	Bowrock Properties Limited	Support	That the submission point is accepted.	Support general intent of submission point in that it allows creation of additional lots on land holdings which are not economically viable as a productive rural unit.	Reject	8.2
FSI311.11	Ethan & Rachael Findlay	Support	Support submission point 376.1.	To provide provisions to allow most efficient use of land. To support general intent of submission point.	Reject	8.2
FSI328.15	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree with the reasoning of the submitter. Subdivision does not always result in detriment to amenity or the economic values created through primary production, if primary production is even viable on the land. Where primary production is not viable these types of provisions will give the Waikato District Council discretion.	Reject	8.2

FS1388.11	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
378.36	Fire and Emergency New Zealand	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, as subdivision is a restricted discretionary activity, except for the amendments sought below AND Amend Rule 22.4.1.2 General subdivision, as follows: (a) Subdivision must comply with all of the following conditions:... <u>x.</u> <u>Proposed lots must be connected to water supply sufficient for firefighting purposes.</u> (b) Council's discretion is restricted to the following matters:... <u>x.</u> <u>Provision of infrastructure, including water supply for firefighting purposes.</u> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.	Fire and Emergency New Zealand generally supports Rule 22.4.1.2 as subdivision of land in the Rural Zone is a Restricted Discretionary activity, however, Fire and Emergency New Zealand requires that proposed lots shall be connected to public-reticulated water supply or water supply sufficient for firefighting purposes Subdivision that does not comply is a Non-Complying activity. The changes sought promotes consistency across all zones in the District Plan.	Accept in part	8.2
FS1134.85	Counties Power Limited	Support	Seek that the submission point be allowed.	The provision of existing infrastructure should be considered.	Accept in part	8.2

FS1388.37	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
FS1035.142	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Accept in part	8.2
378.37	Fire and Emergency New Zealand	Neutral/Amended	Retain Rule 22.4.1.5 Rural hamlet subdivision, as subdivision is a restricted discretionary activity, except for the amendments sought below AND Amend Rule 22.4.1.5 Rural Hamlet Subdivision, as follows: (a) Subdivision must comply with all of the following conditions:... (xi) <u>Proposed lots must be connected to water supply sufficient for firefighting purposes.</u> (b) Council's discretion is restricted to the following matters:... <u>Provision of infrastructure, including water supply for firefighting purposes.</u> AND Amend the Proposed District Plan to make further or consequential amendments as	Fire and Emergency New Zealand generally supports Rule 22.4.1.5 as subdivision of land in a Rural Hamlet is a Restricted Discretionary activity, however, Fire and Emergency New Zealand requires proposed lots shall be connected to public-reticulated water supply or water supply sufficient for firefighting purposes. Subdivision that does not comply is a Non-Complying activity. The changes sought promotes consistency across all zones in the District Plan.	Accept in part	11.2

			necessary to address the matters raised in the submission.			
FS1134.86	Counties Power Limited	Support	Seek that the submission point be allowed.	The provision of existing infrastructure should be considered.	Accept in part	11.2
FS1035.143	Pareoranga Te Kata	Support	Obtain statement of performance expectation (SPE) to allow submission to be accepted.	Fire safety and fire prevention to undertake training activities for fire fighters within the region.	Accept in part	11.2
391.1	Lachie Cameron and Donna Watts	Neutral/Amended	<p>Add new Rule 22.4.10 Subdivision - Country Living Hamlet, as follows (or similar wording and alternative activity status as necessary):</p> <p><u>22.4.10 Subdivision- Country Living Hamlet RDI</u></p> <p><u>(a) Subdivision to create a Country Living Hamlet within the Rural Zone must comply with the following conditions:</u></p> <p><u>(i) The Record of Title to be subdivided must be at least 104.5ha in area;</u></p> <p><u>(ii) The Record of Title must contain lots which are not contiguous;</u></p> <p><u>(iii) The lot to be developed must have a maximum area of 4.5 ha;</u></p> <p><u>This lot must be subdivided in accordance with Chapter 23 Country Living Zone and is not subject to Chapter 22 Rural Zone.</u></p> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <p><u>(i) Subdivision layout and design including dimension,</u></p>	<p>Addition of new rule will allow small land holdings physically separated from larger land holdings (held in the same title) to be better utilised as Country Living Hamlets. There are already areas within the Rural Zone which feature small pockets of Country Living type development, therefore a Country Living Hamlet will not look unfitting within the Rural Zone. Developments under the proposed rule will be developed in accordance with the Country Living Rules, Objectives and Policies which will allow for components of rural living to be maintained. The restrictive nature of proposed Rule 22.4.10 will mean only a very limited amount of properties will be entitled to subdivide under this rule. Lot 2 DPS 2534 can no longer be used in the dairy operation due to the increase in traffic on Te Ohaki Road as it is too small to undertake its own rural based operation. Further development can be supplied onsite which meets requirements of Country Living Zone and sufficient space has been provided to all proposed lots to support onsite waste water and storm water disposal. The site at 821 Ohaki Road, Huntly is capable of providing high levels of amenity being adjacent to the Waikato River with views out across the river to the Waikato-Tainui Whenua Raahui Wildlife Refuge Reserve Islands help to provided favorable conditions for Country Living developments. An esplanade reserve has been proposed along the boundary adjoining the river, and a public walkway is also proposed to allow access to the reserve and river. There is only a small amount of Country Living land around Huntly. The location of the submission site provides suitable connection to Hamilton and Auckland, which provides an opportunity to work in larger towns whilst living in a rural setting. e</p>	Reject	11.2

			<u>shape and orientation of the proposed lots;</u> <u>(ii) Effects on rural character and amenity values;</u> <u>(iii) Effects on landscape values;</u> <u>(iv) Potential for reverse sensitivity effects.</u> <u>NC I</u> <u>(a) Subdivision that does not comply with Rule 22.4.10 RDI.</u>			
FS1388.98	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	11.2
FS1277.131	Waikato Regional Council	Oppose	Do not include proposed new rules which allow for ad hoc rural residential subdivision (e.g. 'country living hamlets' or 'farm park subdivision'). Retain Rule 22.4.1.1 Prohibited Subdivision as notified. Retain the Rural zoning of 7B Liennoc Lane, Tamahere as notified. Do not amend Rule 22.4.1 to allow for less restrictive subdivision provisions for areas where subdivision has already occurred.	This proposed rule allows for ad hoc rural residential subdivision and has the potential to further fragment rural land and contribute to the loss of high quality soils. The supply and location of large lot residential and rural residential land must be considered strategically across the whole district. The district plan must give effect to Policy 6.17 and Implementation Method 6.1.5 under the WRPS.	Accept	11.2
394.10	Gwenith Sophie Francis	Neutral/Amen d	Add new policies to Chapter 5 Rural	The Proposed Waikato District Plan fails to appropriately identify the issues and challenges facing Waikato District; The		

			<p>Environment, to facilitate farm parks and ensure good quality outcomes by: (i) Allowing up to 1 new site per 4 ha, provided that the parent title is 20 ha or larger; (ii) New sites being clustered, less than 5000m2 and the development to be lined with a Farm Management Plan to ensure long term environmentally sustainable farming practices; (iii) Ecological restoration of permanent watercourses and wetlands; (iv) Reverse sensitivity covenants for farming activities; (v) Clustering of houses where topography allows it; and (vi) Facilitating changes of use in farming operations to land uses which are compatible and give effect to the "Vision and Strategy" and are more sustainable through reduced water and nutrient needs.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.</p>	<p>Proposed Waikato District Plan fails to have appropriate regard to relevant National Policy Statements including the National Policy Statement for Freshwater management and the National Policy Statement on Urban Development Capacity; The Proposed Waikato District Plan fails to have appropriate regard to the Regional Policy Statement and/or misapplies the strategic direction of that document; The Proposed Waikato District Plan fails to provide practical solutions to the challenges facing farming in the northern part of the Waikato District and places undue emphasis on the protection of versatile soils without acknowledging other limitations for farming such soils; Council has failed to undertake an adequate section 32 analysis, particularly with respect to the extent and location of a countryside living zone, subdivision opportunity for ecological enhancement or protection and provision of innovative subdivision developments such as farm parks; and The Proposed Waikato District Plan fails to identify sufficiently and appropriately located areas for countryside living - particularly where there is good access to appropriate infrastructure.</p>		
FSI 322.8	Synlait Milk	Oppose	Disallow the whole submission	Any intensification of rural subdivision standards for the purpose of establishing farm parks		

			point.	should not be provided for near existing heavy industry that has been lawfully established and where the proposed activities may result in reverse sensitivity effects.		
FSI110.24	Synlait Milk Limited	Oppose	Any intensification of rural subdivision standards for the purpose of establishing farm parks should not be provided for near existing heavy industry that has been lawfully established and where the proposed activities may result in reverse sensitivity effects.	The whole submission point.		
FSI342.70	Federated Farmers	Not Stated	Neutral. FFNZ wish to remain involved in the planning response.	FFNZ understands the intent of this submission and wishes to remain involved if a new planning approach is adopted. FFNZ members are directly affected by any changes to rural zone subdivision rules.		
FSI379.109	Hamilton City Council	Oppose		HCC opposes changes to the plan that enable additional subdivision within the Rural Zone, in HCC's Area of Interest. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the WRPS and Future Proof Strategy and can undermine the intent of the zone.		
FSI388.114	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
394.16	Gwenith Sophie Francis	Oppose	Delete Rule 22.4.1.1 Prohibited subdivision. OR Amend Rule 22.4.1.1 Prohibited Subdivision if retained, so that it only applies to the Rural Zone and does not apply to the Country Living	The submitter states that subdivision should not be prohibited in any circumstance.	Reject	7.2

			Zone. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.			
FS1328.16	Kenneth Graham Barry	Support	Allow the submission point as it relates to the deletion of Rule 22.4.1.1.	Agree that subdivisions should not be prohibited in any circumstance.	Reject	7.2
FS1379.111	Hamilton City Council	Oppose		HCC opposes the deletion of Rule 22.4.1.1 Prohibited Subdivision, or the removal of those provisions from the CLZ (Rule 23.4.1) for the reasons set out in its original submission, noting that these both relate to UEA.	Accept	7.2
FS1388.117	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2
394.17	Gwenith Sophie Francis	Neutral/Amen d	Amend Rule 22.4.1.2 General subdivision, so that this rule only applies to the Rural Zone and does not apply to the Country Living Zone. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.	No reasons provided.	Reject	8,2
FS1388.118	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate	Accept	8.2

				<p>from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
394.18	Gwenith Sophie Francis	Neutral/Amended	<p>Amend Rule 22.4.1.1 Prohibited subdivision, to acknowledge other allowable forms of subdivision such as Conservation Lot Subdivision and farm parks. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.</p>	No reasons provided.		
FS1388.119	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
394.19	Gwenith Sophie Francis	Not Stated	<p>Amend Rule 22.4.1.2 General subdivision, to acknowledge other allowable forms of subdivision such as Conservation Lot Subdivision and farm parks. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate</p>	No reasons provided.	Reject	8.2

			to give effect to the intent of the submission.			
FS1388.120	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
394.20	Gwenith Sophie Francis	Neutral/Amended	Amend Rule 22.4.1.6 Conservation lot subdivision, by incorporating the provisions from the Auckland Council District Plan (Rodney Section) 2011 and any directly linked assessment criteria and appendices referred to in those provisions to enable subdivision for protection of Significant Natural Areas. Refer to the submission which sets out these Rodney Section provisions in full. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.	The Proposed Waikato District Plan fails to set realistic and achievable goals for subdivision reliant on the protection, enhancement or establishment of significant ecological areas; Allowing greater lot yields would provide an incentive for this type of subdivision; and Council has failed to undertake an adequate section 32 analysis with respect to subdivision opportunities for ecological enhancement.		
394.21	Gwenith Sophie Francis	Neutral/Amended	Amend the number of lots to be created per area of ecological enhancement,	No reasons provided.	Accept in part	12.5

			restoration or protection to be calculated from the date that the Proposed District Plan was notified. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.			
FS1388.121	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	12.5
394.22	Gwenith Sophie Francis	Neutral/Amended	Add a new rule to Section 22.4 Subdivision for farm park subdivision, that provides for: (i) <u>1 new site per 4 ha from a parent title that is at least 20 ha, provided that the new sites are clustered, less than 5000m2 and;</u> (ii) <u>Development is lined with a farm management plan to ensure long term environmentally sustainable farming practices.</u> AND Amend the Proposed District Plan to make consequential or further additional relief,	The Proposed Waikato District Plan fails to appropriately identify the issues and challenges facing Waikato District; The Proposed Waikato District Plan fails to have appropriate regard to the Regional Policy Statement and/or misapplies the strategic direction of that document; The Proposed Waikato District Plan fails to provide practical solutions to the challenges facing farming in the northern part of Waikato District and places undue emphasis on the protection of versatile soils without acknowledging other limitations for farming such soils; Council has failed to undertake an adequate section 32 analysis with respect to innovative subdivision developments such as farm parks.	Reject	11.2

			as is appropriate to give effect to the intent of the submission.			
FS1062.36	Andrew and Christine Gore	Oppose	Disallow submission point 394.22.	<ul style="list-style-type: none"> This amount of on-farm development would be contrary to protection of soils etc. for production and rural amenity. 	Accept	11.2
FS1277.132	Waikato Regional Council	Oppose	<p>Do not include proposed new rules which allow for ad hoc rural residential subdivision (e.g. 'country living hamlets' or 'farm park subdivision').</p> <p>Retain Rule 22.4.1.1 Prohibited Subdivision as notified.</p> <p>Retain the Rural zoning of 7B Liennoc Lane, Tamahere as notified.</p> <p>Do not amend Rule 22.4.1 to allow for less restrictive subdivision provisions for areas where subdivision has already occurred.</p>	This proposed rule allows for ad hoc rural residential subdivision and has the potential to further fragment rural land and contribute to the loss of high quality soils. The supply and location of large lot residential and rural residential land must be considered strategically across the whole district. The district plan must give effect to Policy 6.17 and Implementation Method 6.1.5 under the WRPS.	Accept	11.2
FS1379.112	Hamilton City Council	Oppose		HCC opposes any changes to the plan that may result in additional subdivision in Rural Zones. Subdivision in the Rural Zone should be limited and should be of a scale and nature that supports the continued use of the Rural Zone for productive rural activities. The key purpose of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the WRPS and Future Proof Strategy and can undermine the intent of the zone.	Accept	11.2
FS1388.122	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	11.2
394.27	Gwenith Sophie Francis	Not Stated	No specific decision sought, but submission	No reasons provided.	Reject	6.2

			seeks the addition of new definitions and to amend definitions in Chapter 13 Definitions to give effect to the submission.			
FS1388.125	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	6.2
394.31	Gwenith Sophie Francis	Neutral/Amended	Add a definition of "Farm Park" in Chapter 13 Definitions. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.	No reasons provided.	Reject	11.2
FS1342.71	Federated Farmers	Oppose	Disallow submission point 394.31.	As no definition of farm park was provided it is difficult to assess the merits of the submission and implications for plan users.	Reject	11.2
FS1388.128	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	11.2
398.3	Ian Thomas	Oppose	If the rezoning sought in submission points 398.1, 398.2 and 398.5 is not supported,	Opposes Prohibited subdivision Rule PR3.	Reject	8.2

			Delete Rural Zone Prohibited Subdivision (PR3) Rule 22.4.1.1. OR Amend Rule 22.4 Subdivision, to enable subdivision of Rural Zoned land at an appropriate scale in appropriate locations, i.e. such as 647 Marychurch Road, Matangi.			
FS1311.14	Ethan & Rachael Findlay	Support	Support submission point 398.3.	To provide provisions to allow most efficient use of land. To support general intent of submission point.	Reject	8.2
FS1328.17	Kenneth Graham Barry	Support	Allow the submission point in full.	Support the deletion of P3 because it is an unnecessarily restrictive provision that uses a blanket approach which is not sustainable management.	Reject	8.2
405.66	Counties Power Limited	Neutral/Amend	Add a matter of discretion to Rule 22.4.1.2 RD1(b) General subdivision as follows: <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets;</u>	To prevent assets becoming landlocked. Similar to Transpower rules.	Accept in part	8.2
405.67	Counties Power Limited	Neutral/Amend	Add a matter of discretion to Rule 22.4.1.3 Subdivision of Maaori Freehold Land as follows: <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets;</u>	To prevent assets becoming landlocked. Similar to Transpower rules.	Reject	9.2

405.68	Counties Power Limited	Neutral/Amended	Add a matter of discretion to Rule 22.4.1.4 RDI (b) Boundary relocation as follows: <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets;</u>	To prevent assets becoming landlocked. Similar to Transpower rules.	Accept	10.6
405.69	Counties Power Limited	Neutral/Amended	Add a matter of discretion to Rule 22.4.1.5 RDI (b) Rural Hamlet Subdivision as follows: <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets;</u>	To prevent assets becoming landlocked. Similar to Transpower rules.	Accept	11.2
FS1121.51	First Gas Limited on behalf of First Gas	Support	Allow	First Gas supports the intention of the proposed amendment to Rule 22.4.1.5 which seeks to ensure subdivision within the Rural Zone does not impact adversely on existing infrastructure and in particular access. While First Gas supports the intent of submission point 405.69 ultimately First Gas seeks an additional rule which would make subdivision of a site containing a gas transmission pipeline a restricted discretionary activity as outlined in the original submission.	Accept	11.2
405.70	Counties Power Limited	Neutral/Amended	Add a matter of discretion to Rule 22.4.1.6 RDI (b) Conservation lot subdivision as follows: <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure</u>	To prevent assets becoming landlocked. Similar to Transpower rules.	Accept	12.4

			assets;			
FS1211.52	First Gas Limited on behalf of First Gas	Support	Allow Amend Rule 22.4.1.6 as requested under submission point 405.70	First Gas supports the proposed amendment to Rule 22.4.1.6 RD1(b) to add the following matter of discretion for Conservation Lot Subdivision. The subdivision, layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure.	Accept	12.4
405.71	Counties Power Limited	Neutral/Amend	Add a matter of discretion to Rule 22.4.1.7 RD1(b) Subdivision to create a reserve as follows: <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets;</u>	To prevent assets becoming landlocked. Similar to Transpower rules.	Accept	13.2
FS1211.53	First Gas Limited on behalf of First Gas	Support	Amend Rule 22.4.1.7 as requested under submission point 405.71.	First Gas support the proposed amendment to Rule 22.4.1.7 RD1(b) to add the following matter of discretion for Subdivision to create a reserve: The subdivision, layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets.	Accept	13.2
417.2	Glenys McConnell	Not Stated	Delete Rule 22.4.1.2(a)(ii) General subdivision AND Amend Rule 22.4.1.2 (a)(iv) General subdivision, as follows: (a) Subdivision must comply with all of the following conditions: ... (iv) The additional lot must have a proposed area of between 8,000m² 2,500m ² and 1.6 ha; AND Amend Rule 22.4.1.2 (v) General subdivision, to allow the smaller lot to contain up to 100% of high class soils if this results in the aggregation of	The submitter considers that this amendment is a consequence of their requested policy changes to Section 5.1.1 The Rural Environment and Policy 5.2.3. The amendment supports the amalgamation of smaller older titles by way of boundary alteration or subdivision to create larger titles that are usable and enables smaller titles to be sold separately. The amendment encourages the use of high class land as a trade-off.	Reject	8.2

			older titles.			
FS1379.127	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS.	Accept	8.2
FS1388.159	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
418.8	Ethan Findlay	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision to allow subdivision of Rural-zoned lots less than 4ha to allow better use of fragmented high class soils, regardless of when the certificate of title was issued. OR Amend the zoning of properties of Rural-zoned lots less than 4ha to Country Living zone, including the property at 7B Llennoc Lane, Tamahere. AND Amend the Proposed District Plan to enable subdivision of 7B Llennoc Lane, Tamahere into lots approximately 4500m2 if non-serviced. AND Amend other parts of the district plan as necessary to	The requested amendments would promote the better use of already fragmented high class soil. For example, the area described by the submitter that is bordered by the high tension power lines, Tauwhare Road, Matangi settlement and the Hautapu rail link (and illustrated by the submitter's map) already contains fragmented high class soils. It is not possible to farm land areas less than 4ha without impacting on the surrounding lifestyle community. The creation of 4500m2 lots from the submitter's property at 7B Llennoc Lane would have minimal impact on neighbouring landowners as their properties are already closely aligned to a Country Living Zone.	Reject	7.2

			give effect to the relief sought.			
FS1062.39	Andrew and Christine Gore	Support	Allow submission point 418.8.	• Subdivision to promote better use of fragmented high class soils.	Reject	7.2
FS1129.66	Auckland Council	Oppose			Accept	7.2
FS1277.133	Waikato Regional Council	Oppose	Do not include proposed new rules which allow for ad hoc rural residential subdivision (e.g. 'country living hamlets' or 'farm park subdivision'). Retain Rule 22.4.1.1 Prohibited Subdivision as notified. Retain the Rural zoning of 7B Liennoc Lane, Tamahere as notified. Do not amend Rule 22.4.1 to allow for less restrictive subdivision provisions for areas where subdivision has already occurred.	This proposed rule allows for ad hoc rural residential subdivision and has the potential to further fragment rural land and contribute to the loss of high quality soils. The supply and location of large lot residential and rural residential land must be considered strategically across the whole district. The district plan must give effect to Policy 6.17 and Implementation Method 6.1.5 under the WRPS.	Accept	7.2
FS1388.165	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2
418.13	Ethan Findlay	Oppose	No specific decision sought, but submission opposes Rule 22.4.1.1 Prohibited subdivision.	No reasons provided.	Reject	7.2
FS1388.169	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood	Accept	7.2

				<p>hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
418.17	Ethan Findlay	Oppose	No specific decision sought, but submission opposes Rule 22.4.1 Subdivision.	No reasons provided.	Reject	8.2
1388.1001	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept	8.2
419.36	Jordyn Landers for Horticulture New Zealand	Oppose	<p>Delete Rule 22.4.1.1 PR2 Prohibited subdivision. AND Add a replacement non-complying activity to Rule 22.4 Subdivision, as follows: <u>NCX (a) Subdivision which results in any additional lot being located on high class soil</u> <u>(b) Exceptions to NCX are where an additional lot is created by either of the following: (i) Access allotment or utility allotment</u> <u>(ii) Subdivision of Maaori Freehold Land</u> AND Any consequential or additional amendments as a result of changes sought in the submission.</p>	<p>The submitter commends the intention to protect high class soil. A prohibited activity status is overly restrictive. The submitter does not generally support subdivision of high class soils, although it is recognised that there are instances when growers may need to subdivide a portion of land in order to remain economically viable. Under a prohibited planning framework, many growers would be unduly limited in their options. It is considered that a non-complying activity status may be more appropriate as it would provide a possible pathway while still applying a high level of protection for high class soils. The ability to undertake subdivisions for conservation lots and reserve lots on high class soils will result in the creation of sporadic 8000m2 lots around the district. It is inappropriate to provide an exemption for this type of subdivision on high class soils and is inconsistent with the proposed objectives and policies. Location of new lots as a result of reserve lot or conservation lot subdivisions should not be encouraged on high class soils.</p>	Accept in part	8.2

FSI 129.45	Auckland Council	Oppose			Accept in part	8.2
FSI 308.35	The Surveying Company	Support		We agree that a Non-Complying Activity status is appropriate to allow Council a high degree of scrutiny to ensure high-class soils are retained and protected. With regards to comments about conservation lots and reserve lots sitting on high-class soils, we are of the opinion that this matter is appropriately addressed as a matter of discretion for these types of subdivision.	Accept in part	8.2
FSI 328.18	Kenneth Graham Barry	Support	Allow the submission point as it relates to the deletion of Rule 22.4.1.1.	Support the deletion of P2 and P3. But consider a Discretionary Activity Status will sufficiently avoid the decline of high class soils. A Discretionary Activity status is required for the Waikato District Council to have sufficient scope to consider individual circumstances, specifically the suitability and economic viability of the land in question for primary production.	Accept in part	8.2
FSI 330.27	Middlemiss Farm Holdings Limited	Support	Support in part. Accept in Part.	The deletion of the prohibition supported but the proposed rule may still be too restrictive for general application.	Accept in part	8.2
FSI 388.193	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
419.37	Jordyn Landers for Horticulture New Zealand	Oppose	Delete Rule 22.4.1.1 PR3 Prohibited subdivision AND Add a replacement new non-complying activity to Rule 22.4 Subdivision, as follows: <u>NCX</u> <u>(a) Subdivision which results in any additional lot being located on high class soil</u> <u>(b) Exceptions to NCX are where an additional lot is created by either of the following: (i) Access allotment or utility allotment</u> <u>(ii) Subdivision of Maaori freehold land</u>	It is appropriate to provide for subdivision on high class soil as a non-complying activity as it will provide a possible pathway, which still applying a high level of protection for high class soils. It is inappropriate and inconsistent with the objectives and policies to allow exemptions for conservation lot or reserve lot subdivisions as this ill result in sporadic or unplanned development on high class soils.	Reject	8.2

			AND Any consequential or additional amendments as a result of changes sought in the submission.			
FS1308.36	The Surveying Company	Support		We agree that a Non-Complying Activity status is appropriate to allow Council a high degree of scrutiny to ensure high-class soils are retained and protected. With regards to comments about conservation lots and reserve lots sitting on high-class soils, we are of the opinion that this matter is appropriately addressed as a matter of discretion for these types of subdivision.	Reject	8.2
FS1328.19	Kenneth Graham Barry	Support	Allow the submission point as it relates to the deletion of Rule 22.4.1.1.	Support the deletion of P2 and P3. But consider a Discretionary Activity Status will sufficiently avoid the decline of high class soils. A Discretionary Activity status is required for the Waikato District Council to have sufficient scope to consider individual circumstances, specifically the suitability and economic viability of the land in question for primary production.	Reject	8.2
FS1330.28	Middlemiss Farm Holdings Limited	Support	Support in part. Accept in part.	The deletion of the prohibition supported but the proposed rule may still be too restrictive for general application.	Reject	8.2
FS1388.194	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
419.38	Jordyn Landers for Horticulture New Zealand	Oppose	Delete Rule 22.4.1.2 RDI General Subdivision. AND Any consequential or additional amendments as a result of changes sought in the submission.	The method provides a voucher lot subdivision based on title date and parent lot size. The minimum parent lot size of 20 hectares appears to have little resource management reasoning. The outcome is scattered countryside living elements between 8000m2 and 1.6ha. There is no resource management reasoning based on sustainable management or a positive environmental outcome. Notably the same method was previously available in the former Franklin District Plan and removed during a plan review of rural subdivision methods. The outcome is still fragmentation of high class soil that conflicts with the objective and policy framework of the plan.	Reject	8.2
FS102.3	Roger & Bronwyn Crawford on behalf of Roger & Bronwyn Crawford	Oppose	Support submission point 419.38.	General Lot Subdivision is a legacy rule from the Waikato District Plan - Waikato Section (WDP - W), which currently provides limited growth within the rural areas without prescriptive restrictions on protection of high-class soils. This is identified clearly in the Section 32 report. Rule 22.4.1.2(a)(v) introduces greater	Accept	8.2

				restrictions for subdivision of high-class soils after consideration of various options for rural subdivision that provides for demand of rural-residential living in the Rural Zone and avoids inappropriate fragmentation of high-class soils; therefore, further promoting sustainable management of natural and physical resources. Deleting the General Subdivision Rule (22.4.1.2) would reduce the balanced approach to limit rural growth in the district that aligns with the agreed objectives and policies of the Plan.		
FS1328.20	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree there is no resource management based reasoning for the provision and the provision should be deleted.	Reject	8.2
FS1330.29	Middlemiss Farm Holdings Limited	Oppose	Reject Submission.	Even in areas of high-class soils there will be areas and features that can benefit from appropriate protections and enhancement subdivision.	Accept	8.2
FS1379.129	Hamilton City Council	Oppose		HCC opposes the deletion of the General Subdivision rule in Rule 22.4.1.2 RD1. HCC in its original submission sought a 40ha 'parent lot' to reduce the opportunity for fragmentation. The retention of the provision assists with better plan administration.	Accept	8.2
FS1388.195	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
419.39	Jordyn Landers for Horticulture New Zealand	Neutral/Amended	Add a new clause (vii) to Rule 22.4.1.5 RD1 (a) Rural Hamlet Subdivision, as follows: <u>(a) Subdivision to create a Rural Hamlet must comply with the following conditions: ... (vii) the proposed lots must not be located on high class soils</u> AND Add a new matter of discretion to Rule 22.4.1.5 RD1 (b) Rural Hamlet Subdivision as follows: <u>(vi) the extent to which</u>	The submitter supports the inclusion of reverse sensitivity and effects on rural character and amenity as matters to which discretion is restricted. Urban and semi-urban development creates additional pressure on natural resources and impacts the ability of legitimate rural activities from accessing those resources which are essential to rural operation. It is appropriate that measures to address water conservation and stormwater design should be encouraged. To remain consistent with the proposed objectives and policies the submitter seeks that the avoidance of high class soil should be included as a condition of Rural Hamlet Subdivision.	Accept in part	11.2

			<p><u>water conservation measures and, where appropriate, low impact stormwater design and facilities have been applied.</u> AND Any consequential or additional amendments as a result of changes sought in the submission.</p>			
FS1308.37	The Surveying Company	Oppose		<p>We oppose this submission point – that Hamlets should be restricted from sitting on High-Class Soils. We recognise this is an important consideration and the objectives and policies give high-class soils considerable weighting, however, hamlet design needs to also consider landscape, character, amenity and servicing matters.</p>	Accept in part	11.2
FS1330.30	Middlemiss Farm Holdings Limited	Oppose	Reject Submission.	<p>Even in areas of high-class soils there will be areas and features that can benefit from appropriate protections and enhancement subdivision.</p>	Accept in part	11.2
419.40	Jordyn Landers for Horticulture New Zealand	Neutral/Amended	<p>Add a new clause (ix) to Rule 22.4.1.6 RDI (a) <u>Conservation lot subdivision, as follows: (a) The subdivision must comply with all of the following conditions: ... (ix) the proposed lots must not be located on high class soils.</u> AND Add two new matters of discretion to Rule 22.4.1.6 RDI (b) Conservation lot subdivision, as follows: (v) <u>potential for reverse sensitivity effects;</u> (vi) <u>the extent to which water conservation measures and, where appropriate, low impact stormwater</u></p>	<p>The submitter opposes the lack of matter of discretion considering reverse sensitivity effects for this restricted discretionary subdivision activity when all others retain this discretion. With the limited range of subdivision methods, this is likely to be an active method and this is a critical assessment matter. Consistent with the policy framework, the matters of discretion should also address water conservation. The avoidance of high class soil should be included as a condition of this activity. This would be consistent with the proposed objectives and policies which seek to protect high class soils.</p>	Accept in part	12.4

			<p><u>design and facilities have been applied.</u> AND Any consequential or additional amendments as a result of changes sought in the submission.</p>			
FS1268.9	Jennie Hayman	Oppose	<p>Oppose in part. Ensure that conservation is provided for across a range of environments.</p>	<p>Care is required to ensure that enhancement of indigenous biodiversity is provided for across all LUC classes. Removing "high class" soils from consideration in the creation of conservation lot subdivision, may resolve one tension, but creates an impediment where lots may not be able to be located away from high class soils.</p>	Accept in part	12.4
FS1171.28	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support	<p>Allow the submission.</p>	<p>This submission proposes a new clause and matters for discretion to Rule 22.4.1.6 Conservation lot subdivision. This submission is supported as it seeks to restrict subdivision on high class soils.</p>	Accept in part	12.4
FS1308.38	The Surveying Company	Oppose		<p>We oppose this submission point and would prefer to see consideration of high-class soils and the primary production activity identified as a matter of discretion for this type of subdivision.</p>	Accept in part	12.4
FS1330.31	Middlemiss Farm Holdings Limited	Oppose	<p>Reject Submission.</p>	<p>Even in areas of high-class soils there will be areas and features that can benefit from appropriate protections and enhancement subdivision. And horticulture production should not necessarily trump conservation. Ecosystem services are essential to sustain commercial production e.g. clean water availability.</p>	Accept in part	12.4
419.41	Jordyn Landers for Horticulture New Zealand	Neutral/Amended	<p>Add a new matter of discretion to Rule 22.4.9 RDI (b) Subdivision - Building platform, as follows: (vii) <u>The relationship of the building platform and residential activity with surrounding current and future rural production activities and measures to avoid or mitigate reverse sensitivity effects.</u> AND Any consequential or additional amendments as a result of changes sought in the submission.</p>	<p>The requirement for a specific building platform for a proposed lot is a common subdivision standard. This enables an assessment of the platform and the residential activity it will support, relative to a number of matters. This should include the relationship of the platform, its residential use and the surrounding current or future rural production activities. The matters of discretion should be expanded for this purpose.</p>	Accept in part	21.2

FS1171.29	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support	Allow the submission.	This submission is supported as it seeks to restrict subdivision on high class soils and protect rural production activities from reverse sensitivity effects arising from residential activities and subdivision.	Accept in part	21.2
420.1	Ben Young for Madsen Lawrie Consultants Limited	Oppose	Add a new clause (iii) to Rule 22.4.1.1 PR3 (c) Prohibited subdivision as follows: <u>(iii) Any lot created by amalgamation for the purposes of a transferable rural lot subdivision under the Waikato District Plan – Franklin Section where the amalgamation was between records of title that existed prior to 6 December 1997.</u> AND Amend Rule 22.4.1.1 Prohibited Subdivision to remove references to the 6th December 1997.	Titles amalgamated under the Operative District Plan - Franklin section should not be penalised for moving their titles from the property.	Reject	8.2
FS1308.40	The Surveying Company	Oppose		We wholly oppose the inclusion of Prohibited subdivision irrespective of amendments. A prohibited status should only be applied where there is no case for exceptions and based on our experience this is simply not the case with subdivision. Subdivision can be undertaken for a number of reasons which may achieve the purpose of the Act and the strategic direction of the relevant plans. Non-Complying Activity status is appropriate to give Council opportunity to apply greater scrutiny to proposed subdivision identified as Prohibited in the Proposed Plan.	Accept	8.2
FS1388.236	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
420.2	Ben Young for Madsen Lawrie	Oppose	No specific decision sought,	The CT date should be brought forward to the date the Proposed District Plan is	Reject	8.2

	Consultants Limited		but submission opposes the use of the 6th December 1997 CT date in Rule 22.4.1.2 (a)(i) General subdivision.	operative. The rule should be inclusive of the whole of the District and not reference a redundant and archaic rule that relates to only part of the district. If the CT date of the 6th December 1997 is persisted with, then further exceptions need to be made to include titles with a title date newer than the 6th of December 1997 that were created by transferable rural lot right subdivision.		
FS1379.131	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FS1388.237	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
420.3	Ben Young for Madsen Lawrie Consultants Limited	Neutral/Amended	Amend Rule 22.4.1.4 RD1 (a)(i) Boundary relocation, to remove specification of a date for titles undergoing the boundary relocation.	Imposing a specific date that the titles undergoing boundary relocation have to have been issued before is an excessive restriction and constraints of this level are not appropriate for boundary relocation. It is unclear as to what will be achieved by the imposition of such a date.	Accept	10.5
FS1379.132	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Reject	10.5
FS1388.238	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.5
420.5	Ben Young for Madsen Lawrie Consultants	Support	Retain Rule 22.4.1.2 (a)(ii) General	No reason provided.	Accept in part	8.2

	Limited		subdivision as notified requiring a minimum of 20ha parent title size.			
FS1379.133	Hamilton City Council	Oppose		HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Accept in part	8.2
FS1388.240	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
420.6	Ben Young for Madsen Lawrie Consultants Limited	Oppose	Amend Rule 22.4.1.2 (a)(iii) General subdivision as follows: The proposed subdivision must create no more than one additional lot, excluding an access allotment, for <u>every compliant parent certificate of title.</u>	Clause (iii) needs to be clarified. As the rule reads in its current form, it is not clear that subdivision must not create more than one lot for every compliant parent certificate of title. The rule could be interpreted that no more than one lot is created per subdivision regardless of number of compliant parent certificate of titles that are involved.	Accept in part	8.2
FS1388.241	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
420.7	Ben Young for Madsen Lawrie Consultants	Oppose	Amend Rule 22.4.1.2 (a)(iv) General	A minimum lot size requirement of 4,000m ² will allow for some flexibility while still provided generous-sized lots that are	Reject	8.2

	Limited		subdivision to reduce the minimum lot size from 8,000m ² to 4,000m ² .	appropriate in the rural zone. A minimum lot size of 8,000m ² will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. For many people 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. Waikato Regional Council has a 2,500m ² minimum in the rural zone, which should be considered when designating lot minimum area to minimise urban sprawl and best maintain the rural land resources in the district. This is relevant for the Franklin area as subdivision is currently allowable to 2,500m ² and for future development to be consistent with existing development a smaller lot size than 8,000m ² would be more appropriate.		
FS1353.28	Tuakau Proteins Limited	Oppose	Retain Rule 22.4.1.2 RDI (a)(iv) The additional lot must have a proposed area of between 8,000m ² and 1.6ha.	Having such small lots within the Rural Zone may lead to reverse sensitivity issues with existing established land uses.	Accept	8.2
FS1388.242	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
420.8	Ben Young for Madsen Lawrie Consultants Limited	Neutral/Amended	Amend Rule 22.4.1.4 RDI (a)(iv) Boundary relocation to reduce the minimum lot size from 8,000m ² to 4,000m ² , if not 2,500m ² . OR Add a new clause to Rule 22.4.1.4 Boundary relocation (if the minimum lot size is not reduced to 2500m ²) enabling boundary relocation for pre-existing lots smaller than 8,000m ² that	Under the current Operative District Plan – Franklin section there is provision for lot size of down to 2,500m ² in the Rural Zone, therefore by imposing a minimum lot size requirement of 8,000m ² for lots resulting from boundary relocation subdivision in the future. A minimum lot size of 8,000m ² will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. For many people 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. This will not promote efficient rural usage of land jeopardises Policy 5.2.3 (a) Effects of subdivision and development on soils. Waikato Regional Council has a 2,500m ² minimum in the Rural Zone, which should be considered and implemented when designating the minimum lot area to minimise urban sprawl, and best maintain	Reject	10.2

			were previously created in compliance with the Franklin section of the Operative District Plan.	and enable usage of rural land resources in the district.		
FS1379.134	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy. Further, HCC is also concerned about the impacts on its infrastructure from such development in the Rural Zone in Hamilton's Area of Interest.	Accept	10.2
FS1388.243	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
421.1	Tracy Hayson for Wasley Knell	Neutral/Amended	Add a new clause to Rule 22.4.1.1 PR2 Prohibited subdivision as follows: <u>(c) PR2 (a) does not apply to the following: Land deemed not high-class soil prior to any soil improvement works being undertaken. In this regard confirmation of the soils class shall be obtained from Council and shall continue to be the accepted soil classification specific to the provisions of this District Plan.</u> AND Add a new clause to Rule 22.4.1.1 PR3(c) Prohibited subdivision as follows: <u>(c)(iii)</u>	If, subsequent to the soil classification being recorded, land improvement work is carried out that was raised the standard to meet the High Class Soils definition may consequently be interpreted as applying prohibited activity status. This interpretation would be a disincentive to land improvement work. This submission proposes exceptions to prohibited activities. This would provide for land to be exempt to the prohibited subdivision activities which are triggered when a site has high class soil. This is subject to that prior to improvement works on the land, Council confirms the soils on the site do not meet this standard, accepting that this will remain the recorded soil classification regardless of subsequent soil improvement work.	Reject	7.2

			<u>Land deemed not high-class soil prior to any soil improvement works being undertaken. In this regard confirmation of the soils class shall be obtained from Council and shall continue to be the accepted soil classification specific to the provisions of this District Plan.</u>		
FS1308.41	The Surveying Company	Oppose		For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.	Accept 7.2
FS1388.244	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept 7.2
424.1	Grant Ryan	Oppose	Amend Rule 22.4.1 Subdivision - General to be less restrictive for areas that have already been allowed to subdivide.	The submitter has 19 lifestyle blocks on Pook Road, Pukekohe so that area is no longer rural. A review of the Rural Zone and its restrictions is most logical.	Reject 8.2
FS1277.134	Waikato Regional Council	Oppose	Do not include proposed new rules which allow for ad hoc rural residential subdivision (e.g. 'country living hamlets' or 'farm park subdivision'). Retain Rule 22.4.1.1 Prohibited Subdivision as notified. Retain the Rural zoning of 7B Liennoc Lane, Tamahere as notified. Do not amend	This proposed rule allows for ad hoc rural residential subdivision and has the potential to further fragment rural land and contribute to the loss of high quality soils. The supply and location of large lot residential and rural residential land must be considered strategically across the whole district. The district plan must give effect to Policy 6.17 and Implementation Method 6.1.5 under the WRPS.	Accept 8.2

			Rule 22.4.1 to allow for less restrictive subdivision provisions for areas where subdivision has already occurred.			
FSI388.249	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
424.2	Grant Ryan	Oppose	Amend Rule 22.4.2 Title boundaries - natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas to review or delete the property size.	The submitter has 19 lifestyle properties on Pool Road, Pukekohe and these are no longer rural properties. This needs to be reduced to allow for property exit strategy.	Reject	14.2
FSI388.250	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	14.2
424.3	Grant Ryan	Oppose	No specific decision sought, but submission opposes the restrictions on subdivision of high-class soils, especially on Pook Road,	The submitters have a total of 9.45ha which is uneconomic as a rural property to farm, and currently operate a high value plant breeding operation from this site. If they wanted to expand they would need to sell and relocate and the ability to sell 9.45ha as an economic unit rural is not feasible. They have 19 lifestyle properties and rural activity with	Reject	8.2

			Pukekohe, in Rule 22.4 Subdivision.	reverse sensitivity is becoming a challenge.		
FSI 129.25	Auckland Council	Oppose			Accept	8.2
FSI 388.251	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
424.4	Grant Ryan	Oppose	Amend Rule 22.4.1.1 Prohibited subdivision after reviewing the property size and the restrictions to subdivide on high-class soils when there are no better options.	The submitter farms on 9.45ha only due to a low land use activity with their plant breeding operation; this land size is uneconomic for a general farm operation. If and when the submitter is required to expand they would need to sell to buy a larger property. To sell 9.45ha as a rural property would not be viable. The ability to sell as lifestyle would be more economic. They currently have 19 lifestyle properties on Pook Road, Pukekohe. No one else is farming or operating a rural property, so to restrict them after everyone else has already capitalized would be unreasonable.	Reject	7.2
FSI 308.42	The Surveying Company	Oppose		For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.	Accept	7.2
FSI 388.252	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2
433.61	Mischa Davis for Auckland Waikato Fish and Game Council	Neutral/Amended	Add two new subdivision rules in Rule 22.4.1.6 that provides for Environmental Benefits Lots, as follows: <u>Discretionary activity An environmental</u>	The conservation lot provision has had variable success in producing environmental gains and the notified rule limits the possible biodiversity gains. The aim of the new rule is to recreate and restore or enhance areas of natural character or indigenous biodiversity that might not yet be identified as significant but have the potential to be in the future.	Accept in part	12.3

benefit lot subdivision is a discretionary activity if the following conditions are met: 1. The site to be subdivided offers the opportunity to achieve at least one of the following: a) Restoration or enhancement of an identified under-represented ecosystem; or b) Restoration of indigenous biodiversity; or c) Enhancement of indigenous biodiversity; or d) Creation of a buffer to an under-represented or threatened indigenous ecosystem/s; or e) Creation of an ecological stepping stone or corridor to link indigenous ecosystems; or f) Restoration or enhancement of a wetland or dune habitat; or g) Legal protection and restoration or enhancement of a modified or degraded area of natural character. 2. The area to be set aside for restoration or enhancement and protection is at least the equivalent to the total area of new lots created; and 3. The minimum area of new lot created is 5000m²; and 4. The application is accompanied by a report prepared by a suitably qualified professional.

that: a) Identifies the area/feature to be created, restored or enhanced and protected; and b) Confirms that the area/feature, or part of it, (where it forms part of a larger natural area) that has been identified for protection and restoration or enhancement will provide the greatest biodiversity gains or outcomes for the protection of natural character for the site; and c) Includes a management plan specifying the steps to be taken to create, restore or enhance the area/feature and its ongoing management and monitoring requirements to ensure that the biodiversity gains are maintained. d) Specifies how the area/feature will be legally protected in perpetuity; and 5. The new lots created are not dependent upon public water and wastewater infrastructure. 6. No more than four environmental benefit lots are created per lot. Non-complying activity Any activity that does not meet a condition for a discretionary activity is a non-complying activity. AND/OR Any alternative

			relief to address the issues and concerns raised in the submission.			
FS1251.1	Nesdam Trust & Fisk Madsen Trust	Support	I seek that the part of Auckland Waikato Fish & Game as noted here be allowed.	I agree	Accept in part	12.3
FS1223.90	Mercury NZ Limited	Support		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure perspective. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	12.3
FS1268.10	Jennie Hayman	Support	Support in part. Provide additional incentives for conservation beyond the identified (in the proposed plan) areas.	The ability to increase/expand areas of indigenous biodiversity is critical in addressing the adverse effects of development and preventing further loss of native habitat and ecosystem services.	Accept in part	12.3
FS1330.42	Middlemiss Farm Holdings Limited	Support	Accept Submission.	The new rules will facilitate the maintenance and enhancement of ecosystems and productive green infrastructure.	Accept in part	12.3
FS1342.126	Federated Farmers	Support	Allow submission point 433.72.	FFNZ supports the submission. The PDP has focused conservation lot subdivision on SNAs and is missing an opportunity to incentivise other biodiversity gains such as restoring, linking and expanding indigenous biodiversity that may not be an SNA, including manmade wetlands, and other areas which would benefit from active management such as erosion prone land or riparian margins.	Accept in part	12.3
433.62	Mischa Davis for Auckland Waikato Fish and Game Council	Neutral/Amended	Amend Rule 22.4.7 Esplanade reserves and esplanade strips, as follows: RD+P1-(a) An esplanade reserve or strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas) is required to shall be created and vested in Council from every subdivision where the land being subdivided	The notified rule is too restrictive as a means of creating esplanade strips. The Waikato Regional Policy Statement requires local authorities to enhance public access to and along the coastal marine area, wetlands, and lake and rivers and their margins and the rule should allow for esplanade reserves and esplanade strips to be created as a permitted activity. The council should make the most of every opportunity to increase the coverage of esplanade strips along Waterbodies.	Reject	19.2

			<p>is: ... AND Delete Rule 22.4.7 RDI (b) Esplanade reserves and esplanade stripes AND Amend Rule 22.4.7 DI Esplanade reserves and strips as follows: DI RD Subdivision that does not comply with Rule 22.4.7 RDI PI Council's discretion is restricted to the following matters: (i) the type of esplanade provided reserve or strip; (ii) width of the esplanade reserve or strip; (iii) provision of legal access to the esplanade reserve or strip; (iv) matters provided for in an instrument creating an esplanade strip or access strip; (v) works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris AND/OR Any alternative relief to address the issues and concerns raised in the submission.</p>			
434.1	Ben Young for Madsen Lawrie Consultants Ltd	Neutral/Amend d	Amend Rule 22.4.1 Subdivision so that the issue date regarding a Record of Title is changed to the operative date of the Proposed	The Proposed District Plan is incorporating Franklin section titles that have not had this opportunity for subdivision previously, so they should not be penalised by the implementation of the date restriction. The date restriction is only relevant to the Waikato section of the current District Plan. The submitter currently has a title much older than 6 December 1997 and wishes to	Reject	8.2

			Plan for all titles, especially for Franklin titles.	make an application in the future for subdivision. Part of the submitters land is in the process of purchase under the Public Works Act 1981 for the relocation of State Highway 2. This transaction will generate a title date newer than 6 December 1997 and therefore preclude a potential subdivision proceeding as a Restricted Discretionary Activity. The submitter has no control over this procedure and therefore should not be penalised for a subdivision creating a date newer than the cutoff date.		
FSI379.137	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FSI388.256	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
434.2	Ben Young for Madsen Lawrie Consultants Ltd	Neutral/Amended	Amend Rule 22.4.1.1 PR3 (c) Prohibited subdivision to include any title where the title date is newer than 6 December 1997 as a result of land required under the Public Works Act 1981 or the Local Government 1974.	The submitter currently has a title much older than 6 December 1997 and wishes to make an application in the future for subdivision. Part of the submitter's land is in the process of purchase under the Public Works Act 1981 for the relocation of State Highway 2. This transaction will generate a title date newer than 6 December 1997 and therefore preclude a potential subdivision proceeding as a Restricted Discretionary Activity. The submitter has no control over this procedure and therefore should not be penalised for a subdivision creating a date newer than the cutoff date.	Reject	8.2
FSI308.43	The Surveying Company	Oppose		For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.	Accept	8.2
FSI388.256	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land	Accept	8.2

				<i>use and development in the Waikato River Catchment is appropriate.</i>		
434.3	Ben Young for Madsen Lawrie Consultants Ltd	Neutral/Amended	Amend Rule 22.4.1 Subdivision so that exceptions to this rule are noted (such as those classified as Prohibited Subdivision) as it currently in the Operative District Plan.	Specification of exceptions will ease interpretation and understanding of the rule.	Accept	8.2
FS1388.258	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	8.2
437.3	KCH Trust	Oppose	Delete Rule 22.4.3(a)(i) Title boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance. AND Any other relief or amendments to address the concerns outlined in the submission.	Many Significant Natural Areas are already fragmented. Significant Natural Areas protection relies on the implementation of a covenant. The retention within one title is not a key requirement. An efficient covenant is the most important matter (Rule 22.4.1.6(a)(iv)).	Reject	15.2
FS1323.131	<i>Heritage New Zealand Pouhere Taonga</i>	Oppose	<i>That the amendments sought are declined.</i>	<i>HNZPT is concerned that the deletion of this rule will lead to adverse effects on Heritage items and Maaori sites and areas of significance at the time of subdivision. A non-complying activity status should be retained for activities that do not meet the restricted discretionary matters of assessment to avoid adverse effects on historic heritage.</i>	Accept	15.2
440.1	Ben Young for Madsen Lawrie Consultants Ltd	Neutral/Amended	Amend Rule 22.4.1.2(a)(i) General Subdivision, to match the issue of the title date to the operative date of the Proposed District Plan, if not for all titles then for Franklin	The Proposed District Plan is incorporating Franklin section titles that have not had this opportunity for subdivision previously so should not be penalised by the implementation of the date restriction, which is only relevant to the Waikato Section of the current District Plan.	Reject	8.2

			titles.			
FS1379.139	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FS1388.267	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
440.2	Ben Young for Madsen Lawrie Consultants Ltd	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iv) General Subdivision, to reduce the minimum lot size from 8,000m ² to 4,000m ² .	A minimum lot size requirement of 4,000m ² will allow for some flexibility while still provided generous sized lots appropriate in the Rural Zone. A minimum lot size of 8,000m ² will only serve to fragment rural land and potentially designate productive land for inappropriate use for large residential lots. For many people, 8,000m ² is not a manageable sized lot and will result in land not being used to its full potential. Regional Council requires a 2,500m ² minimum lot size in the Rural Zone, which should be considered to minimise urban sprawl and best maintain the rural land resources in the district. This is particularly relevant for the Franklin area as subdivision is currently allowable to 2,500m ² and for future development to be consistent with existing development a smaller lot size than 8,000m ² would be more appropriate.	Reject	8.2
FS1062.44	Andrew and Christine Gore	Support	Allow submission point 440.2.	• Subdivision to support minimum lot size being lower. Move appropriate for fragmented land so blocks, e.g. 4ha, can subdivide into at least 5 or more.	Reject	8.2
FS1388.268	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2

440.3	Ben Young for Madsen Lawrie Consultants Ltd	Neutral/Amended	Amend Rule 22.4.1.4(a) (i) Boundary Relocation, to remove the specification of a date for titles undergoing the boundary relocation.	Imposing a specific date for titles subject to a boundary relocation proposal is an excessive restriction. It is unclear as to what will be achieved by the imposition of such a date.	Accept	10.5
FS1379.140	Hamilton City Council	Oppose		<i>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.</i>	Reject	10.5
FS1388.269	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	10.5
440.4	Ben Young for Madsen Lawrie Consultants Ltd	Neutral/Amended	Amend Rule 22.4.1.4(a)(iv) Boundary Relocation, to reduce the minimum lot size resulting from a boundary relocation to at least 4,000m ² or 2,500m ² OR Amend Rule 22.4.1.4 (a)(iv) Boundary relocation, to insert a specific clause enabling boundary relocations for pre-existing lots smaller than 8000m ² that were created via compliance with the Franklin Section of the District Plan, if the minimum lot is not reduced to 2,500m ² .	The Franklin Section in the Operative District Plan contains a provision for a minimum lot size of 2,500m ² in the Rural Zone. Imposing a minimum lot size requirement of 8,000m ² would preclude lots less than 8,000m ² created under the Franklin Section from being used for boundary relocations in the future. A minimum lot size of 8,000m ² will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. For many people, 8,000m ² is not a manageable sized lot and rural land will not be used to its full potential. This will not promote efficient rural usage of land and will jeopardise Policy 5.2.2 of the Proposed District Plan which states that "Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located". Regional Council requires a 2,500m ² minimum lot size in the Rural Zone, which should be considered and implemented to minimise urban sprawl, and best maintain and enable efficient use of rural land resources in the district.	Reject	10.4
FS1379.141	Hamilton City Council	Oppose		<i>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing</i>	Accept	10.4

				towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.		
FS1388.270	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.4
440.5	Ben Young for Madsen Lawrie Consultants Ltd	Neutral/Amended	Retain the indicated areas to be legally protected and the resultant maximum number of new Records of Title in Rule 22.4.1.6 RDI (a)(i) Conservation Lot Subdivision, as notified.	The proposed contiguous areas required for the production of new Records of Title are achievable and appropriate within the region and will serve to protect generous regions of Significant Natural Areas.	Accept in part	12.5
440.6	Ben Young for Madsen Lawrie Consultants Ltd	Neutral/Amended	Amend Rule 22.4.1.6 RDI (viii) Conservation Lot Subdivision, as follows: This rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement;	This rule appears to preclude any protection of existing unprotected qualifying or Significant Natural Features that would qualify under the proposed rules since the previous environmental lot subdivision. This rule should only reference any feature protected under the Proposed Plan.	Reject	12.7
440.8	Ben Young for Madsen Lawrie Consultants Ltd	Neutral/Amended	Amend Rule 22.4.1.2 General Subdivision, to note or refer to exceptions to this rule as in the Operative District Plan i.e. those subdivisions that are classified as prohibited activities.	Specifications of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2
FS1388.272	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use	Reject	8.2

				management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
441.1	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Delete the specified date for titles undergoing the boundary relocation in Rule 22.4.1.4(a)(i) Boundary Relocation.	Imposing a specific date for titles subject to a boundary relocation proposal is an excessive restriction. It is unclear as to what will be achieved by the imposition of such a date.	Accept	10.5
FS1379.142	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Reject	10.5
FS1388.273	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.5
441.2	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4(a)(iv) Boundary Relocation, to reduce the minimum lot size resulting from boundary relocation to at least 4,000m ² if not 2,500m ² OR Amend Rule 22.4.1.4(a)(iv) Boundary Relocation, to insert a specific clause enabling boundary relocation for pre-existing lots smaller than 8,000m ² that have been	The Franklin Section of the Operative Waikato District Plan contains a provision for a lot size of 2,500m ² in the Rural Zone. Imposing a minimum lot size requirement of 8,000m ² would preclude lots less than 8,000m ² that have been created under the operative Franklin Section from being able to undertake boundary relocation subdivision in the future. A minimum lot size of 8,000m ² will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. For many people, 8,000m ² is not a manageable sized lot and will result in rural land not being used to its full potential. This will not promote efficient rural use of land and will jeopardise Policy 5.2.2 of the Proposed District Plan which states "Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located". Regional Council requires a 2,500m ² minimum lot	Reject	10.2

			previously been created via compliance with the Franklin Section of the District Plan if the minimum lot size is not reduced to 2,500m2.	size in the Rural Zone which should be considered and implemented to minimise urban sprawl, and best maintain and enable efficient use of rural land resources in the district.		
FS1379.143	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy. Further, HCC is also concerned about the impacts on its infrastructure from such development in the Rural Zone in Hamilton's Area of Interest.	Accept	10.2
FS1388.274	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
441.3	Ben Young for Madsen Lawrie Consultants	Support	Retain the indicated areas to be legally protected and the resultant maximum number of new records of title in Rule 22.4.1.6 RD1 (a)(i) Conservation Lot Subdivision, as notified.	The proposed contiguous areas required for the production of new records of title are achievable and appropriate within the region and will serve to protect generous regions of Significant Natural Areas.	Accept in part	12.5
441.5	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Add to Rule 22.4.1.1 PR3 (c) Prohibited subdivision the following: <u>a transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</u>	No reasons provided.	Reject	8.2

FS1388.275	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
441.6	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 RD1 (a)(i) General Subdivision, to match the issue of the title date to the operative date of the proposed plan, if not for all titles then for Franklin titles.	The Proposed District Plan is incorporating Franklin Section titles that have not had this opportunity for subdivision previously so should not be penalised by the implementation of the date restriction, which is only relevant to the Waikato Section of the current District Plan. This date is a reference to a redundant plan and historic rule.	Reject	8.2
FS1379.144	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FS1388.276	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
441.7	Ben Young for Madsen Lawrie Consultants	Support	Retain the minimum size for subdivision entitlement at 20ha in Rule 22.4.1.2(a)(ii) General Subdivision, as proposed.	This is appropriate for the rural area, and will avoid land fragmentation within the district.	Accept in part	8.2
FS1379.145	Hamilton City Council	Oppose		HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Accept in part	8.2

FS1388.277	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
441.8	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2(a)(iii) General Subdivision, as follows: "The proposed subdivision must create no more than one additional lot, excluding an access allotment for every compliant parent certificate of title".	Currently it is not clear that subdivision must not create more than one lot per every compliant parent certificate of title. It could be interpreted that no more than one lot is created per subdivision regardless of number of compliant parent certificate of titles that are involved.	Accept in part	8.2
FS1388.278	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
441.9	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2(a)(iv) General Subdivision, to reduce the minimum lot size from 8,000m ² to 4,000m ² .	A minimum lot size requirement of 4,000m ² will allow for some flexibility while still providing generous sized lots appropriate in the Rural Zone. A minimum lot size of 8,000m ² will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. For many people 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. Regional Council has a 2,500m ² minimum in the Rural Zone, which should be considered when designating lot minimum area to minimize urban sprawl and best maintain the rural land resources in the district. This is particularly relevant for the Franklin area as subdivision is currently allowable to	Reject	8.2

				2,500m ² and for future development to be consistent with existing development a smaller lot size than 8,000m ² would be more appropriate.		
FS1388.279	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
441.11	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 RDI (a)(vi) Conservation lot subdivision, to reduce the minimum lot size requirement from 8,000m ² to 2,500m ² or 4,000m ² .	A minimum lot size of 8,000m ² is not appropriate for all properties and areas. The Franklin region has been allowed to subdivide down to 2,500m ² in the Rural Zone and this needs to be considered and incorporated into any future District Plan, especially if future development is to be in keeping with the existing rural character and amenity of areas within Franklin. A minimum lot size of 8,000m ² is very generous and has a high probability of resulting in fragmentation of rural land. A minimum lot size of 8,000m ² will potentially designate productive land for inappropriate use in large residential lots. For many people, 8,000m ² is not a manageable sized lot and will result in rural land not being utilised to its full potential. Regional Council has a 2,500m ² minimum in the Rural Zone, which should be considered and implemented to minimise urban sprawl, and best maintain and enable efficient use of rural land resources in the district.	Accept	10.5
441.12	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 RDI (a)(vii) Conservation lot subdivision, to increase the maximum lot size for proposed lots (excluding the balance lot) to more than 1.6ha.	There should be the opportunity to make lots larger than 1.6ha if it is appropriate for the site and will enhance rural activities or is more in character with the surrounding area.	Reject	12.6
441.13	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 General Subdivision, to note or refer to exceptions to this rule as in the	Specification of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2

			Operative District Plan i.e. subdivisions that are classified as prohibited activities.			
FS1388.280	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	8.2
444.1	Ben Young for Madsen Lawrie Consultants	Neutral/Amend	Amend Rule 22.4.1.4(a)(i) Boundary Relocation, by removing the specification of a date for titles undergoing a boundary relocation.	Imposing a specific date that the titles undergoing boundary relocation to have been issued before is an excessive restriction and constraints of this level are not appropriate for boundary relocation. It is unclear as to what will be achieved by the imposition of such a date.	Accept	10.5
FS1379.146	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Reject	10.5
FS1388.281	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.5
444.2	Ben Young for Madsen Lawrie Consultants	Neutral/Amend	Amend Rule 22.4.1.4(a)(iv) Boundary relocation, to reduce the minimum lot size resulting from boundary relocation to at least 4000m2, if not 2500m2. OR Add a clause	Under the Franklin Section of the Operative District Plan there is provision for 2,500m2 lots in the Rural Zone. Therefore, imposing a minimum lot size requirement of 8,000m2 for lots resulting from boundary relocation would preclude lots smaller than 8,000m2 created under the Franklin Section of the Operative District Plan. A minimum lot size of 8,000m2 will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential	Reject	10.2

			in Rule 22.4.1.4(a)(iv) Boundary relocation, to enable boundary relocation for pre-existing lots smaller than 8,000m ² that have previously been created under and complied with the Franklin Section of the Operative District Plan, if the minimum lot size is not reduced to 2500m ² .	lots. 8,000m ² is not a manageable sized lot and rural usage of the site will not be utilised to its full potential. This rule will not achieve Policy 5.2.2 of the Proposed District Plan. Waikato Regional Council has a 2,500m ² minimum requirement within the Rural Zone, which should be considered and implemented when designating the minimum lot area to ensure minimal urban sprawl and maintain efficient use of rural land resources in the district.		
FS1379.147	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	10.2
FS1388.282	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
444.3	Ben Young for Madsen Lawrie Consultants	Support	Retain the indicated areas to be legally protected and the resultant maximum number of new records of title in Rule 22.4.1.6(a)(i) Conservation lot subdivision.	The proposed contiguous areas required for the production of new records of title are achievable and appropriate within the region and will serve to protect generous regions of significant natural areas.	Accept in part	12.5
444.5	Ben Young for Madsen Lawrie Consultants	Neutral/Amen d	Add the following to Rule 22.4.1.1 PR3 (c) Prohibited subdivision: (c) <u>A transferable title subdivision in the former Franklin District</u>	No reasons provided.	Reject	8.2

			<u>on a parent Certificate of Title that existed prior to 6 December 1997.</u>			
FS1308.44	The Surveying Company	Oppose		For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.	Accept	8.2
FS1388.283	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
444.6	Ben Young for Madsen Lawrie Consultants	Neutral/Amend	Amend Rule 22.4.1.2(a)(i) General subdivision, to replace the issue of title date from 6 December 1997 with the operative date of the Proposed District Plan, if not for all titles, then for Franklin titles.	The Proposed District Plan incorporates titles within the Franklin area that have not had an opportunity for subdivision. This date is a reference to a redundant plan and historic rule.	Reject	8.2
FS1379.148	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FS1388.284	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
444.7	Ben Young for Madsen Lawrie Consultants	Support	Retain the minimum size for subdivision entitlement at 20ha in Rule 22.4.1.2(a)(ii)	The minimum parent title size is appropriate for the rural area and will serve to not fragment land within the district.	Accept in part	8.2

			General Subdivision, as proposed.			
FSI379.14	Hamilton City Council	Oppose		HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Accept in part	8.2
FSI388.285	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
444.8	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2(a)(iii) General subdivision, as follows: The proposed subdivision must create no more than one additional lot, excluding an access, for every <u>compliant parent certificate of title.</u>	This rule is not clear on whether or not subdivision must not create more than one lot per every compliant parent certificate of title. This rule could be interpreted so that no more than one lot is created per subdivision regardless of the number of compliant parent titles are involved.	Accept in part	8.2
FSI388.286	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
444.9	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2(a)(iv) General subdivision to reduce the minimum lot size to 4,000m2.	A minimum lot size requirement of 4,000m2 will allow for some flexibility while still providing generous sized lots appropriate in the rural zone. A minimum lot size of 8,000m2 will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. 8,000m2 is not a manageable size lot and rural usage of the land within many	Reject	8.2

				8,000m ² lots will not be utilised to its fullest potential. Regional Council has a 2,500m ² minimum in the rural zone which should be considered when designating lot minimum area so as to minimise urban sprawl and best maintain the rural land resources in the district. This is particularly relevant for the Franklin area as subdivision is currently allowable to 2500m ² and for future development to be consistent with existing development a smaller lot size than 8,000m ² would be more appropriate.		
FS1388.287	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
444.10	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend the minimum lot size in Rule 22.4.1.6(a)(vi) Conservation lot subdivision from 8,000m ² to 2,500m ² or 4,000m ² .	A minimum lot size is not appropriate for all properties and areas. The Franklin region has been allowed to subdivide down to 2,500m in the Rural Zone and this needs to be considered and incorporated into the Proposed District Plan, particularly to retain the existing rural character and amenity within the Franklin area. A minimum lot size of 8,000m ² is very generous and has a high probability of resulting in fragmentation of rural and will potentially designate productive land for inappropriate use in large residential lots. 8,000m ² is not a manageable sized lot and rural usage of land within many 8,000m ² lots will not be utilised to its full potential. The Waikato Regional Council has a 2,500m ² minimum in the rural zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of rural land resources in the Waikato District.	Reject	12.6
444.11	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6(a)(vii) Conservation lot subdivision to increase the maximum lot size for proposed lots (excluding the balance lot) to more than 1.6ha.	There should be the opportunity to make lots large than 1.6ha if it is appropriate for the site and will enhance rural activities or is more in character with the surrounding area.	Reject	12.6

444.12	Ben Young for Madsen Lawrie Consultants	Oppose	Amend Rule 22.4.1.2(a)(i) General subdivision, to note or refer exceptions to this rule (i.e. those that are classified as a Prohibited subdivision) as is the case in the Operative District Plan.	Specification of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2
FSI388.288	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	8.2
446.1	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Delete the date specification for titles undergoing boundary relocations in Rule 22.4.1.4 (a)(i) Boundary relocation.	Excessive restriction. Constraints of this level are not appropriate for boundary relocations. Unclear what will be achieved by date imposition.	Accept	10.5
FSI379.151	Hamilton City Council	Oppose		<i>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.</i>	Reject	10.5
FSI388.300	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	10.5
446.2	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a)(iv) Boundary relocation, to reduce the minimum lot sizes to at least	The Operative District Plan allows for a 2,500m ² lot size in the Rural Zone. Imposing an 8,000m ² minimum lot size would preclude lots less than 8,000m ² in the Franklin Section from any boundary relocation proposal in the future. 8,000m ² will fragment rural land and	Reject	10.2

			4,000m2, if not 2,500m2. OR Amend Rule 22.4.1.4 (a) (iv) Boundary relocation to include a specific clause enabling boundary relocation for existing lots smaller than 8,00m2 that have been previously created via compliance with the Franklin Section of the District Plan, in the vent that the lot size is not reduced to 2,500m2.	potentially designate productive land for inappropriate use in large residential lots. 8,000m2 lots are not manageable for many people and rural land will not be used to its full potential. Will not promote efficient rural land use and will jeopardise Policy 5.2.2 which states "Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located". Regional Council requires a 2,500m2 minimum lot size requirement in the Rural Zone and this should be considered to minimise urban sprawl and enable efficient use of rural land resources in the district.		
FS1379.152	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	10.2
FS1388.301	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
446.3	Ben Young for Madsen Lawrie Consultants	Support	Retain the indicated areas to be legally protected and the resultant maximum number of new records of title in Rule 22.4.1.6(a)(i) Conservation lot subdivision.	The proposed contiguous areas required for production of new Records of Title are achievable and appropriate within the region. Will serve to protect generous regions of Significant Natural Areas.	Accept in part	12.5
446.5	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Add the following to Rule 22.4.1.1 PR3 (c) Prohibited subdivision, as	No reason provided.	Reject	8.2

			follows: (c) PR3 (a) does not apply to the following: ... (iii) A transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.			
FS1388.302	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
446.6	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(i) General Subdivision, to match the issue of title date with the operative date of the Proposed District Plan, then if not all titles at least for the Franklin titles.	Titles should match the operative date of the Proposed District Plan for at least the Franklin Section titles that have not used rule in the past. The Proposed District Plan incorporates Franklin Section titles that have not been previously subdivided. Franklin Section titles should not be penalised by a date restriction that is only relevant to the Waikato Section of the Operative District Plan. Specifications of exemptions will ease understanding. The date references a redundant plan and pre-historic rule.	Reject	8.2
FS1379.153	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FS1388.303	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2

446.7	Ben Young for Madsen Lawrie Consultants	Support	Retain the minimum parent lot size of 20 ha for subdivision in Rule 22.4.1.2 (a)(ii) General Subdivision.	This minimum parent title size is appropriate. Will serve to not fragment land within the district.	Accept in part	8.2
FS1379.154	Hamilton City Council	Oppose		HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Accept in part	8.2
FS1388.304	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
446.8	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(iii) General Subdivision as follows: (iii) the proposed subdivision must create no more than one additional lot, excluding an access allotment, for every compliant parent certificate of title.	The current form of the rule does not make it clear that the subdivision must not create more than one lot per every compliant parent certificate of title. The rule could be interpreted to mean that no more than one is lot created per subdivision regardless of the number of compliant parent certificate of titles involved.	Accept in part	8.2
FS1388.305	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
446.9	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(iv) General Subdivision to	A 4,000m ² lot size will allow some flexibility while providing generous lots appropriate for the Rural Zone. A 8,000m ² minimum lot size will only fragment rural	Reject	8.2

			reduce the minimum lot size to 4,000m2.	land and potentially designate productive land for inappropriate use in large residential lots. 8,000m2 lots are not manageable for many people and will not be utilised to their full potential. Regional Council requires a 2,500m2 minimum lot size in the Rural Zone and this should be considered to minimise urban sprawl and best maintain rural land resources in the district. This is relevant for the Franklin area where 2,500m2 lot sizes are currently allowed. This will allow future development to be consistent with existing development.		
FS1388.306	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
446.10	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 (a)(vi) Conservation lot subdivision to reduce the minimum lot size from 8,000m2 to 2,500m2 or 4,000m2.	An 8,000m2 minimum lot size is not appropriate for all properties. The Franklin region has been allowed to subdivide to 2,500m2 in the Rural Zone. This needs to be incorporated in any future District Plan if future development is to be in keeping with the Franklin rural character and amenity. An 8,000m2 minimum lot size is generous, has high probability of resulting in fragmentation of rural land and will potentially designate productive land for inappropriate use in large residential lots. 8,000m2 is not manageable for many people and will not be utilised to its full potential. The Regional Council requires a 2,500m2 minimum lot size in the Rural Zone and this should be considered and implemented to minimise urban sprawl and best maintain and enable efficient use of rural land resources in the District.	Reject	12.6
FS1388.307	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	12.6
446.11	Ben Young for Madsen Lawrie	Neutral/Amended	Amend Rule 22.4.1.6 (a)(vii)	There should be the opportunity to create lots larger than 1.6ha. It is appropriate	Reject	12.6

	Consultants		Conservation lot subdivision, to increase the maximum lot size to more than 1.6ha for proposed lots (excluding the balance lot).	for the site and will enhance rural activities or is more in character with the surrounding area.		
446.12	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 General subdivision, to include a note or reference for exceptions to this rule (i.e. those subdivisions that are classified as a prohibited activity as per the Operative District Plan).	Specifications of exemptions will ease understanding of the rule.	Accept	8.2
FSI388.308	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	8.2
447.1	Ben Young for Madsen Lawrie Consultants	Support	Retain the indicated contiguous areas to be legally protected and the resultant maximum number of new records of title in Rule 22.4.1.6 (a)(i) Conservation lot subdivision.	The proposed contiguous areas required for the production of new records of title are achievable and appropriate within the region and will serve to protect generous regions of significant natural areas.	Accept in part	12.5
447.3	Ben Young for Madsen Lawrie Consultants	Oppose	Amend Rule 22.4.1.6 (a)(vi) Conservation lot subdivision, to reduce the minimum lot size requirement from 8,000m ² to 2,500m ² or	A minimum lot size of 8,000m ² is not appropriate for all properties and areas. The Franklin region has been allowed to subdivide down to 2,500m ² in the Rural Zone and this needs to be considered and incorporated into any future District Plan, especially if future development is to be in keeping with the existing rural character and amenity of areas within Franklin. A minimum lot size of	Reject	12.6

			4,000m ² .	8,000m ² is very generous and has a high probability of resulting in fragmentation of rural land and will potentially designate productive land for inappropriate use in large residential lots. For many people 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. Waikato Regional Council has a 2,500m ² minimum in the rural zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of rural land resources in the district.		
FSI062.45	Andrew and Christine Gore	Support	Support in part submission point 447.3.	<ul style="list-style-type: none"> If topography means lot needs to be bigger than it should be. The remainder could become a biodiversity area. Would like the rule to move the other way too. 	Reject	12.6
447.4	Ben Young for Madsen Lawrie Consultants	Oppose	Amend Rule 22.4.1.6 (a) (vii) Conservation lot subdivision, to increase the maximum lot size for proposed lots (excluding the balance lot) to more than 1.6ha.	There should be the opportunity to make lots larger than 1.6ha where it is appropriate for the site and will enhance rural activities, or is more in character with the surrounding area.	Reject	12.6
447.5	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (i) General Subdivision, to match the date of issue of title to the operative date of the Proposed District Plan - if not for all titles, then for Franklin titles.	The proposed plan is incorporating Franklin section titles that have not had this opportunity for subdivision previously so should not be penalised by the implementation of the date restriction which is only relevant to the Waikato section of the current District Plan.	Reject	8.2
FSI379.155	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FSI388.309	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land	Accept	8.2

				<i>use and development in the Waikato River Catchment is appropriate.</i>		
447.6	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(iii) General Subdivision, as follows: the proposed subdivision must create no more than one additional lot, excluding an access allotment, for every compliant certificate of title.	It is not clear that subdivision must not create more than one lot per every compliant parent certificate of title. It could be interpreted that no more than one lot is created per subdivision regardless of number of compliant parent certificate of titles that are involved.	Accept in part	8.2
FS1388.310	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
447.7	Ben Young for Madsen Lawrie Consultants	Oppose	Amend Rule 22.4.1.2 (a)(iv) General Subdivision to reduce the minimum lot size to 4,000m ² .	A minimum lot size requirement of 4,000m ² will allow for some flexibility while still provided generous sized lots appropriate in the rural zone. A minimum lot size of 8,000m ² will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. For many people 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. Regional Council has a 2,500m ² minimum in the rural zone which should be considered when designating lot minimum area so as to minimise urban sprawl and best maintain the rural land resources in the district. This is particularly relevant for the Franklin area as subdivision is currently allowable to 2,500m ² and for future development to be consistent with existing development a smaller lot size than 8,000m ² would be more appropriate.	Reject	8.2
FS1388.311	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy</i>	Accept	8.2

				<i>framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
447.8	Ben Young for Madsen Lawrie Consultants	Oppose	Amend Rule 22.4.1.4(a)(i) Boundary relocation, to remove specification of a date for titles undergoing the boundary relocation.	Imposing a specific date that the titles undergoing boundary relocation have to have been issued before is an excessive restriction and constraints of this level are not appropriate for boundary relocation. It is unclear as to what will be achieved by the imposition of such a date.	Accept	10.5
FS1379.156	Hamilton City Council	Oppose		<i>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.</i>	Reject	10.5
FS1388.312	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	10.5
447.9	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a)(iv) Boundary relocation, to reduce the minimum lot size resulting from boundary relocation to at least 4000m ² if not 2500m ² . OR Amend Rule 22.4.1.4(a)(iv), to include a specific clause enabling boundary relocation for pre-existing lots smaller than 8,000m ² that have been previously created via compliance with the Franklin Section of the District Plan, in the event that	Under the current Operative Waikato District plan Franklin section there is provision for lot size of down to 2,500m ² in the rural zone therefore, by imposing a minimum lot size requirement of 8,000m ² for lots resulting from boundary relocation it would preclude lots less than 8,000m ² that have been created under the current Franklin section of the District Plan from being able to undertake boundary relocation subdivision in the future. A minimum lot size of 8,000m ² will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. For many people 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. This will not promote efficient rural usage of land and jeopardises Policy 5.2.2 of the proposed District Plan which states that "Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located". Waikato Regional Council has a 2,500m ² minimum in the rural zone which should be considered and implemented when designating the minimum lot area so as to	Reject	10.2

			the lot size is not reduced to 2,500m ² .	minimise urban sprawl and best maintain and enable efficient usage of rural land resources in the district.		
FS1379.157	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	10.2
FS1388.313	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
447.10	Ben Young for Madsen Lawrie Consultants	Oppose	Amend Rule 22.4.1.6 (viii) Conservation lot subdivision, to remove reference to "or its equivalent in a previous District Plan".	This rule appears to preclude any protection of existing unprotected Qualifying or Significant Natural Features that would since the previous environmental lot subdivision qualify for protection under the proposed rules. This rule should instead reference any feature protected under the proposed plan only.	Reject	12.7
447.12	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 General Subdivision, to include notes or references where there are exceptions to the rule (i.e. those that are classified as Prohibited subdivision).	Specification of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2
FS1388.315	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	8.2
449.1	Ben Young for Madsen Lawrie	Neutral/Amended	Amend Rule 22.4.1.4 (a) (i)	Imposing a specific date that the titles undergoing boundary relocation have to	Accept	10.5

	Consultants		Boundary relocation, by removing the specification of a date for titles undergoing the boundary relocation.	have been issued before is an excessive restriction and constraints of this level are not appropriate for boundary relocation. It is unclear as to what will be achieved by the imposition of such a date.		
FS1379.158	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Reject	10.5
449.2	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a) (iv) Boundary relocation, by reducing the minimum lot size resulting from boundary relocation to at least 4,000m2, if not 2,500m2 OR Add a clause to Rule 22.4.1.4 (a) (iv) Boundary relocation, to enable boundary relocation for pre-existing lots smaller than 8,000m2 that have been created via compliance with the Operative District Plan - Franklin Section, in the event that the minimum lot size is not reduced to 2,500m2.	Under the current Operative Waikato District Plan Franklin Section there is provision for lot size of down to 2,500m2 in the Rural Zone therefore, by imposing a minimum lot size requirement of 8,000m2 for lots resulting from boundary relocation it would preclude lots. A minimum lot size of 8,000m2 will only serve to fragment Rural land and potentially designate productive land for inappropriate use in large Residential lots. For many people, 8,000m2 is not a manageable sized lot and rural usage of the land within many 8,000m2 lots will not be utilised to its full potential. This will not promote efficient rural usage and jeopardises Policy 5.2.2 of the Proposed District Plan. The Regional Council has a 2,500m2 minimum in the Rural Zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of Rural land resources in the District.	Reject	10.2
FS1379.159	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	10.2
449.3	Ben Young for Madsen Lawrie Consultants	Support	Retain the areas to be legally protected and the maximum number of new records of title in Rule 22.4.1.6 RD1 (a) (i) Conservation lot subdivision.	The proposed contiguous areas required for the production of new records of title are achievable and appropriate within the Region and will serve to protect generous regions of significant natural areas.	Accept in part	12.5
449.5	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited	No reasons provided.	Reject	8.2

			Subdivision, by adding the following: <u>(c) A transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</u>			
FS1308.46	The Surveying Company	Oppose		For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.	Accept	8.2
449.6	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (i) General subdivision, by bringing the issue of title date up to match the operative date of the Proposed Plan.	The issue of title date should be brought up to the Operative date of the Proposed Plan. If not for all titles then certainly for Franklin titles which have not had the use of this rule in the past. The Proposed Plan is incorporating Franklin section titles that have not had this opportunity for subdivision previously so should not be penalised by the implementation of the date restriction which is only relevant to the Waikato section of the current District Plan. The date is a reference to a redundant plan and pre-historic rule.	Reject	8.2
FS1379.160	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
449.7	Ben Young for Madsen Lawrie Consultants	Support	Retain the minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.	The minimum parent title size is appropriate for the Rural area and will serve to not fragment land within the District.	Accept in part	8.2
FS1379.161	Hamilton City Council	Oppose		HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Accept in part	8.2
449.8	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iii) General subdivision, as follows: The proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant parent certificate of title.</u>	As the Rule reads in its current form it is not clear that subdivision must not create more than one lot per every compliant parent certificate of title. It could be interpreted that no more than one lot is created per subdivision regardless of the number of compliant parent certificate of titles that are involved.	Accept in part	8.2

FS1388.316	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
449.9	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iv) General subdivision, by reducing the minimum lot size to 4,000m2.	A minimum lot size requirement 4,000m2 will allow for some flexibility while still providing generous sized lots appropriate in the Rural zone. A minimum lot size of 8,000m2 will only serve to fragment Rural land and potentially designate productive land for inappropriate use in large Residential lots. For many people 8,000m2 is not a manageable sized lot and rural usage of the land within many 8,000m2 lots will not be utilised to its full potential. The Regional Council has a 2,500m2 minimum in the Rural zone which should be considered when designating lot minimum area so as to minimise urban sprawl and best maintain the Rural land resources in the District. This is particularly relevant for the Franklin area as subdivision is currently allowable to 2,500m2 and for future development to be consistent with existing development a smaller lot size than 8,000m2 would be more appropriate.	Reject	8.2
FS1388.317	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
449.10	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 (a) (vi) Conservation lot subdivision by reducing the lot size requirement to 2,500m2, or 4,000m2.	A minimum lot size of 8,000m2 is not appropriate for all properties and areas. The Franklin Region has been allowed to subdivide down to 2,500m2 in the Rural Zone and this needs to be considered and incorporated into any future District Plan. A minimum lot size of 8,000m2 is very generous and has a high probability of resulting in fragmentation of Rural land and will potentially designate productive land for inappropriate use in large residential lots. For many people 8,000m2 is not a manageable sized lot and rural usage of the	Reject	12.6

				land within many 8,000m2 lots will not be utilised to its full potential. Regional Council has a 2,500m2 minimum in the Rural Zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of Rural land resources in the District.		
449.11	Ben Young for Madsen Lawrie Consultants	Neutral/Amend	Amend Rule 22.4.1.6 (a) (vii) Conservation lot subdivision by increasing the maximum lot size for proposed lots (excluding the balance lot) to more than 1.6ha.	There should be the opportunity to make lots larger than 1.6ha it is appropriate for the site and will enhance Rural activities or is more in character with the surrounding area.	Reject	12.6
449.12	Ben Young for Madsen Lawrie Consultants	Neutral/Amend	Amend Rule 22.4.1.2 General subdivision, so exceptions to the rule (i.e. those that are classified as Prohibited Subdivision) are noted or referred to this rule as is the case in the current Operative Plan.	Specifications of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2
453.1	Ben Young for Madsen Lawrie Consultants	Neutral/Amend	Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited Subdivision, as follows: <u>(c) A transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</u>	No reasons provided.	Reject	8.2
FS1308.47	The Surveying Company	Oppose		<i>For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.</i>	Accept	8.2
FS1388.324	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate</i>	Accept	8.2

				from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
453.2	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (i) General subdivision, by matching the issue of title date with the operative date of the Proposed Plan, if not for all titles then amend for the Franklin titles.	The issue of title date should be brought up to the Operative date of the Proposed Plan. If not for all titles then certainly for Franklin titles which have not had the use of this rule in the past. The date is reference to a historic rule and redundant plan.	Reject	8.2
FS1379.163	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FS1388.325	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
453.3	Ben Young for Madsen Lawrie Consultants	Support	Retain the minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.	The minimum parent title size is appropriate for the Rural area and will serve to not fragment land within the District.	Accept in part	8.2
FS1379.164	Hamilton City Council	Oppose		HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Accept in part	8.2
FS1388.326	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is	Accept in part	8.2

				necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
453.4	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iii) General subdivision, as follows: The proposed subdivision must create no more than one additional lot, excluding an access allotment, for every compliant parent certificate of title.	As the Rule reads in its current form it is not clear that subdivision must not create more than one lot per every compliant parent certificate of title. It could be interpreted that no more than one lot is created per subdivision regardless of the number of compliant parent certificate of titles that are involved.	Accept in part	8.2
FS1388.327	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
453.5	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iv) General subdivision, by reducing the minimum lot size to 4,000m2.	A minimum lot size requirement 4,000m2 will allow for some flexibility while still provided generous sized lots appropriate in the Rural zone. A minimum lot size of 8,000m2 will only serve to fragment Rural land and potentially designate productive land for inappropriate use in large Residential lots. For many people 8,000m2 is not a manageable sized lot and rural usage of the land within many 8,000m2 lots will not be utilised to its full potential. The Regional Council has a 2,500m2 minimum in the Rural zone which should be considered when designating lot minimum area so as to minimise urban sprawl and best maintain the Rural land resources in the District. This is particularly relevant for the Franklin area as subdivision is currently allowable to 2,500m2 and for future development to be consistent with existing development a smaller lot size than 8,000m2 would be more appropriate.	Reject	8.2
FS1388.328	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use	Accept	8.2

				management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
453.6	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a) (i) Boundary relocation, by removing the specification of a date for titles undergoing the boundary relocation.	Imposing a specific date that the titles undergoing boundary relocation have to have been issued before is an excessive restriction and constraints of this level are not appropriate for boundary relocation. It is unclear as to what will be achieved by the imposition of such a date.	Accept	10.5
FS1379.65	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Reject	10.5
FS1388.329	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.5
453.7	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a) (iv) Boundary relocation, by reducing the minimum lot size resulting from boundary relocation to at least 4,000m ² , if not 2,500m ² . OR Add a clause to Rule 22.4.1.4 (a) (iv) Boundary relocation, enabling boundary relocation for pre-existing lots smaller than 8,000m ² that have been	Under the current Operative Waikato District Plan Franklin Section there is provision for lot size of down to 2,500m ² in the Rural Zone therefore, by imposing a minimum lot size requirement of 8,000m ² for lots resulting from boundary relocation it would preclude lots less than 8,000m ² that have been created under the current Franklin section of the District Plan from being able to undertake boundary relocation subdivision in the future. A minimum lot size of 8,000m ² will only serve to fragment Rural land and potentially designate productive land for inappropriate use in large Residential lots. For many people, 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. This will not promote efficient rural usage and jeopardises Policy 5.2.2 of the Proposed District Plan. The Regional Council has a 2,500m ² minimum in the Rural Zone which should be considered and	Reject	10.2

			created via compliance with the Operative District Plan-Franklin section in the event that the reduction of the minimum lot size of 2,500m2 is not accepted.	implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of Rural land resources in the District.		
FS1379.166	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	10.2
FS1388.330	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
453.8	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (i) General subdivision, so exceptions to the rule (i.e. those that are classified as Prohibited Subdivision) are noted or referred to in this rule as is the case in the current Operative Plan.	Specification of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2
FS1388.331	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	8.2
455.1	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a) (i)- Boundary	Imposing a specific date that the titles undergoing boundary relocation have to have been issued before is an excessive	Accept	10.5

			relocation by removing the specification of a date for titles undergoing the boundary relocation.	restriction and constraints of this level are not appropriate for boundary relocation. It is unclear as to what will be achieved by the imposition of such a date.		
FS1379.167	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Reject	10.5
FS1388.332	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.5
455.2	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a) (iv)- Boundary relocation by reducing the minimum lot size resulting from boundary relocation to at least 4,000m2, if not 2,500m2. OR Add a clause to Rule 22.4.1.4 (a) (iv)- Boundary relocation to enable boundary relocation for pre-existing lots smaller than 8,000m2 that have been created via compliance with the Operative District Plan- Franklin section, in the event that the minimum lot size is not reduced to 2,500m2.	Under the current Operative Waikato District Plan Franklin Section there is provision for lot size of down to 2,500m2 in the Rural Zone therefore, by imposing a minimum lot size requirement of 8,000m2 for lots resulting from boundary relocation it would preclude lots. A minimum lot size of 8,000m2 will only serve to fragment Rural land and potentially designate productive land for inappropriate use in large Residential lots. For many people, 8,000m2 is not a manageable sized lot and rural usage of the land within many 8,000m2 lots will not be utilised to its full potential. This will not promote efficient rural usage and jeopardises Policy 5.2.2 of the Proposed District Plan. The Regional Council has a 2,500m2 minimum in the Rural Zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of Rural land resources in the District.	Reject	10.2
FS1379.168	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	10.2

FS1388.333	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
455.3	Ben Young for Madsen Lawrie Consultants	Not Stated	Retain the areas to be legally protected and the maximum number of new records of title in Rule 22.4.1.6 RDI (a) (i)- Conservation lot subdivision.	The proposed contiguous areas required for the production of new records of title are achievable and appropriate within the Region and will serve to protect generous regions of significant natural areas.	Accept in part	12.5
455.5	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited subdivision, as follows: <u>(c) A transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</u>	No reasons provided.	Reject	8.2
FS1308.48	The Surveying Company	Oppose		For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.	Accept	8.2
FS1388.334	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
455.6	Ben Young for Madsen Lawrie Consultants	Not Stated	Amend Rule 22.4.1.2 (a) (i) General	The issue of title date should be brought up to the Operative date of the Proposed Plan. If not for all titles then certainly for Franklin	Reject	8.2

			subdivision, by bringing the issue of title date up to match the operative date of the Proposed Plan, if not for all titles then amend for the Franklin titles.	titles which have not had the use of this rule in the past. The Proposed Plan is incorporating Franklin section titles that have not had this opportunity for subdivision previously so should not be penalised by the implementation of the date restriction which is only relevant to the Waikato section of the current District Plan. The date is a reference to a redundant plan and pre-historic rule.		
FS1379.169	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FS1388.335	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
455.7	Ben Young for Madsen Lawrie Consultants	Support	Retain the minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.	The minimum parent title size is appropriate for the Rural area and will serve to not fragment land within the District.	Accept in part	8.2
FS1379.170	Hamilton City Council	Oppose		HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Accept in part	8.2
FS1388.336	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
455.8	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iii) General subdivision, as	As the Rule reads in its current form it is not clear that subdivision must not create more than one lot per every compliant parent certificate of title. It could be interpreted	Accept in part	8.2

			follows: The proposed subdivision must create no more than one additional lot, excluding an access allotment, for every compliant parent certificate of title.	that no more than one lot is created per subdivision regardless of the number of compliant parent certificate of titles that are involved.		
FS1388.337	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
455.9	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iv) General subdivision by reducing the minimum lot size to 4,000m ² .	A minimum lot size requirement 4,000m ² will allow for some flexibility while still providing generous sized lots appropriate in the Rural zone. A minimum lot size of 8,000m ² will only serve to fragment Rural land and potentially designate productive land for inappropriate use in large Residential lots. For many people 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. The Regional Council has a 2,500m ² minimum in the Rural zone which should be considered when designating lot minimum area so as to minimise urban sprawl and best maintain the Rural land resources in the District. This is particularly relevant for the Franklin area as subdivision is currently allowable to 2,500m ² and for future development to be consistent with existing development a smaller lot size than 8,000m ² would be more appropriate.	Reject	8.2
455.10	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 (a) (vi) Conservation lot subdivision, by reducing the lot size requirement to 2,500m ² , or 4,000m ² .	A minimum lot size of 8,000m ² is not appropriate for all properties and areas. The Franklin Region has been allowed to subdivide down to 2,500m ² in the Rural Zone and this needs to be considered and incorporated into any future District Plan. A minimum lot size of 8,000m ² is very generous and has a high probability of resulting in fragmentation of Rural land and will potentially designate productive land for inappropriate use in large residential lots. For many people 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. Regional	Reject	12.6

				Council has a 2,500m2 minimum in the Rural Zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of Rural land resources in the District.		
FS1388.339	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	12.6
455.11	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 (a) (vii) Conservation lot subdivision, by increasing the maximum lot size for proposed lots (excluding the balance lot) to more than 1.6ha.	There should be the opportunity to make lots larger than 1.6ha it is appropriate for the site and will enhance Rural activities or is more in character with the surrounding area.	Reject	12.6
455.12	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(i) General subdivision, so exceptions to the rule (i.e. those that are classified as Prohibited Subdivision) are noted or referred to this rule as is the case in the current Operative Plan.	Specifications of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2
FS1388.340	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land	Reject	8.2

				<i>use and development in the Waikato River Catchment is appropriate.</i>		
456.1	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a)(i) Boundary relocation, by removing the specification of a date for titles undergoing the boundary relocation.	Imposing a specific date that the titles undergoing boundary relocation have to have been issued before is an excessive restriction and constraints of this level are not appropriate for boundary relocation. It is unclear as to what will be achieved by the imposition of such a date.	Accept	10.5
FS1379.171	Hamilton City Council	Oppose		<i>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.</i>	Reject	10.5
FS1388.341	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	10.5
456.2	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a) (iv) Boundary relocation, by reducing the minimum lot size resulting from boundary relocation to at least 4,000m ² , if not 2,500m ² OR Add a clause to Rule 22.4.1.4 (a) (iv), to enable boundary relocation for pre-existing lots smaller than 8,000m ² that have been created via compliance with the Operative District Plan - Franklin section, in the event that the reduction of the minimum lot size to 2,500m ² is not accepted.	Under the current Operative Waikato District Plan Franklin Section there is provision for lot size of down to 2,500m ² in the Rural Zone therefore, by imposing a minimum lot size requirement of 8,000m ² for lots resulting from boundary relocation it would preclude lots. A minimum lot size of 8,000m ² will only serve to fragment Rural land and potentially designate productive land for inappropriate use in large Residential lots. For many people, 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. This will not promote efficient rural usage and jeopardises Policy 5.2.2 of the Proposed District Plan. The Regional Council has a 2,500m ² minimum in the Rural Zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of Rural land resources in the District.	Reject	10.2
FS1379.172	Hamilton City Council	Oppose		<i>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would</i>	Accept	10.2

				result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.		
FS1388.342	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
456.3	Ben Young for Madsen Lawrie Consultants	Support	Retain the areas to be legally protected and the maximum number of new records of title in Rule 22.4.1.6 RD1 (a) (i) Conservation lot subdivision.	The proposed contiguous areas required for the production of new records of title are achievable and appropriate within the Region and will serve to protect generous regions of significant natural areas.	Accept in part	12.5
456.5	Ben Young for Madsen Lawrie Consultants	Neutral/Amen d	Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited Subdivision, by adding the following: <u>(c) A transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</u>	No reasons provided.	Reject	8.2
FS1308.49	The Surveying Company	Oppose		For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.	Accept	8.2
FS1388.342	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land	Accept	8.2

				<i>use and development in the Waikato River Catchment is appropriate.</i>		
456.6	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (i) General subdivision, by matching the issue of title date with the operative date of the Proposed Plan, if not for all titles then amend for the Franklin titles.	The issue of title date should be brought up to the Operative date of the Proposed Plan. If not for all titles then certainly for Franklin titles which have not had the use of this rule in the past. The Proposed Plan is incorporating Franklin section titles that have not had this opportunity for subdivision previously so should not be penalised by the implementation of the date restriction which is only relevant to the Waikato section of the current District Plan. The date is a reference to a redundant plan and pre-historic rule.	Reject	8.2
FS1379.173	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FS1388.344	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
456.7	Ben Young for Madsen Lawrie Consultants	Support	Retain minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.	The minimum parent title size is appropriate for the Rural area and will serve to not fragment land within the District.	Accept in part	8.2
FS1379.174	Hamilton City Council	Oppose		<i>HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.</i>	Accept in part	8.2
FS1388.345	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management</i>	Accept in part	8.2

				<i>controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
456.8	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iii) General subdivision, as follows: The proposed subdivision must create no more than one additional lot, excluding an access allotment, for every compliant parent certificate of title.	As the Rule reads in its current form it is not clear that subdivision must not create more than one lot per every compliant parent certificate of title. It could be interpreted that no more than one lot is created per subdivision regardless of the number of compliant parent certificate of titles that are involved.	Accept in part	8.2
FS1388.346	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
456.9	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iv) General subdivision, by reducing the minimum lot size to 4,000m2.	A minimum lot size requirement 4,000m2 will allow for some flexibility while still providing generous sized lots appropriate in the Rural zone. A minimum lot size of 8,000m2 will only serve to fragment Rural land and potentially designate productive land for inappropriate use in large Residential lots. For many people 8,000m2 is not a manageable sized lot and rural usage of the land within many 8,000m2 lots will not be utilised to its full potential. The Regional Council has a 2,500m2 minimum in the Rural zone which should be considered when designating lot minimum area so as to minimise urban sprawl and best maintain the Rural land resources in the District. This is particularly relevant for the Franklin area as subdivision is currently allowable to 2,500m2 and for future development to be consistent with existing development a smaller lot size than 8,000m2 would be more appropriate.	Reject	8.2
FS1388.347	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is</i>	Accept	8.2

				<i>necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
456.10	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 (a) (vi) Conservation lot subdivision, by reducing the lot size requirement to 2,500m ² , or 4,000m ² .	A minimum lot size of 8,000m ² is not appropriate for all properties and areas. The Franklin Region has been allowed to subdivide down to 2,500m ² in the Rural Zone and this needs to be considered and incorporated into any future District Plan. A minimum lot size of 8,000m ² is very generous and has a high probability of resulting in fragmentation of Rural land and will potentially designate productive land for inappropriate use in large residential lots. For many people 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. Regional Council has a 2,500m ² minimum in the Rural Zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of Rural land resources in the District.	Reject	12.6
FS1388.348	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	12.6
456.11	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 (a) (vii) Conservation lot subdivision, by increasing the maximum lot size for proposed lots (excluding the balance lot) to more than 1.6ha.	There should be the opportunity to make lots larger than 1.6ha it is appropriate for the site and will enhance Rural activities or is more in character with the surrounding area.	Reject	12.6
456.12	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(i) General subdivision, so exceptions to the rule (i.e those that are	Specifications of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2

			classified as Prohibited Subdivision) are noted or deferred to this rule as is the case in the current Operative Plan.			
FS1388.349	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	8.2
459.1	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a)(i) Boundary relocation, by removing the specification of a date for titles undergoing the boundary relocation.	Imposing a specific date that the titles undergoing boundary relocation have to have been issued before is an excessive restriction and constraints of this level are not appropriate for boundary relocation. It is unclear as to what will be achieved by the imposition of such a date.	Accept	10.5
FS1379.175	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Reject	10.5
FS1388.352	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.5
459.2	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a) (iv) Boundary relocation, by reducing the minimum lot size resulting from boundary relocation to at least 4,000m2, if	Under the current Operative Waikato District Plan Franklin Section there is provision for lot size of down to 2,500m2 in the Rural Zone therefore, by imposing a minimum lot size requirement of 8,000m2 for lots resulting from boundary relocation it would preclude lots A minimum lot size of 8,000m2 will only serve to fragment Rural land and potentially designate productive land for inappropriate use in	Reject	10.2

			not 2,500m2 OR Add a clause to Rule 22.4.1.4 RD1 (a) (iv), enabling boundary relocation for pre-existing lots smaller than 8,000m2 that have been previously been created via compliance with the Operative District Plan-Franklin Section, if the minimum lot size is not reduced to 2,500m2.	large Residential lots. For many people, 8,000m2 is not a manageable sized lot and rural usage of the land within many 8,000m2 lots will not be utilised to its full potential. This will not promote efficient rural usage and jeopardises Policy 5.2.2 of the Proposed District Plan. The Regional Council has a 2,500m2 minimum in the Rural Zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of Rural land resources in the District.		
FS1379.176	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	10.2
FS1388.353	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
459.3	Ben Young for Madsen Lawrie Consultants	Support	Retain the areas to be legally protected and the maximum number of new records of title in Rule 22.4.1.6 RD1 (a) (i) Conservation lot subdivision.	The proposed contiguous areas required for the production of new records of title are achievable and appropriate within the Region and will serve to protect generous regions of significant natural areas.	Accept in part	12.5
459.5	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited Subdivision, as follows: (c) <u>A transferable title subdivision in the former Franklin District on a parent</u>	No reasons provided.	Reject	8.2

			<u>Certificate of Title that existed prior to 6 December 1997.</u>			
FS1308.50	The Surveying Company	Oppose		For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.	Accept	8.2
FS1388.354	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
459.6	Ben Young for Madsen Lawrie Consultants	Neutral/Amend	Amend Rule 22.4.1.2 (a) (i) General subdivision, by matching the issue of title date with the Operative date of the Proposed Plan, if not for all titles then amend for the Franklin titles.	The issue of title date should be brought up to the Operative date of the Proposed Plan. If not for all titles then certainly for Franklin titles which have not had the use of this rule in the past. The Proposed Plan is incorporating Franklin section titles that have not had this opportunity for subdivision previously so should not be penalised by the implementation of the date restriction which is only relevant to the Waikato section of the current District Plan. The date is a reference to a redundant plan and pre-historic rule.	Reject	8.2
FS1379.177	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FS1388.355	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
459.7	Ben Young for Madsen Lawrie Consultants	Support	Retain minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.	The minimum parent title size is appropriate for the Rural area and will serve to not fragment land within the District.	Accept in part	8.2

FS1379.178	Hamilton City Council	Oppose		HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.	Accept in part	8.2
FS1388.356	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
459.8	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iii) General subdivision, as follows: The proposed subdivision must create no more than one additional lot, excluding an access allotment, for every compliant parent certificate of title.	As the Rule reads in its current form it is not clear that subdivision must not create more than one lot per every compliant parent certificate of title. It could be interpreted that no more than one lot is created per subdivision regardless of the number of compliant parent certificate of titles that are involved.	Accept in part	8.2
FS1388.357	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
459.9	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iv) General subdivision, by reducing the minimum lot size to 4,000m ² .	A minimum lot size requirement 4,000m ² will allow for some flexibility while still providing generous sized lots appropriate in the Rural zone. A minimum lot size of 8,000m ² will only serve to fragment Rural land and potentially designate productive land for inappropriate use in large Residential lots. For many people 8,000m ² is not a manageable sized lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential.	Reject	8.2

				The Regional Council has a 2,500m2 minimum in the Rural zone which should be considered when designating lot minimum area so as to minimise urban sprawl and best maintain the Rural land resources in the District. This is particularly relevant for the Franklin area as subdivision is currently allowable to 2,500m2 and for future development to be consistent with existing development a smaller lot size than 8,000m2 would be more appropriate.		
FS1388.358	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
459.10	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 RD1 (a) (vi) Conservation lot subdivision, by reducing the minimum lot size requirement to 2,500m2, or 4,000m2.	A minimum lot size of 8,000m2 is not appropriate for all properties and areas. The Franklin region has been allowed to subdivide down to 2,500m2 in the Rural Zone and this needs to be considered and incorporated into any future District Plan. A minimum lot size of 8,000m2 is very generous and has a high probability of resulting in fragmentation of Rural land and will potentially designate productive land for inappropriate use in large residential lots. For many people 8,000m2 is not a manageable sized lot and rural usage of the land within many 8,000m2 lots will not be utilised to its full potential. The Regional Council has a 2,500m2 minimum in the Rural Zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of Rural land resources in the District.	Reject	12.6
FS1388.359	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	12.6
459.11	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 RD1 (a) (vii)	There should be the opportunity to make lots larger than 1.6ha it is appropriate for the site and will enhance Rural activities or is	Reject	12.6

			Conservation lot subdivision, by increasing the maximum lot size for proposed lots (excluding the balance lot) to more than 1.6ha.	more in character with the surrounding area.		
459.12	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(i) General subdivision, so exceptions to the rule (i.e. those that are classified as Prohibited Subdivision) are noted or referred to this rule as is the case in the current Operative Plan.	Specifications of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2
FS1388.360	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	8.2
460.1	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 RDI (a) (i) Boundary relocation, by removing specification of a date for titles undergoing the boundary relocation.	Imposing a specific date that the titles undergoing boundary relocation have to have been issued before is an excessive restriction and constraints of this level are not appropriate for boundary relocation. It is unclear as to what will be achieved by the imposition of such a date.	Accept	10.5
FS1379.179	Hamilton City Council	Oppose		<i>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.</i>	Reject	10.5
FS1388.361	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate</i>	Reject	10.5

				<p>from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
460.2	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	<p>Amend Rule 22.4.1.4 RD1 (a) (iv) Boundary relocation, by reducing the minimum lot size to at least 4,000m², if not 2,500m²</p> <p>OR</p> <p>Add a specific clause to Rule 22.4.1.4 RD1 (a) (iv) Boundary relocation, to enable boundary relocation for pre-existing lots smaller than 8,000m² that have been created via compliance with the District Plan- Franklin Section, if the minimum lot size is not reduced to 2,500m².</p>	<p>Under the current Operative Waikato District Plan Franklin section there is provision for lot size of down to 2,500m² in the Rural Zone, therefore by imposing a minimum lot size requirement of 8,000m² for lots resulting from boundary relocation it would preclude lots. A minimum lot size of 8,000m² will only serve to fragment Rural land and potentially designate productive land for inappropriate use in large residential lots. For many people, 8,000m² is not a manageable sized lot and rural usage of the land within many 8,000m² lots will not be utilised to its full potential. This will not promote efficient rural usage of land and jeopardises Policy 5.2.2 of the Proposed District Plan. The Regional Council has a minimum lot size of 2,500m² in the Rural Zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of Rural land resources in the District.</p>	Reject	10.2
FS1379.180	Hamilton City Council	Oppose		<p>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.</p>	Accept	10.2
FS1388.363	Mercury NZ Limited for Mercury E	Oppose			Accept	10.2
460.3	Ben Young for Madsen Lawrie Consultants	Support	<p>Retain the areas to be legally protected and the resultant maximum number of new records of title in Rule 22.4.1.6 (a) (i) Conservation lot subdivision.</p>	<p>The proposed contiguous areas required for the production of new records of title are achievable and appropriate within the Region and will serve to protect generous regions of significant natural areas.</p>	Accept in part	12.5
460.5	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	<p>Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited subdivision, as follows: <u>A</u></p>	<p>No reasons provided.</p>	Reject	8.2

			<u>transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</u>			
FSI308.51	The Surveying Company	Oppose		For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.	Accept	8.2
FSI388.363	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
460.6	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(i) General subdivision, by matching the issue of title date with the operative date of the Proposed Plan, if not for all titles then amend the rule for Franklin titles.	The Proposed Plan is incorporating Franklin section titles that have not had this opportunity for subdivision previously so should not be penalized by the implementation of the date restriction which is only relevant to the Waikato section of the current District Plan. The date is a reference to a redundant plan and pre-historic rule.	Reject	8.2
FSI379.181	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FSI388.364	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2

460.7	Ben Young for Madsen Lawrie Consultants	Support	Retain the minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.	The minimum parent title size is appropriate for the Rural area and will serve to not fragment land within the District.	Accept in part	8.2
FS1379.182	<i>Hamilton City Council</i>	Oppose		<i>HCC opposes the relief sought to retain the 20ha minimum parent lot size within the Rural Zone, particularly within Hamilton's Area of Interest. Through its own submission, HCC sought a larger parent lot size of 40ha, which would further reduce fragmentation of the rural area to assist with managing growth.</i>	Accept in part	8.2
FS1388.365	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
460.8	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iii) General Subdivision, as follows: The proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant parent certificate of title.</u>	As the rule reads in its current form it is not clear that subdivision must not create more than one lot per every compliant parent certificate of title. It could be interpreted that no more than one lot is created per subdivision regardless of number of compliant parent certificate of titles that are involved.	Accept in part	8.2
FS1388.366	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
460.9	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a) (iv) by reducing the	A minimum lot size requirement of 4,000m ² will allow for some flexibility while still providing generous sized lots appropriate in	Reject	8.2

			minimum lot size to 4,000m2.	the Rural zone. A minimum lot size of 8,000m2 will only serve to fragment Rural land and potentially designate productive land for inappropriate use in large residential lots. For many people, 8,000m2 is not a manageable sized lot and Rural usage of the land within many 8,000m2 lots will not be utilised to its full potential. The Regional Council has a 2,500m2 minimum lot size in the Rural zone which should be considered when designating lot minimum area so as to minimise urban sprawl and best maintain the Rural land resources in the District. This is particularly relevant for the Franklin area as subdivision is currently allowable to 2,500m2 and for future development to be consistent with existing development a smaller lot size than 8,000m2 would be more appropriate.		
FS1388.367	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
460.10	Ben Young for Madsen Lawrie Consultants	Not Stated	Amend Rule 22.4.1.6 (a) (vi) Conservation lot subdivision, by reducing the lot size requirement to 2,500m2, or 4,000m2.	A minimum lot size of 8,000m2 is not appropriate for all properties and areas. The Franklin Region has been allowed to subdivide down to 2,500m2 in the Rural Zone and this needs to be considered and incorporated into any future District Plan. A minimum lot size of 8,000m2 is very generous and has a high probability of resulting in fragmentation of Rural land and will potentially designate productive land for inappropriate use in large residential lots. For many people 8,000m2 is not a manageable sized lot and rural usage of the land within many 8,000m2 lots will not be utilised to its full potential. Regional Council has a 2,500m2 minimum in the Rural Zone which should be considered and implemented when designating the minimum lot area so as to minimise urban sprawl and best maintain and enable efficient usage of Rural land resources in the District.	Reject	12.6
FS1388.368	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management</i>	Accept	12.6

				<i>controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
460.11	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 (a) (vii) Conservation lot subdivision, by increasing the maximum lot size for proposed lots (excluding the balance lot) to more than 1.6ha.	There should be the opportunity to make lots larger than 1.6ha it is appropriate for the site and will enhance Rural activities or is more in character with the surrounding area.	Reject	12.6
460.12	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(i) General subdivision, so exceptions to the Rule (i.e. those that are classified as Prohibited Subdivision) are noted or referred to in this rule as is the case in the current Operative Plan.	Specifications of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2
FS1388.369	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Reject	8.2
463.4	Environmental Management Solutions Limited	Oppose	Delete contaminated land from Rule 22.4.2 Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate	The submitter considers it unacceptable and nonsensical to include Contaminated Land in with notable trees, intensive farming and aggregate extraction areas, significant amenity landscapes etc. The provisions set out within the rules contradict those detailed within the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health) Regulations 2011 which overrides any planning provision. Regulation 5(5) of the NESCS specifies subdivision as an activity to which the standard applies where an activity that can be found on the Ministry for Environment Hazardous Activities and	Accept	14.2

			extraction areas AND Add a new set of rules specifically relating to contaminated land that align with National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health provisions (sections 30 and 31 of Wellington City Council Plan provides an example of this).	Industries List has, is or is more likely than not to have occurred on a property. The regulations have a specific pathway to follow. In many cases, it is through the subdivision application that a report investigating and identifying the contamination on a property is identified. This may include several areas, large or small irrespective of proposed subdivision boundaries. For subdivision to be enabled, soil contaminant concentrations have to meet the soil contaminant standards set by the NESCS or the site has to be satisfactorily managed. It is considered most appropriate for potentially contaminated land to have a separate rule that reflects the requirements of the NESCS.		
FS1388.372	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	14.2
466.23	Brendan Balle for Balle Bros Group Limited	Oppose	Delete Rule 22.4.1.1 PR2 and PR3 Prohibited subdivision and replace with a new non-complying rule.	The submitter supports the protection of high-class soils but consider a prohibited activity status to be too restrictive. There may be circumstances where subdivision is a suitable option and consider that there should be a pathway to allow for this. On this basis, a non-complying activity status would be more appropriate. This activity status will still offer a high level of protection for high-class soils while enabling a pathway if required.	Reject	7.2
FS1129.46	Auckland Council	Oppose			Accept	7.2
FS1131.13	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks deletion of Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Reject	7.2
FS1308.57	The Surveying Company	Support		We support the deletion of PR2 and Pr3 and inclusion of provisions that make these types of subdivision Non-Complying Activities	Accept	7.2
FS1388.412	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed,	Reject	7.2

				<p>or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
466.24	Brendan Balle for Balle Bros Group Limited	Oppose	Delete 22.4.1.2 RDI General Subdivision.	The submitter considers that the date that the Record of Title was issued should have no bearing on the subdivision of high-class soils, if to be avoided as per the objectives and policies of the Plan. It is considered that a Non-Complying pathway should be provided for the subdivision of high-class soils, as highlighted in 22.4.1.1. This rule would therefore be redundant.	Reject	8.2
FSI 129.68	Auckland Council	Oppose			Accept	8.2
FSI 388.413	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept	8.2
466.25	Brendan Balle for Balle Bros Group Limited	Neutral/Amended	Amend Rule 22.4.1.5 RDI Rural Hamlet Subdivision to ensure that proposed lots shall not be located on high class soils, except where primary productive use is no longer viable.	The rural hamlet subdivision is a sensible provision to avoid fragmentation in rural areas. High-class soils should be protected through subdivision unless the area is no longer viable for primary production use. This should be reflected within the rule framework, to remain consistent with policies and objectives of the Plan.	Accept	11.2
FSI 308.58	The Surveying Company	Oppose		We oppose this submission point for the reason provided in submission point 123.4	Reject	11.2
466.26	Brendan Balle for Balle Bros Group Limited	Neutral/Amended	Amend Rule 22.4.1.6 RDI (a)(i) Conservation lot subdivision to remove "Less than 2ha in all other areas" and replace with "between 1ha and 2ha in all other areas = 1 maximum	The submitter supports the intention of the Conservation Lot subdivision but consider that the number of lots obtained should be relative to the inherent quality to the feature to be protected and not just size. The submitter understands that the Significant Natural Area would need to be previously identified, or determined by an ecologist, however, not all features are equal and that in some cases it may be suitable to grant a Record of Title for areas between 1 hectare and 2 hectares in areas other than the Hamilton Basin.	Reject	12.5

			number of new Records of Title”.	There should be a 1 hectare minimum for all areas and restricted discretion should also include provision to assess the feature relative to section 11A of the Waikato Regional Policy Statement. Factors such as flora, fauna, under-represented habitat or ecosystem type, uncommon systems, healthy and representative example of type, self-supporting capability, ecological sequence, ecological buffer, linkage or corridor and edge effects should all be considered in the assessment to determine the appropriate size of the feature. A 1 hectare densely populated, healthy, block in proximity to other features may offer more ecological value than a less dense, isolated feature and should at least be considered for subdivision. The submitter questions the value of relying solely on a pre-determined Significant Natural Area, which is unlikely to have been ground truthed, and may not in fact meet the criteria of section 11A. The location of created lots is important to ensure that reverse sensitivity from surrounding rural land uses is minimised.		
466.27	Brendan Balle for Balle Bros Group Limited	Neutral/Amended	Add a new discretionary rule to Rule 22.4.1.6 Conservation lot subdivision to allow for transferable development right subdivision. (Refer to Section E39 of the Auckland Unitary Plan for an example).	The submitter supports enabling transferable rural site subdivision to incentivize the protection of indigenous vegetation in the rural environment while avoiding fragmentation of productive areas. It is considered that Waikato District Council should adopt a similar approach to Auckland Council whereby protection of indigenous vegetation that met specified criteria, resulted in titles that could be transferred out of the rural zone to other specified zones.	Reject	22.2
FS1138.29	Glenn Michael Soroka and Louise Claire Meredith as Trustees of the Pakau Trust	Support	<i>In part. This is an appropriate environmental mechanism, but it must be refined and workable. Both the donor and receiving mechanisms need to be evaluated so that they achieve an appropriate incentive, deliver an environmental outcome, and facilitate appropriate development opportunity.</i>		Reject	22.2
FS1308.59	The Surveying Company	Support		<i>We are generally supportive of Transferable Lot subdivision which can offer the opportunity to enhance areas with degraded ecological values or protect high-class soils and transfer the ability to subdivide to designate parts of the District where there is capacity for growth. These work well in the Auckland Region and consideration</i>	Accept	22.2

				<i>should be given to inclusion within the Plan.</i>		
466.71	Brendan Balle for Balle Bros Group Limited	Neutral/Amended	Amend Rule 22.4.1.6 Conservation lot subdivision to allow for ground truthing of Significant Natural Areas.	The submitter supports the intention of the Conservation Lot subdivision but consider that the number of lots obtained should be relative to the inherent quality to the feature to be protected and not just size. The submitter understands that the Significant Natural Area would need to be previously identified, or determined by an ecologist, however, not all features are equal and that in some cases it may be suitable to grant a Record of Title for areas between 1 hectare and 2 hectares in areas other than the Hamilton Basin. There should be 1 hectare minimum for all areas and restricted discretion should also include provision to assess the feature relative to section 11A of the Waikato Regional Policy Statement. Factors such as flora, fauna, under-represented habitat or ecosystem type, uncommon systems, healthy and representative example of type, self-supporting capability, ecological sequence, ecological buffer, linkage or corridor and edge effects should all be considered in the assessment to determine the appropriate size of the feature. A 1 hectare densely populated, healthy, block in proximity to other features may offer more ecological value than a less dense, isolated feature and should at least be considered for subdivision. The submitter questions the value of relying solely on a pre-determined Significant Natural Area, which is unlikely to have been ground truthed, and may not in fact meet the criteria of section 11A. The location of created lots is important to ensure that reverse sensitivity from surrounding rural land uses is minimized.	Accept	12.4
466.72	Brendan Balle for Balle Bros Group Limited	Neutral/Amended	Amend the matters of discretion in Rule 22.4.1.6 Conservation lot subdivision to include compliance with criteria set out in section 11A of Waikato Regional Policy Statement.	The submitter supports the intention of the Conservation Lot subdivision but consider that the number of lots obtained should be relative to the inherent quality to the feature to be protected and not just size. The submitter understands that the Significant Natural Area would need to be previously identified, or determined by an ecologist, however, not all features are equal and that in some cases it may be suitable to grant a Record of Title for areas between 1 hectare and 2 hectares in areas other than the Hamilton Basin. There should be 1 hectare minimum for all areas and restricted discretion should also include provision to assess the feature relative to section 11A of the Waikato Regional Policy Statement. Factors such as flora, fauna, under-represented habitat or ecosystem type, uncommon systems, healthy and representative example of type, self-supporting capability, ecological sequence, ecological buffer, linkage or corridor and edge effects should all be considered in the assessment to determine	Reject	12.3

				the appropriate size of the feature. A 1 hectare densely populated, healthy, block in proximity to other features may offer more ecological value than a less dense, isolated feature and should at least be considered for subdivision. The submitter questions the value of relying solely on a pre-determined Significant Natural Area, which is unlikely to have been ground truthed, and may not in fact meet the criteria of section 11A. The location of created lots is important to ensure that reverse sensitivity from surrounding rural land uses is minimized.		
466.73	Brendan Balle for Balle Bros Group Limited	Neutral/Amended	Add a new matter of discretion to Rule 22.4.1.6 Conservation lot subdivision regarding the potential for reverse sensitivity effects.	The submitter supports the intention of the Conservation Lot subdivision but consider that the number of lots obtained should be relative to the inherent quality to the feature to be protected and not just size. The submitter understands that the Significant Natural Area would need to be previously identified, or determined by an ecologist, however, not all features are equal and that in some cases it may be suitable to grant a Record of Title for areas between 1 hectare and 2 hectares in areas other than the Hamilton Basin. There should be a 1 hectare minimum for all areas and restricted discretion should also include provision to assess the feature relative to section 11A of the Waikato Regional Policy Statement. Factors such as flora, fauna, under-represented habitat or ecosystem type, uncommon systems, healthy and representative example of type, self-supporting capability, ecological sequence, ecological buffer, linkage or corridor and edge effects should all be considered in the assessment to determine the appropriate size of the feature. A 1 hectare densely populated, healthy, block in proximity to other features may offer more ecological value than a less dense, isolated feature and should at least be considered for subdivision. The submitter questions the value of relying solely on a pre-determined Significant Natural Area, which is unlikely to have been ground truthed, and may not in fact meet the criteria of section 11A. The location of created lots is important to ensure that reverse sensitivity from surrounding rural land uses is minimized.	Accept	12.4
467.1	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(i) General Subdivision, to match the issue of title date to the operative date of the Proposed District Plan, if not for all titles,	The Proposed District Plan is incorporating Franklin Section titles that have not had this opportunity for subdivision previously so should not be penalised by the implementation of the date restriction, which is only relevant to the Waikato Section of the Operative District Plan.	Reject	8.2

			then at least for Franklin titles.			
FSI379.186	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Accept	8.2
FSI388.432	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
467.2	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(iii) General Subdivision, as follows: The proposed subdivision must create no more than one additional lot, excluding an access allotment, for every compliant parent certificate of title.	As the rule reads in its current form, it is not clear that subdivision must not create more than one lot per every compliant parent certificate of title. The rule could be interpreted that no more than one lot is created per subdivision regardless of number of compliant parent certificate of titles that are involved.	Accept in part	8.2
FSI388.433	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
467.3	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(iv) General Subdivision, to reduce the minimum lot size from 8,000m2 to 4,000m2.	A minimum lot size of requirement of 4,000m2 will allow for some flexibility while still provided generously sized lots appropriate in the Rural Zone. A minimum lot size of 8,000m2 will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. For many people, 8,000m2 is not a manageable sized	Reject	8.2

				lot and rural usage of the land within many 8,000m ² lots will not be utilised to its full potential. Waikato Regional Council has a 2,500m ² minimum in the Rural Zone, which should be considered when designating lot minimum area to minimise urban sprawl and best maintain the rural land resources in the district. This is particularly relevant for the Franklin area as subdivision is currently allowable to 2,500m ² and for future development to be consistent with existing development a smaller lot size than 8,000m ² would be more appropriate.		
FS1388.434	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
467.4	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4 (a)(i) Boundary relocation, to remove the specification of a date for titles undergoing the boundary relocation.	Imposing a specific date that the titles undergoing boundary relocation have to have been issued before is an excessive restriction and constraints of this level are not appropriate for boundary relocation. It is unclear as to what will be achieved by the imposition of such a date.	Accept	10.5
FS1379.188	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy.	Reject	10.5
FS1388.435	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.5
467.6	Ben Young for Madsen Lawrie Consultants	Oppose	Amend Rule 22.4.1.6 (a)(vi) Conservation lot subdivision, to reduce the	A minimum lot size of 8,000m ² is not appropriate for all properties and areas. The Franklin region has been allowed to subdivide down to 2,500m ² in the Rural Zone and this should be considered and	Reject	12.6

			minimum lot size requirement from 8,000m ² to 4,000m ² or 2,500m ² .	incorporated into any future District Plan, especially if future development is to be in keeping with the existing rural character and amenity of areas within Franklin. A minimum lot size of 8,000m ² is very generous, has a high probability of resulting in fragmentation of rural land, and will potentially designate productive land for inappropriate use in large residential lots. For many people, 8,000m ² is not a manageable sized lot and rural land will not be utilised to its full potential. Waikato Regional Council requires a 2,500m ² minimum lot size in the Rural Zone, which should be considered and implemented to minimise urban sprawl, and best maintain and enable efficient use of rural land resources in the district.		
467.7	Ben Young for Madsen Lawrie Consultants	Oppose	Amend Rule 22.4.1.6 (a)(vii) Conservation lot subdivision, to increase the maximum lot size for proposed lots (excluding the balance lot) to more than 1.6ha.	There should be opportunity to make lots larger than 1.6ha if it is appropriate for the site and will enhance rural activities or is more in character with the surrounding area.	Reject	12.6
467.8	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6 (a)(viii) Conservation lot subdivision, as follows: This rule or its equivalent in a previous District Plan has not previously been used to gain an additional subdivision entitlement;	This rule appears to preclude any protection of existing unprotected qualifying Significant Natural Features that would qualify for protection since the previous environmental lot subdivision. This rule should only reference any feature protected under the Proposed District Plan.	Reject	12.7
467.9	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 (a)(i) General Subdivision, to note or refer to the exceptions to this rule such as prohibited subdivision, as is the case in the Operative District Plan.	Specification of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2
FS1388.436	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use	Reject	8.2

				<p>management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
467.11	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	<p>Amend Rule 22.4.1.4 (a)(iv) Boundary relocation, to reduce the minimum lot size from 8,000m² to 4,000m² or 2,500m² OR Add a new clause to Rule 22.4.1.4 (a)(iv) Boundary relocation to enable boundary relocation for pre-existing lots smaller than 8,000m² that have been previously created in compliance with the Franklin Section of the District Plan, in the event that the minimum lot size is not reduced to 2,500m².</p>	<p>The operative Franklin Section in the Operative District Plan contains a provision for a minimum lot size of 2,500m² in the Rural Zone. Imposing a minimum lot size requirement of 8,000m² for lots resulting from a boundary relocation would preclude lots less than 8,000m² that have been created under the operative Franklin Section from being used for a boundary relocation in the future. A minimum lot size of 8,000m² will only serve to fragment rural land and potentially result in productive land being used inappropriately for large residential lots. For many people, 8,000m² is not a manageable sized lot and rural land will not be used to its full potential. This will not promote efficient rural use of the land and will jeopardise Policy 5.2.3 (a) Effects of subdivision and development on soils. Waikato Regional Council requires a 2,500m² minimum lot size in the Rural Zone which should be considered to minimise urban sprawl and best maintain and enable efficient use of rural land resources in the district.</p>	Reject	10.2
FS1379.187	Hamilton City Council	Oppose		<p>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the WRPS and the Future Proof Strategy. Further, HCC is also concerned about the impacts on its infrastructure from such development in the Rural Zone in Hamilton's Area of Interest.</p>	Accept	10.2
FS1388.437	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate</p>	Accept	10.2

				<i>significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
467.12	Ben Young for Madsen Lawrie Consultants	Support	Retain the areas to be legally protected and the resultant maximum number of new Records of Title in Rule 22.4.1.6 (a)(i) Conservation lot subdivision, as notified.	The proposed contiguous areas required for the production of new Records of Title are achievable and appropriate within the region and will serve to protect generous regions of Significant Natural Areas.	Accept in part	12.5
471.13	Andrew Wood for CKL	Oppose	Amend Rule 22.4 Subdivision, by replacing the term "lot" with "Record of Title". AND Any consequential amendments necessary.	Need consistency in terminology. Need to avoid complication of any boundary relocation involving an amalgamation.		
FS1388.444	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
471.14	Andrew Wood for CKL	Oppose	Amend Rule 22.4.1.1 PRI Prohibited Subdivision, as follows: Any subdivision within the Urban Expansion Area involving the creation of any additional lot <u>record of title excluding one containing a dwelling existing as at 18 July 2018.</u> AND Any consequential amendments necessary.	Subdivisions involving existing dwellings can assist with the creation of large land holdings suitable for future urban development.	Reject	7.2

FS1379.189	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	7.2
FS1388.445	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2
471.15	Andrew Wood for CKL	Oppose	Add the following exception to Rule 22.4.1.1 PR2 (b) Prohibited subdivision: <u>(v) Rural Hamlet (Rule 22.4.1.5)</u> AND Add a further exception to Rule 22.4.1.1 PR2 (b) Prohibited subdivision as follows if the requested relief in relation to Rule 22.4 is not accepted: <u>(vi) Boundary Relocation (Rule 22.4.1.4)</u> . AND Any consequential amendments necessary.	No reasons provided.	Reject	8.2
FS1308.61	The Surveying Company	Oppose		For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.	Accept	8.2
FS1388.446	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land	Accept	8.2

				<i>use and development in the Waikato River Catchment is appropriate.</i>		
471.16	Andrew Wood for CKL	Oppose	Add the following exception to Rule 22.4.1.1 PR3 (b) Prohibited subdivision: <u>(v) Rural Hamlet (Rule 22.4.1.5)</u> AND Add a further exception to Rule 22.4.1.1 PR3 (b) Prohibited subdivision as follows if the requested relief in relation to Rule 22.4 Subdivision is not accepted: <u>(vi) Boundary Relocation (Rule 22.4.1.4).</u> AND Any consequential amendments necessary.	No reasons provided.	Accept in part	8.2
FS1308.62	<i>The Surveying Company</i>	Support		<i>For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.</i>	Accept in part	8.2
FS1388.447	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
471.17	Andrew Wood for CKL	Oppose	Amend Rule 22.4.1.1 PR3 (c)(i) Prohibited subdivision, as follows: (c) Rule PR3(a) does not apply to the following: (i) a boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997 (refer to Rule	No reasons provided.	Accept in part	8.2

			<p>22.4.1.4) <u>Where the Record of Title was created as a result of a boundary relocation or boundary adjustment under the former District Plan;</u> or AND Any consequential amendments necessary.</p>			
FS1308.63	The Surveying Company	Oppose		For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.	Accept in part	8.2
FS1388.448	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
471.18	Andrew Wood for CKL	Oppose	Amend Rule 22.4.1.2 General Subdivision so that a subdivision activity that fails a rule defaults to either a restricted discretionary activity or discretionary activity at worst. AND Any consequential amendments necessary.	Non-complying activities should be strategically used where subdivision is generally discouraged. Having all rule non-compliances (no matter how minor) default to a non-complying activity is not good planning practice. The submitter states that a restricted discretionary activity is entirely appropriate and that a discretionary activity should be considered 'at worst'.	Reject	8.2
FS1328.21	Kenneth Graham Barry	Support	Allow the submission point in full.	A Non-Complying Activity status is too restrictive given the stringent restrictions on Restricted Discretionary Activity Status under Rule 22.4.1.2 RD1. Non-compliance with RD1 would more appropriately be a Discretionary Activity.	Reject	8.2
FS1379.190	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS.	Accept	8.2

FS1388.449	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
471.19	Andrew Wood for CKL	Oppose	Delete Rule 22.4.1.2 RDI (a)(v) General subdivision, which relates to the required percentages of high class soil within the proposed lots. AND Any consequential amendments necessary.	The rule is confusing, difficult to administer and complicates the consenting process.	Reject	8.2
FS1328.22	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree that the rule is confusing, difficult to administer and complicates the consenting process. It is inefficient and is likely to involve additional expense for the resource consent applicant and the Council.	Reject	8.2
FS1388.450	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
471.20	Andrew Wood for CKL	Oppose	Amend Rule 22.4.1.4 RDI (a)(i) Boundary relocation, as follows: (i) Relocate a common boundary or boundaries between two <u>or more</u> Records of Title that existed prior to 18 July 2018; AND	Boundary relocations between more than two Records of Title will be necessary from time to time. There is no reason why boundary relocations should not be able to occur between Records of Title that are created after 18 July 2018.	Accept in part	10.5

			Any consequential amendments necessary.			
FS1379.191	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Accept in part	10.5
471.21	Andrew Wood for CKL	Neutral/Amended	Add "Rural Hamlet Subdivision" as a defined term in Chapter 13 Definitions in the context of Rule 22.4.15 Rural Hamlet Subdivision. AND Any consequential amendments necessary.	A clear definition will help avoid confusion in application of the rule.	Reject	11.2
FS1388.451	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	11.2
471.22	Andrew Wood for CKL	Neutral/Amended	Amend Rule 22.4.1.6 RDI (a)(i) Conservation lot subdivision, as follows: (i) The lot must contain a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the table below: AND any	Legal and physical protection of Significant Natural Areas should be encouraged regardless of being physically contiguous or not.	Accept	12.4

			consequential amendments necessary.			
471.23	Andrew Wood for CKL	Oppose	Amend Rule 22.4.2-Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas to clarify the intent. However, no specific details of the relief sought are provided. AND Any consequential amendments necessary.	It is not clear when this rule would apply and why it would affect built form in a subdivision. The reference to contaminated land is likely to catch activities covered under the National Environmental Standard for Contaminated Soil where central government has recommended that local authorities remove provisions from their district plans to avoid duplication of planning processes.	Reject	14.2
FS1388.452	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	14.2
471.25	Andrew Wood for CKL	Oppose	Add a matter of discretion to Rule 22.4.7 RDI (b) Esplanade reserves and esplanade strips, as follows: <u>(v) costs and benefits of acquiring the land.</u> AND Any consequential amendments necessary.	The requested matter of discretion will allow Council to consider the costs and benefits of a land purchase.	Accept	19.2

471.26	Andrew Wood for CKL	Oppose	<p>Amend Rule 22.4.9 RDI (a)(i) Subdivision - Building platform, as follows: (i) Has an area of 1000m² <u>exclusive of boundary setbacks; A shape factor, being either:</u> <u>A circle with a diameter of at least 30m, exclusive of boundary setbacks, or</u> <u>A rectangle of at least 1000m², exclusive of setbacks, and;</u> <u>Containing a building platform being a circle with a diameter of at least 18m.</u> AND Delete Rule 22.4.9 RDI (a) (iii). AND Any consequential amendments necessary.</p>	<p>Retain the shape factor and building platform dimensions from the Operative District Plan which have been proven effective. Certification of a building platform by a geotechnical engineer is not always necessary. Council can require this on a case by case basis by retaining discretion over this matter in respect to clause (b)(ii).</p>	Accept in part	21.2
471.27	Andrew Wood for CKL	Neutral/Amended	<p>Amend Rules 22.4.1.3-Subdivision of Maori Freehold Land, so that a subdivision activity that fails a rule defaults to either a restricted discretionary activity or discretionary activity at worst. AND Any consequential amendments necessary.</p>	<p>Non-complying activities should be strategically used where subdivision is generally discouraged. Having all rule non-compliances (no matter how minor) default to a non-complying activity is not good planning practice. The submitter states that a restricted discretionary activity is entirely appropriate and that a discretionary activity should be considered 'at worst'.</p>	Reject	9.2
471.28	Andrew Wood for CKL	Neutral/Amended	<p>Amend Rule 22.4.1.4 Boundary relocation, so that a subdivision activity that fails</p>	<p>Non-complying activities should be strategically used where subdivision is generally discouraged. Having all rule non-compliances (no matter how minor) default to a non-complying activity is not good planning practice. The submitter states that a restricted discretionary activity</p>	Reject	10.2

			a rule defaults to either a restricted discretionary activity or discretionary activity at worst. AND Any consequential amendments necessary.	is entirely appropriate and that a discretionary activity should be considered 'at worst'.		
FS1388.454	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
471.29	Andrew Wood for CKL	Neutral/Amended	Amend Rule 22.4.1.5 Rural Hamlet Subdivision, so that a subdivision activity that fails a rule defaults to either a restricted discretionary activity or discretionary activity at worst. AND Any consequential amendments necessary.	Non-complying activities should be strategically used where subdivision is generally discouraged. Having all rule non-compliances (no matter how minor) default to a non-complying activity is not good planning practice. The submitter states that a restricted discretionary activity is entirely appropriate and that a discretionary activity should be considered 'at worst'.	Reject	11.2
471.30	Andrew Wood for CKL	Neutral/Amended	Amend Rule 22.4.1.6 Conservation lot subdivision, so that a subdivision activity that fails a rule defaults to either a restricted discretionary activity or discretionary activity at worst. AND Any consequential amendments necessary.	Non-complying activities should be strategically used where subdivision is generally discouraged. Having all rule non-compliances (no matter how minor) default to a non-complying activity is not good planning practice. The submitter states that a restricted discretionary activity is entirely appropriate and that a discretionary activity should be considered 'at worst'.	Reject	12.4

481.2	Bruce and Kirstie Hill for Culverden Farm	Neutral/Amended	Amend the approach and number of conservation lots that can be created from Significant Natural Areas in Rule 22.4.1.6 RDI Conservation lot subdivision, by properly accounting for by a transaction which is commensurate with the value of area concerned.	It is inequitable to disallow conservation lots from indigenous bush areas less than 5ha and set a maximum number of 3 conservation lots from indigenous bush areas greater than 10ha. Council needs to recognise the values offered by the landowner in the subdivision process that include forfeiting productive land, allowing encroachments onto private land that are enjoyed by the landowner, forfeiting control of the covenanted area and the on-going management obligations and costs associated with maintaining tracks, fencing, drainage and pest control. Options for monetary compensation must be provided which could include transferable titles. Encouraging protection of the large, significant and high quality Significant Natural Areas should involve proportionately higher value compensation.	Reject	12.5
FS1/38.30	<i>Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust</i>	Support	<i>In part. This is an appropriate environmental mechanism, but it must be refined and workable. Both the donor and receiving mechanisms need to be evaluated so that they achieve an appropriate incentive, deliver an environmental outcome, and facilitate appropriate development opportunity. Conservation lot subdivision also needs to be appropriately incentivised where it occurs in-situ with acceptable thresholds against environmental benefit for further subdivision rights.</i>	<i>In part.</i>	Reject	12.5
481.11	Bruce and Kirstie Hill for Culverden Farm	Not Stated	Amend the number of conservation lots that can be created from Significant Natural Areas in Rule 22.4.1.6 RDI Conservation lot subdivision, particularly for Significant Natural Areas under 5ha and over 10ha. AND Offer suitable	It is inequitable to disallow conservation lots from indigenous bush areas less than 5ha and set a maximum number of 3 conservation lots from indigenous bush areas greater than 10ha. Council needs to recognise the values offered by the landowner in the subdivision process that include forfeiting productive land, allowing encroachments onto private land that are enjoyed by the landowner, forfeiting control of the covenanted area and the on-going management obligations and costs associated with maintaining tracks, fencing and drainage and pest control. Ongoing costs and liabilities to landowners must be calculated and compensated on a per hectare basis. Many landowners do not wish to subdivide	Reject	12.5

			monetary compensation for all Significant Natural Areas proportional to the size of the Significant Natural Area.	so the subdivision incentive is somewhat academic.		
FS1267.2	Dermot Murphy	Support	<i>I seek that the whole of the submission be allowed - see attached.</i>	<i>The decision they requested was that 22.4.1.6 be opposed or amended. They said that a maximum of 3 titles over 10ha is simply inequitable. They also suggested monetary compensation due to the role an SNA played in the hidden economy, the WRC values the region's ecosystem services in monetary terms. (eg Forests \$2,400/ha). They also suggested transferable titles as many didn't want subdivision on their property. I support the intention of the Conservation lot but I also support the point 22.4.7.6 being amended to allow for transferable titles, I would prefer any titles created being transferable as it is better in my opinion that the titles are able to go to areas designated as future growth areas/villages rather than remain on the rural donor title. Also the number of conservation lots granted should be relative to the size and quality of the feature to be protected.</i>	Reject	12.5
481.12	Bruce and Kirstie Hill for Culverden Farm	Oppose	No specific decision sought but submission opposes the restrictions on subdivision boundaries to avoid dividing a Significant Amenity Landscape in Rule 22.4.2 RDI Title Boundaries - Natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas.	Boundaries must be determined by topography and some Significant Amenity Landscapes are already divided by property by boundaries.	Reject	14.2
FS1388.471	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River</i>	Accept	14.2

				<i>Catchment is appropriate.</i>		
481.13	Bruce and Kirstie Hill for Culverden Farm	Oppose	No specific decision sought, but submission opposes the restrictions on subdivision boundaries to avoid dividing a Significant Natural Area in Rule 22.4.3 RDI Title boundaries- Significant Natural Areas, heritage items, Maori sites of significance and Maori areas of significance.	Boundaries must be determined by topography and some Significant Natural Areas are already divided by property boundaries.	Reject	15.2
FS1323.132	<i>Heritage New Zealand Pouhere Taonga</i>	Oppose	<i>That the amendments sought are declined.</i>	<i>HNZPT is concerned that the deletion of this rule will lead to adverse effects on Heritage items and Maaori sites and areas of significance at the time of subdivision. A non-complying activity status should be retained for activities that do not meet the restricted discretionary matters of assessment to avoid adverse effects on historic heritage.</i>	Accept	15.2
481.14	Bruce and Kirstie Hill for Culverden Farm	Oppose	Delete Environmental Protection Areas; AND Delete Rule 22.4.6 Subdivision of land, containing all or part of an Environment Protection Area.	An Environmental Protection Area is not defined in the Proposed District Plan and there is no apparent reason for having these as well as Significant Natural Areas.	Reject	18.2
FS1388.472	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	18.2
482.10	Kirstie Hill on behalf of Hill Country Farmers Group	Oppose	Amend the number of conservation lots that can be created from Significant Natural Areas in Rule 22.4.1.6 RDI Conservation	It is inequitable to disallow conservation lots from indigenous bush areas less than 5ha and set a maximum number of 3 conservation lots from indigenous bush areas greater than 10ha. Council needs to recognise the values offered by the landowner in the subdivision process that include forfeiting productive land, allowing encroachments onto private land that are enjoyed by the landowner, forfeiting		

			lot subdivision, particularly for Significant Natural Areas under 5ha and over 10ha. AND Offer suitable monetary compensation for all Significant Natural Areas proportional to the size of the Significant Natural Area.	control of the covenanted area and the on-going management obligations and costs associated with maintaining tracks, fencing, drainage and pest control. Ongoing costs and liabilities to landowners must be calculated and compensated on a per hectare basis. Many landowners do not wish to subdivide so the subdivision incentive is somewhat academic.		
482.11	Kirstie Hill on behalf of Hill Country Farmers Group	Oppose	No specific decision sought, but submission opposes the restrictions on subdivision boundaries to avoid dividing a Significant Amenity Landscape in Rule 22.4.2 RDI Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas.	Boundaries must be determined by topography and some Significant Amenity Landscapes are already divided by property boundaries.	Reject	14.2
FS1388.474	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	14.2
482.12	Kirstie Hill on behalf of Hill Country Farmers Group	Oppose	No specific decision sought, but submission opposes the restrictions on subdivision boundaries to avoid dividing a	Boundaries must be determined by topography and some Significant Natural Areas are already divided by property boundaries.	Reject	15.2

			Significant Natural Area in Rule 22.4.3 RDI Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance.			
482.13	Kirstie Hill on behalf of Hill Country Farmers Group	Oppose	Delete Environmental Protection Areas; AND Delete Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area.	Environmental Protection Area is not defined in the Proposed District Plan and there is no apparent reason for having these as well as Significant Natural Areas.	Reject	18.2
FS1388.475	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	18.2
489.1	Ann-Maree Gladding	Neutral/Amended	Amend Rule 22.4.1.1 PR4 (a) Prohibited subdivision, to maintain and allow for Transferable Rural Lot subdivisions as a Restricted Discretionary and Discretionary activity throughout the Waikato District.	The transferable rural lot process simply allows for the transfer of existing titles or consented conservation lots (still allowed for under the draft district plan) to more appropriate areas in the district, there is no net increase in the overall number of development rights across the district. The process has been working well for many years in the former Franklin Area and is an effective mechanism for promoting development in more appropriate areas whilst protecting high quality versatile soils. For a transferable rural lot subdivision to be a prohibited activity is unnecessary and it compromises the current and proposed objectives for the rural area. The natural outcome of the transferable rural lot process is to transfer existing and consented titles from less intensively developed outlying areas to the more intensively developed central areas. It seeks to manage growth in the Rural Zone and to avoid the wide dispersal of lots and protection of larger rural blocks. The Transferable Rural Lot Provisions of the former Franklin District Plan were designed to protect and enhance the potential use of	Reject	7.2

				<p>high quality versatile soils, by encouraging the transfer of surplus Titles to more environmentally sustainable locations. This is consistent with the Draft District Plan objectives and Policies and the Objectives of the Resource Management Act 1991.</p> <p>The fact that the former Franklin District is now administered by WDC does not remove the underlying objectives of wiser use of resources. The same resources remain in the same district. The fact that the administering authority may want a consistent set of subdivision rules across the district is not relevant. It will prevent the consolidation of existing titles; It will not promote the protection of productive land or versatile soils within the District; It will not assist in the reorganisation of the wide dispersal of and a reduction in rural titles, and will negate opportunities for the retention of land versatility and larger lot sizes in rural areas and for productive farming units to better manage the use of soils and rural land; It will not promote positive effects on the rural environment, rural character and rural amenity; It will not reduce reverse sensitivity effects when existing title rights are developed in rural production areas of the District; It will not promote outcomes that are consistent with the rural objectives and policies of the draft District Plan.</p> <p>The majority of transferable rural lot subdivision applications in the Waikato District are removing titles from the larger productive land holdings, thus reducing or eliminating adverse effects on unplanned and scattered rural residential development in the more remote rural Waikato, and reducing the burden on infrastructure, particularly in more remote areas. If these rights are now restricted to where they currently are within the Waikato District, they will result in the uptake and development of latent capacity in outlying areas of the District, which is inconsistent with and contrary to the objectives and policies.</p>		
FS1062.49	Andrew and Christine Gore	Oppose	Disallow submission point 489.1.	<ul style="list-style-type: none"> • Transferable lots as the one and only process is not practical. • Does not allow for development of fragmented land that can't be transferred as it has no other practical use. 	Accept	7.2
FS1129.29	Auckland Council	Oppose			Accept	7.2
FS1138.26	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	In part. This is an appropriate environmental mechanism, but it must be refined and workable. Both the donor and receiving mechanisms need to be evaluated so that they achieve an appropriate incentive, deliver		Accept	7.2

			<i>an environmental outcome, and facilitate appropriate development opportunity.</i>			
FS1308.70	The Surveying Company	Oppose		<i>We oppose the inclusion of Prohibited Subdivision in any form. We agree with the merits of Transferable Rural Lot Right subdivision listed in this submission.</i>	Accept	7.2
FS1388.476	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	7.2
489.2	Ann-Maree Gladding	Oppose	Amend Rule 22.4.1.2 RD1 (a)(iv) General subdivision, as follows: (iv) The additional lot must have a proposed area of between 8,000m² and 4,000m² and 1.6 ha;	In the submitters experience with rural subdivisions and discussions with numerous farm owners, the proposed area range of between 8,000m ² – 1.6ha would be too large for a rural lifestyle block and will force developers to turn potentially productive farming paddocks into areas that will not be utilised for farming and may become neglected. The best maintenance of open pasture (all classes of soils) is grazing animals. The lots created will be too small to be productive or grazed, yet they are too big to be easily managed as lifestyle properties. If a rural site owner is subdividing off an existing farm cottage for instance, the house and curtilage area will be approx. 2000m ² . This will result in at least 6000m ² of potentially productive farming land being wasted or not utilised. The high-class soil rule will restrict this to some degree but just because an area of land is not classified as 'high class soil', it doesn't mean that it can't be used for productive purposes or add valuable support to a farming operation.	Reject	8.2
FS1388.477	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land</i>	Accept	8.2

				<i>use and development in the Waikato River Catchment is appropriate.</i>		
489.3	Ann-Maree Gladding	Oppose	Delete Rule 22.4.1.4 RDI (a)(i) Boundary relocation; OR Amend Rule 22.4.1.4 RDI Boundary relocation, to allow for more than two existing titles and allow for boundary adjustments to titles created after 18th July 2018.	Many landholdings in the Waikato District are made up of several titles and the proposed Boundary Relocation and Rural Hamlet rules will restrict logical layouts that are usually site specific to particular rural properties. Boundary adjustments are a legitimate way to adjust legal boundaries to facilitate access to the land and soil resource, all that generally changes is lines on the title plan and nothing physical on the actual site, the potential for adverse effects are generally minimal. The assumption is that the intent of Rule (a) (i) is to prevent making new Conservation lots or the additional title created from the General subdivision rule that is larger. The trouble is that this intent will now potentially restrict or make boundary adjustments tougher for larger rural blocks that may have a title created after 18 July 2018. These newer titles could have been subject to another minor boundary adjustment or could be the larger balance lot of a General Subdivision application. The submitter does not think that a further boundary relocation of these larger lots should be a discretionary activity as it then becomes too restrictive on these larger land holdings that may be relocating boundaries for legitimate reasons. Rule (a) (i) does not recognise the legitimate need to adjust rural lot boundaries to support rural land use and create a better environmental outcome, it also doesn't allow for the logical restructure of landholdings with more than two existing larger titles.	Reject	10.5
FS1388.478	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	10.5
489.4	Ann-Maree Gladding	Neutral/Amend	Amend Rule 22.4.1.5 RDI (a)(i) Rural Hamlet Subdivision to remove the maximum number of titles (5) that can be proposed for the subdivision. AND Amend Rule 22.4.1.5 Rural Hamlet	The current draft Rural Hamlet subdivision rule will not be a workable provision for better restructuring existing titles on many rural properties, especially larger landholdings. The rural zone varies drastically throughout the district from open flat countryside predominantly used for dairy farming, to more undulating hilly terrain with scattered mature vegetation predominantly used for dry-stock farming. Often, the most logical subdivision layout on rural properties that preserve the largest area of land for productive purposes and have the least potential for adverse effects on the surrounding environment, are	Reject	11.2

			subdivision to be a more workable approach.	influenced by site specific characteristics such as topography, vegetation, road frontage and existing built development on that particular property. In an ideal world, all new lots clustered together as a hamlet styled subdivision would be great but (unlike the residential zoned land) planning ideology such as the proposed only works on a small minority of the rural zoned land in the District and provision or more desecration needs to be allowed for to cater for these other landholdings. In the rural environment especially in the upper Waikato, these physical restraints greatly restrict such a logical layout. Often it may be a far better result for that particular environment to position the existing titles around existing development on the property or at other ends of the property from each other, which could be kilometres apart and accessed off different public roads.		
FS1379.193	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	11.2
489.5	Ann-Maree Gladding	Neutral/Amended	Amend Rule 22.4.1.6 RD1 (a) Conservation lot subdivision, to allow for conservation lot subdivisions by way of riparian planting; AND Amend Rule 22.4.1.6 RD1 (a) Conservation lot, to provide clarification on enhancement planting to Significant Natural Areas.	The draft Conservation Lot subdivision rules are generally positive but further allowance can still be made for additional lots through riparian planting of streams and rivers. This will provide incentive for farmers to plant the sides of their waterways, which will obviously bring significant ecological gain to the district. Under the current draft rules, it is unclear if it is saying that the current amount of native vegetation in the Waikato District is adequate. The cost to a property owner of protecting, and maintaining; in perpetuity, significant stands of vegetation are substantial, in real financial terms. The cost of appropriate bush covenant fencing alone is currently around \$30 per meter. Including planting costs and ongoing maintenance of the plants and fences, the costs quickly escalate into the hundreds of thousands of dollars. Farmers are becoming more and more acceptable to riparian planting on their properties but this significant cost will need to be offset to incentivise this ecological enhancement. As a close and recent example, under the former Franklin District Council Plan within the Auckland jurisdiction, a significant number of property owners underwent significant ecological riparian planting. Unfortunately through the introduction of the Auckland Unitary Plan, there is no longer any workable provision for conservation lots through riparian planting which has brought about a significant drop in riparian planting. This is all because there is no more incentive for property owners to plant, the submitter subsequently advises the Council to not to make the same mistake as Auckland. The usual signoff requirements with ecologists certifying that	Accept in part	12.3

				the riparian planting is self-sustaining would still be applicable.		
489.12	Ann-Maree Gladding	Oppose	Delete Rule 22.4.1.2 RD1 (a)(v) General subdivision.	<p>Subdivision rules have to be clear and easy to understand and not open for interpretation between the Council planner and developer / agent as it wastes everyone's time and money. This rule doesn't seem to make any logical or practical sense and will be far too difficult to administer or interpret correctly in the rural environment and the potential gains are negligible. The rule will trigger an expensive Land use Capability Report for the very small amount of soil proposed. The General Subdivision rule allows for a 2-lot subdivision of a 20 hectare sized lot, with one of the lots being between 8000m² and 1.6 hectares. It is unclear if this rule means that if one has a 20 hectare sized title that has 1 hectare of high class soil, 80% of that high class soil can be on the smaller lot and 20% on the larger lot, or if it is the other way round.</p> <p>The objectives and policies promote the protection of high-class soil, which is encouraged but this rule makes compliance harder than it needs to be with no actual gain. Due to the size restrictions on the new lot being created (8000m² - 1.6 ha), the maximum amount of high class soil that could ever be removed from production is 8% of the overall property (based on a 20 hectare sized site) size that would never be bigger enough to be economically productive in the first place. Most titles eligible for this subdivision opportunity will be much larger than 20 hectares, so the overall potential loss of high class soil in terms of an overall percentage will be significantly less and negligible in terms of the overall scale of the rural property. Too much emphasis is put on the percentage of high class soils on a particular property, it would be more appropriate to be in terms of the actual size of the high class soils. For instance, a larger rural property that only has say 10% high class soils may have significantly more high-class soil than a smaller property that has say 80% high class soils. The percentage rule does not practically achieve what it intends to.</p>	Reject	8.2
FS1388.482	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land</i></p>	Accept	8.2

				<i>use and development in the Waikato River Catchment is appropriate.</i>		
489.13	Ann-Maree Gladding	Neutral/Amended	Amend Rule 22.4.1.5 NC1 Rural Hamlet Subdivision, to become a discretionary activity if Rules 22.4.1.5 RDI (a)(i-v) are not met rather than a non-complying activity status.	Making a rural subdivision application a Non-Complying activity for creating a better overall result for that particular environment is too restrictive and needs to at least become a Discretionary activity. The submitters are currently working on a subdivision where they are restructuring eight existing contiguous titles on a large landholding. The title structure is currently very untidy with titles made up of various parcels at other ends of the property. They will be relocating the titles around existing development on the property or locations that will have least effect on the rural landscape, whilst trying to preserve a larger balance for rural production; they are simply bringing some logical structure to the landholding. This same application would be a non-complying application under the proposed rules, which does not seem right. In some cases (like the above), it may also be better and cleaner to have two large balance lots say if they are over 100 hectares in size. This rule needs rethinking, as the submitter does not think it will work as well as it could do 'on the ground'. This rule is only going to work effectively on a small minority of rural properties, especially in the upper Waikato District.	Reject	11.2
FS1129.70	Auckland Council	Oppose			Accept	11.2
489.17	Ann-Maree Gladding	Oppose	Amend Rule 22.4.9 RDI (a)(ii) Building platform, as follows: (ii)Has an average gradient not steeper than 1:8; <u>1:6;</u>	An average of 1:8 is too restrictive in the rural area, especially in the upper Waikato District, where the building sites are more likely to be on more undulating topography. The objectives and policies promote new lots away from high class soils, this will force new lots and their building sites onto steeper topography. A grade of 1:6 is still very workable as long as a geotechnical report supports the location.	Reject	21.2
507.5	Whitford Farms Limited	Support	Retain Rule 22.4.1.2(a)(i-iii) General Subdivision, as notified.	The submitter supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1388.515	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2

507.6	Whitford Farms Limited	Support	<p>Add a new discretionary activity to Rule 22.4.1.2 General subdivision as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RD1. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RD1.</u></p>	<p>General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m² and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m², it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site should be provided for.</p>	Reject	8.2
FS1388.516	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept	8.2
507.7	Whitford Farms Limited	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General subdivision (80/20 Rule) AND Add a new matter of discretion to Rule 22.4.1.2(b)</p>	<p>The strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of</p>	Accept in part	8.2

			General subdivision as follows: <u>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</u>	productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.		
FS1388.517	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
507.8	Whitford Farms Limited	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision.	Creation of a vacant lot between 8,000m2 and 1.6ha is supported as a Restricted Discretionary activity.	Accept in part	8.2
FS1388.518	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
507.10	Whitford Farms Limited	Oppose	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3, PR4 Prohibited subdivision, from Prohibited to Non-Complying Activities.	There may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. In some instances it may be unavoidable to create an additional Record of Title. The rule relies on a definition of "High Class Soils". High class soils as defined in the Proposed Plan (relying on soil classification	Accept in part	7.2

				<p>only), may not be versatile due to a range of factors identified through case law.</p> <p>It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities which are viable and sustainable such as greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity.</p> <p>Commercial reasons could necessitate subdivision including the desire to sell or lease the business, rather than disposal of the entire property or the need to invest more capital in the operation. This activity status prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings ,and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site.</p> <p>PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 228 of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision.</p> <p>The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.</p>		
FS1062.50	Andrew and Christine Gore	Support	Allow submission point 507.10.	<ul style="list-style-type: none"> • A blanket rule does not work. 	Accept in part	7.2
FS1129.47	Auckland Council	Oppose			Accept in part	7.2
FS1131.14	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2

FS1388.519	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
507.11	Whitford Farms Limited	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision to replace "lot" with "Record of Title".	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1388.520	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
509.5	Denise and Harold Williams	Support	Retain Rule 22.4.1.2(a)(i-iii) General Subdivision, as notified.	The submitter supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1388.524	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
509.6	Denise and Harold Williams	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below	Support Rule 22.4.1.2 (a)(iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that	Accept in part	8.2

			<p>AND Amend Rule 22.4.1.2 General subdivision to create new discretionary activities, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RD1. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RD1.</u></p>	<p>the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient on-going management of the land and not meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site.</p>		
FS1388.525	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
509.7	Denise and Harold Williams	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision; AND Add a new matter of discretion to Rule 22.4.1.2(b) General subdivision as follows: <u>(b) (vi) Effects on rural productivity and</u></p>	<p>Rule 22.4.1.2 (a)(v) is opposed. There is no analysis in s32 regarding the relevance or practicality of this rule. Submitter agrees with the intent of this rule which is to design subdivision to avoid fragmentation of the high class soils. However, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the</p>	Accept in part	8.2

			<u>fragmentation of high class soils.</u>	retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.		
FS1388.526	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
509.8	Denise and Harold Williams	Support	Retain Rule 22.4.1.2(a)(iv) General Subdivision.	Creation of a vacant lot between 8,000m ² and 1.6ha is supported as a Restricted Discretionary Activity.	Accept in part	8.2
FS1388.527	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
509.10	Denise and Harold Williams	Oppose	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from Prohibited to Non-Complying Activities.	Oppose the Prohibited Activity status for rural subdivision activities and should be considered as non-complying activities. With regards to PR2 and PR3, there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. In some instances it may	Accept in part	7.2

				<p>be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and hold together by covenant. The rule relies on a definition of "High Class Soils". High class soils as defined in the Proposed Plan (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are viable and sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business, rather than disposal of the entire property or the need to invest more capital in the operation. This activity status prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings, and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1 ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.</p>		
FS1062.52	Andrew and Christine Gore	Support	Allow submission point 509.10.	<ul style="list-style-type: none"> • It is important to consider that some activities will be non-complying not prohibited. • Some land is fragmented, inefficient and should be allowed to develop and realise its potential. 	Accept in part	7.2

FSI 129.48	Auckland Council	Oppose			Accept in part	7.2
FSI 388.528	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
509.11	Denise and Harold Williams	Neutral/Amend	Amend Rule 22.4.1.1 Prohibited Subdivision, to replace 'lot' with 'Record of Title'.	Submitter seeks that the word 'lot' as used in these rules be changed for 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
512.5	Enton Farms Limited	Not Stated	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Amend Rule 22.4.1.2 General subdivision to create new discretionary activities, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u>	Support Rule 22.4.1.2 (a)(iv) in part with amendments. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and note meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m ² and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m ² , it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots that accommodate existing and well-established rural activities where	Accept in part	8.2

				these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site should be provided for.		
FS1388.533	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
512.6	Enton Farms Limited	Oppose	Delete Rule 22.4.1.2(a)(v) General subdivision 80/20 Rule. AND Add a new matter of discretion to Rule 22.4.1.2 (b) General subdivision as follows: <u>(b) (vi) Effects on rural productivity and fragmentation of high class soils.</u>	There is no analysis in s32 regarding the relevance or practicality of this rule. Submitter address with the intent of this rule which is to design subdivision to avoid the fragmentation of the high class soils. However, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting to demonstrate that this exact figure is met. This becomes an additional compliance cost with every subdivision application under the General provisions that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.	Accept in part	8.2
FS1388.534	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate</i>	Accept in part	8.2

				significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
512.7	Enton Farms Limited	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited Subdivision, to replace "lot" with "Record of Title".	Submitter seeks that the word 'lot' as used in these rules be changed to 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1388.535	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
512.8	Enton Farms Limited	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision.	Creation of a vacant lot between 8,000m2 and 1.6ha is supported as a Restricted Discretionary activity.	Accept in part	8.2
FS1388.536	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
512.10	Enton Farms Limited	Oppose	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from Prohibited to Non-Complying Activities.	Oppose the Prohibited Activity Status for the rural subdivision activities listed under Section 22.4.1.1. Submitter suggests the Prohibited Activities listed under 22.4.1.1 be considered as non-complying activities. There may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title. The rule relies on a definition of "High Class Soils". High class soils as defined in the Proposed Plan (relying on soil classification only), may not be versatile due to a range of factors identified through case	Accept in part	7.2

				<p>law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are viable and sustainable and permanent nature and it is appropriate for those to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business, rather than disposal of the entire property or the need to invest more capital in the operation. This activity status prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings, and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.</p>		
FS1129.49	Auckland Council	Oppose			Accept in part	7.2
FS1131.15	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.537	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use	Accept in part	7.2

				management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
512.11	Enton Farms Limited	Support	Retain Rule 22.4.1.2(a)(i-iii) General Subdivision, as notified.	The submitter supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1062.53	Andrew and Christine Gore	Oppose	Disallow submission point 512.11.	<ul style="list-style-type: none"> The rural environment as notified does not take into account fragmented land. All owners should be able to enjoy amenity value. 	Accept in part	8.2
FS1388.538	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
513.5	Vanoo Limited	Support	Retain Rule 22.4.1.2(a)(i-iii) General subdivision as notified.	The submitter supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1062.58	Andrew and Christine Gore	Oppose	Disallow entire submission.	<ul style="list-style-type: none"> The rural environment as notified does not take into account fragmented land. All land owners should be able to enjoy amenity value. 	Accept in part	8.2
FS1388.541	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
513.6	Vanoo Limited	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, except for the	Supports Rule 22.4.1.2 (a)(iv) in part with amendments. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and	Accept in part	8.2

			<p>amendments sought below AND Amend Rule 22.4.1.2 General subdivision to create new discretionary activities as follows: <u>D1 (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u></p>	<p>farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m² and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m², it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site should be provided for.</p>		
FS1062.59	Andrew and Christine Gore	Oppose	Disallow entire submission.	<ul style="list-style-type: none"> • The rural environment as notified does not take into account fragmented land. • All land owners should be able to enjoy amenity value. 	Accept in part	8.2
FS1388.542	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
513.7	Vanoo Limited	Oppose	Delete Rule 22.4.1.2(a)(v) General subdivision (80/20 Rule) AND Add a new matter of	<p>There is no analysis in s32 regarding the relevance or practicality of this rule. Submitter agrees with the intent of these rules, which is to design and avoid fragmentation of the high class soils. However, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design</p>	Accept in part	8.2

			discretion to Rule 22.4.1.2(b) General subdivision as follows: <u>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</u>	or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.		
FS1062.60	Andrew and Christine Gore	Oppose	Disallow entire submission.	<ul style="list-style-type: none"> The rural environment as notified does not take into account fragmented land. All land owners should be able to enjoy amenity value. 	Accept in part	8.2
FS1388.543	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
513.8	Vanoo Limited	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision.	Creation of a vacant lot between 8000m2 and 1.6ha is supported as a restricted discretionary activity.	Accept in part	8.2
FS1062.61	Andrew and Christine Gore	Oppose	Disallow entire submission.	<ul style="list-style-type: none"> The rural environment as notified does not take into account fragmented land. All land owners should be able to enjoy amenity value. 	Accept in part	8.2
FS1388.544	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land	Accept in part	8.2

				<i>use and development in the Waikato River Catchment is appropriate.</i>		
513.10	Vanoo Limited	Oppose	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3, PR4 Prohibited subdivision from Prohibited to Non-Complying Activities.	<p>Oppose the Prohibited activity status for rural subdivision activities listed under Rule 22.4.1.1. Submitter suggests that these activities be considered as Non-Complying activities. With regards to PR2 and PR3 there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title i.e. where a title is limited to parcels and held together by covenant. The rule relies on a definition of "High Class Soils". High class soils as defined in the Proposed Plan (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are viable and sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the side. Established rural activities include greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business, rather than disposal of the entire property or the need to invest more capital in the operation. This activity status prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings ,and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 228 of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas</p>	Accept in part	7.2

				<p>or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.</p>		
FS1062.63	Andrew and Christine Gore	Oppose	Disallow entire submission.	<ul style="list-style-type: none"> • The rural environment as notified does not take into account fragmented land. • All land owners should be able to enjoy amenity value. 	Accept in part	7.2
FS1129.50	Auckland Council	Oppose			Accept in part	7.2
FS1131.16	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.545	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
513.11	Vanoo Limited	Neutral/Amend	Amend Rule 22.4.1.1 Prohibited subdivision to replace "lot" with "Record of Title".	Submitter seeks that the word 'lot' as used in these rules be changed to 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1062.64	Andrew and Christine Gore	Support	Disallow entire submission.	<ul style="list-style-type: none"> • The rural environment as notified does not take into account fragmented land. • All land owners should be able to enjoy amenity value. 	Accept in part	7.2
FS1388.546	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land	Accept in part	7.2

				<i>use and development in the Waikato River Catchment is appropriate.</i>		
514.9	DP & LJ Ramsey Limited	Oppose	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3, PR4 (Prohibited subdivision) from Prohibited to Non-Complying Activities.	<p>Oppose the Prohibited Activity status for rural subdivision activities listed under Rule 22.4.1.1. Submitter suggests that these activities be considered as non-complying activities. With regards to PR2 and PR3, there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are some circumstances where it may be unavoidable to create an addition Record of Title, i.e. where the title is limited as to parcels and held together by covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these viable and sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. Established activities include greenhouses, pack house, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 228 of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries</p>	Accept in part	7.2

				without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.		
FS1062.66	Andrew and Christine Gore	Support	Allow submission point 514.9.	<ul style="list-style-type: none"> It is important that rural subdivision is not in a prohibited zone. Support prohibited-non-complying. 	Accept in part	7.2
FS1129.51	Auckland Council	Oppose			Accept in part	7.2
FS1131.17	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.550	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
514.11	DP & LJ Ramsey Limited	Not Stated	Add a new discretionary activity to Rule 22.4.1.6 Conservation lot subdivision, as follows: <u>DI a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6(vi-vii).</u> <u>RD I. (b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii).</u> <u>RD I.</u>	Rule 22.4.1.6.vi requires a minimum area of 8000m ² , flexibility for lot area should be provided where the lot boundaries encompass an existing dwelling curtilage or established rural activities. This avoids unnecessary fragmentation of productive farming land. This could be addressed as a Matter of Discretion.	Reject	12.6

514.12	DP & LJ Ramsey Limited	Support	Retain Rule 22.4.1.2(a)(iv) General Subdivision as notified.	Creation of a vacant lot between 8,000m ² and 1.6ha is supported as a Restricted Discretionary Activity.	Accept in part	8.2
FS1388.552	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
514.13	DP & LJ Ramsey Limited	Not Stated	Amend Rule 22.4.1.1 Prohibited Subdivision to replace references to 'lot' with 'Record of Title'	Submitter seeks that the word 'lot' as used in these rules be changed to 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1388.553	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	7.2
514.14	DP & LJ Ramsey Limited	Support	Retain Rule 22.4.1.2 (a)(i-iii) General Subdivision, as notified.	Supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1388.554	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2

514.15	DP & LJ Ramsey Limited	Not Stated	<p>Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Amend Rule 22.4.1.2 General Subdivision to add new discretionary activities, as follows; <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>	<p>Support Rule 22.4.1.2 (a) (iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site should be provided for.</p>	Accept in part	8.2
FS1388.556	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
514.16	DP & LJ Ramsey Limited	Neutral/Amended	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision; AND Add a new matter of discretion to Rule 22.4.1.2 General</p>	<p>There is no analysis in s32 regarding the relevance of practicality of this rule. Submitter agrees with the intent of this rule which is to design subdivision to avoid fragmentation of the high class soils. However, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give</p>	Accept in part	8.2

			<p>Subdivision, as follows: <u>(b) (vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>primacy to the protection of high class soils. Supports the inclusion of matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the general provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.</p>		
FS1388.556	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
514.17	DP & LJ Ramsey Limited	Neutral/Amended	<p>Retain Rule 22.4.1.6 Conservation lot subdivision, except for the amendments sought below AND Amend Rule 22.4.1.6 Conservation lot subdivision as follows: RD1 (a) The subdivision must comply with all of the following conditions: (i) The lot must contain: <u>A</u> a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced</p>	<p>Incentivising legal and physical protection of Significant Natural Areas and other areas of existing biodiversity offers positive benefits for the Region. Significant biodiversity and water quality benefits can be gained from ecological enhancement along waterways and wetland areas. Water quality is a key issue in the Regional Policy Statement and Vision and Strategy. Enhancement is also recognised in corresponding rural objectives and policies in regards to surface water and ground water quality and the natural character of waterways. The plan should be enabling of improving both biodiversity and water quality within the Waikato Catchment. Revegetation approximately costs \$45,000 per hectare, excluding fencing of revegetated areas from stock. Incentivising through subdivision would assist in offsetting costs associated with revegetation and fencing. Provisions for ecological enhancement and/or restoration of appropriate areas be included in the Conservation Lot Subdivision rules. Appropriate features to be restored should meet one or more criteria in Appendix 2: Criteria for Determining Significance of Indigenous</p>	Accept in part	12.3

and suitably qualified ecologist which meets; or B. a contiguous area, to be enhanced and/or restored; in accordance with the table below: ... (ii) The area of Significant Natural Area, or area to be enhanced and/or restored, is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area or area to be restored is not already subject to a conservation-covenant pursuant to the Reserves Act-1977 or the Queen-Elizabeth II National Trust Act legal protection. (iv) The subdivision proposes to legally protect all areas of Significant Natural Area or area to be restored by way of a conservation-covenant pursuant to the Reserves Act-1977 or the Queen-Elizabeth Natural Trust Act. (v) An ecological management plan is prepared to address the ongoing management of the covenant-protected area to ensure that

Biodiversity, or areas identified as Significant Natural Areas that don't meet the minimum size requirements for subdivision without additional enhancement and/or restoration planting. Minimum areas for enhancement and/or restoration should be in accordance with Rule 22.4.1.6. Rule 22.4.1.6 does not cover all forms of legal protection. The rule should require legal protection only and leave the mechanism of protection to the discretion of Council (e.g. encumbrance, bond, consent notice, covenant or vesting as a reserve). Rule 22.4.1.6.vi requires a minimum area of 8000m², flexibility for lot area should be provided where the lot boundaries encompass an existing dwelling curtilage or established rural activities. This avoids unnecessary fragmentation of productive farming land. This could be addressed as a Matter of Discretion.

			<p>the Significant Natural Area <u>area to be protected</u> is a self-sustaining and that plan: A. Addresses fencing requirement for the covenant <u>protected</u> area; B. Addresses ongoing pest plan and animal control; C. Identifies any enhancement <u>and/or</u> restoration or edge planting required within the covenant area to be protected. ... (b) Council's discretion is restricted to the following matters: (i) Subdivision layout and proximity of building platforms to Significant Natural Area <u>the area to be protected</u>; (ii) Matters contained in an ecological management plan for the covenant <u>protected</u> area; (iii) Effects of the subdivision on <u>localised</u> rural character and amenity values; (iv) Extent of earthworks including earthworks for the location of building platform and access ways; (v) <u>Mechanism of legal protection for the area to be protected.</u> ...</p>			
516.5	Anthony and Maureen Vazey	Support	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General	Supports the inclusion of the General Subdivision rules.	Accept in part	8.2

			Subdivision, as notified.			
FS1388.559	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
516.6	Anthony and Maureen Vazey	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u>	Support Rule 22.4.1.2 (a)(iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site.	Accept in part	8.2
FS1388.560	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate	Accept in part	8.2

				<p>from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
516.7	Anthony and Maureen Vazey	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add new matters of discretion to Rule 22.4.1.2(b) General subdivision, as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>Rule 22.4.1.2 (a)(v) is opposed. There is no analysis in the s32 regarding this relevance or practicality of this rule. The submitter agrees with the intent of this rule which is to design subdivision to avoid fragmentation of the high class soils. However, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with even subdivision application under the general provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.</p>	Accept in part	8.2
FS1388.561	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
516.8	Anthony and Maureen Vazey	Support	<p>Retain Rule 22.4.1.2(a)(iv) General subdivision, which classifies creation of an additional lot</p>	<p>Creation of a vacant lot between 8,000m2 and 1.6ha is supported as a Restricted Discretionary Activity.</p>	Accept in part	8.2

			between 8,000m2 and 1.6ha as a restricted discretionary activity.			
FS1388.562	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
516.10	Anthony and Maureen Vazey	Oppose	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.	Oppose the Prohibited Activity status for rural subdivision activities under Rule 22.4.1.1. Submitter suggests that Prohibited Activities be considered as non-complying. With regards to PR2 and PR3 there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are some circumstances it may be unavoidable to create an additional Record of Title, i.e. where it is limited to parcels and held together by covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities are viable and sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and	Accept in part	7.2

				<p>sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted that that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone</p>		
FS1129.52	Auckland Council	Oppose			Accept in part	7.2
FS1131.18	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.563	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
516.11	Anthony and Maureen Vazey	Neutral/Amend	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.	Submitter seeks that the word 'lot' as used in these rules be changed to 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1388.564	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use	Accept in part	7.2

				management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
517.5	Amanda and Brian Billington	Support	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.	Supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1388.567	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
517.6	Amanda and Brian Billington	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u>	Support Rule 22.4.2 (a)(iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance	Accept in part	8.2

				land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site.		
FS1388.568	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
517.7	Amanda and Brian Billington	Oppose	Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add new matters of discretion to rule 22.4.1.2(b), as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u>	Rule 22.4.1.2 (a)(v) is opposed. There is no analysis in the s32 regarding this relevance or practicality of this rule. Submitter agrees with the intent of the rule, however the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the General provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.	Accept in part	8.2
FS1388.569	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects	Accept in part	8.2

				<p>from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
517.8	Amanda and Brian Billington	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision.	Creation of a vacant lot between 8,000m2 and 1.6ha is supported as a restricted discretionary activity.	Accept in part	8.2
FS1388.570	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
517.10	Amanda and Brian Billington	Oppose	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.	<p>Oppose the Prohibited Activity Status for the rural subdivision activities in Rule 22.4.1.1. Prohibited activities as listed should be considered as non-complying activities. With regards to PR2 and PR3, there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where title is limited to parcels and held together by covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are viable and of permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. Established rural activities include sustainable such as greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable</p>	Accept in part	7.2

				<p>more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone</p>		
FS1129.53	Auckland Council	Oppose			Accept in part	7.2
FS1131.19	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.571	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner	Accept in part	7.2

				to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
517.11	Amanda and Brian Billington	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.	Submitter seeks that the word 'lot' as used in these rules be changed to 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1388.572	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
519.5	B and N Balle Limited	Support	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.	Supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1388.575	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
519.6	B and N Balle Limited	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision except for the amendments sought below AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply</u>	Support Rule 22.4.1.2 (a)(iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site	Accept in part	8.2

			<p><u>with Rule 22.4.1.2. (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u></p>	<p>specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site.</p>		
FS1388.576	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
519.7	B and N Balle Limited	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add new matters of discretion to Rule 22.4.1.2(b) General subdivision, as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>There is no analysis in the s32 regarding this relevance or practicality of this rule. Oppose Rule 22.4.1.2 (a)(v). Submitter agrees with the intent, however the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision</p>	Accept in part	8.2

				application under general provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.		
FSI388.577	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
519.8	B and N Balle Limited	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision.	Creation of a vacant lot between 8,000m2 and 1.6ha is supported as a Restricted Discretionary activity.	Accept in part	8.2
FSI388.578	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
519.10	B and N Balle Limited	Oppose	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.	Oppose the Prohibited Activity Status for rural subdivision activities and should be considered as non-complying activities. With regards to PR2 and PR3, there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing	Accept in part	7.2

				<p>and well-established rural activities where these are viable and sustainable and permanent in nature and it is appropriate for these to be subdivided from other rural activities on the site. Established rural activities include such as greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone</p>		
FS1129.54	Auckland Council	Oppose			Accept in part	7.2
FS1131.20	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.579	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is	Accept in part	7.2

				<i>therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
519.11	B and N Balle Limited	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.	Submitter seeks that the word 'lot' as used in these rules be changed for 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FSI388.580	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	7.2
520.5	Finlayson Farms Limited	Support	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.	Supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FSI388.583	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
520.6	Finlayson Farms Limited	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision except for the amendments sought below AND Add a new discretionary	Support Rule 22.4.1.2 (a)(iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical	Accept in part	8.2

			<p>activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RD1. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RD1.</u></p>	<p>outcome to ensure the most efficient ongoing management of the land and not meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodates existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site.</p>		
FS1388.584	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
520.7	Finlayson Farms Limited	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add new matters of discretion to Rule 22.4.1.2(b) General subdivision, as follows: <u>(vi) Effects on rural</u></p>	<p>Oppose Rule 22.4.1.2 (a) (v). Submitter agrees with intent of this rule, however there is no analysis in the s32 regarding this relevance or practicality of this rule. The strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming</p>	Accept in part	8.2

			<u>productivity and fragmentation of high class soils.</u>	systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the General provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.		
FS1388.585	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
520.8	Finlayson Farms Limited	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision.	Creation of an vacant lot between 8,000m ² and 1.6ha is supported as a Restricted Discretionary Activity.	Accept in part	8.2
FS1388.586	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
FS1388.587	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management</i>	Accept in part	8.2

				controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
520.10	Finlayson Farms Limited	Oppose	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.	<p>Oppose the Prohibited Activity status for rural subdivision activities and should be considered as non-complying activities. With regards to PR2 and PR3 there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by a covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are viable and sustainable and permanent in nature and it is appropriate for those to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While</p>	Accept in part	7.2

				subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone		
FS1129.55	Auckland Council	Oppose			Accept in part	7.2
FS1131.21	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.588	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
520.11	Finlayson Farms Limited	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.	Submitter seeks that the word 'lot' as used in these rules be changed to 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1388.589	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2

521.5	Max and Denise Irwin for A Irwin & Son Limited	Support	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.	Supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1388.593	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
521.6	Max and Denise Irwin for A Irwin & Son Limited	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u>	Support Rule 22.4.1.2 (a)(iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site.	Accept in part	8.2

FS1388.594	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
521.7	Max and Denise Irwin for A Irwin & Son Limited	Oppose	Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add new matters of discretion to rule 22.4.1.2(b), as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u>	Rule 22.4.1.2 (a)(v) is opposed. There is no analysis in the s32 regarding this relevance or practicality of this rule. Submitter agrees with the intent of this rule however the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the General provision to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.	Accept in part	8.2
FS1388.595	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
521.8	Max and Denise Irwin	Support	Retain Rule 22.4.1.2(a)(iv)	Creation of a vacant lot between 8,000m ² and 1.6ha as a Restricted Discretionary	Accept in part	8.2

	for A Irwin & Son Limited		General subdivision.	Activity is supported.		
FS1388.596	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
521.10	Max and Denise Irwin for A Irwin & Son Limited	Oppose	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.	Oppose the Prohibited Activity Status for rural subdivision activities and should be considered as non-complying activities. With regard to PR2 and PR3 there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are viable and sustainable and a permanent nature and it is appropriate for those to be subdivided from other rural activities on site. Established rural activities include greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4	Accept in part	7.2

				<p>unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone</p>		
FSI129.56	Auckland Council	Oppose			Accept in part	7.2
FSI131.22	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FSI388.597	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
521.11	Max and Denise Irwin for A Irwin & Son Limited	Not Stated	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.	Submitter seeks that the word 'lot' as used in these rules be changed for 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FSI388.598	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use	Accept in part	7.2

				management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
522.5	Joy & Wayne Chapman	Support	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.	Supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1388.601	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
522.6	Joy & Wayne Chapman	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision except for the amendments sought below AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u>	Support Rule 22.4.1.2 (a)(iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance	Accept in part	8.2

				land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site.		
FS1388.602	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
522.7	Joy & Wayne Chapman	Oppose	Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add new matters of discretion to Rule 22.4.1.2(b) General subdivision as follows: (vi) <u>Effects on rural productivity and fragmentation of high class soils.</u>	Rule 22.4.1.2 (a)(v) is opposed. There is no analysis in the s32 regarding this relevance or practicality of this rule. Submitter agrees with the intent of the rule, however the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the general provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.	Accept in part	8.2
FS1388.603	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects	Accept in part	8.2

				<p>from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
522.8	Joy & Wayne Chapman	Support	Retain Rule 22.4.1.2 (a) (iv) General subdivision.	Creation of an additional lot between 8,000m2 and 1.6ha as a Restricted Discretionary Activity is supported.	Accept in part	8.2
FS1388.604	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
522.10	Joy & Wayne Chapman	Oppose	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.	<p>Oppose the Prohibited Activity status for rural subdivision activities and should be considered as non-complying activities. With regards to PR2 and PR3 there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are viable and sustainable and of a permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic</p>	Accept in part	7.2

				<p>wellbeing and the efficient and effective operation of the activity.</p> <p>Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone</p>		
FS1129.57	Auckland Council	Oppose			Accept in part	7.2
FS1131.23	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.605	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land	Accept in part	7.2

				use and development in the Waikato River Catchment is appropriate.		
522.11	Joy & Wayne Chapman	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.	Submitter seeks that the word 'lot' as used in these rules be changed for 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1388.606	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
523.5	R & B Litchfield Limited	Support	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.	Supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1388.610	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
523.6	R & B Litchfield Limited	Not Stated	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply</u>	Support Rule 22.4.1.2 (a)(iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not need to meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site	Accept in part	8.2

			<p><u>with Rule 22.4.1.2. (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u></p>	<p>specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodates existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site.</p>		
FS1388.610	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
523.7	R & B Litchfield Limited	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add new matters of discretion to Rule 22.4.1.2(b) General subdivision as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>Rule 22.4.1.2 (a)(v) is opposed. There is no analysis in the s32 regarding this relevance or practicality of this rule. Submitter agrees with the intent of the rule however the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision</p>	Accept in part	8.2

				application under the General provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.		
FS1388.611	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
523.8	R & B Litchfield Limited	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision.	Creation of a vacant lot between 8,000m and 1.6ha is supported as a Restricted Discretionary Activity.	Accept in part	8.2
FS1388.612	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
523.10	R & B Litchfield Limited	Oppose	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.	Oppose the Prohibited Activity status for the rural subdivision activities and should be considered as non-complying activities. With regards to PR2 and PR3 there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by a covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It	Accept in part	7.2

				<p>is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are viable and sustainable and permanent in nature and it is appropriate for those to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone</p>		
FSI 129.58	Auckland Council	Oppose			Accept in part	7.2
FSI 131.24	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2

FS1388.613	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
523.11	R & B Litchfield Limited	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.	Submitter seeks that the word 'lot' as used in these rules be changed for 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1388.614	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
526.5	Roy & Lesley Wright	Support	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.	Supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1388.638	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
526.6	Roy & Lesley Wright	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below	Support Rule 22.4.1.2 (a)(iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size	Accept in part	8.2

			<p>AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>	<p>to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site.</p>		
FS1388.639	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
526.7	Roy & Lesley Wright	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add new matters of discretion to rule 22.4.1.2(b), as follows: <u>(vi)</u></p>	<p>Oppose Rule 22.4.1.2 (a)(v). There is no analysis in the s32 regarding this relevance or practicality of this rule. Submitter agrees with the intent of the rule however the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and</p>	Accept in part	8.2

			<u>Effects on rural productivity and fragmentation of high class soils.</u>	policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the General provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.		
FS1388.640	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
526.8	Roy & Lesley Wright	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision.	Creation of an additional lot between 8,000m2 and 1.6ha is supported as a Restricted Discretionary Activity.	Accept in part	8.2
526.10	Roy & Lesley Wright	Oppose	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from prohibited activities to non-complying activities.	Oppose the Prohibited Activity status for rural subdivision activities and these should be considered as non-complying activities. With regards to PR2 and PR3 there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that	Accept in part	7.2

				<p>accommodate existing and well-established rural activities where these are viable and sustainable and permanent in nature and it is appropriate for these to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.</p>		
FS1129.59	Auckland Council	Oppose			Accept in part	7.2
FS1131.25	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
526.11	Roy & Lesley Wright	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited	Submitter seeks that the word 'lot' as used in these rules be changed for 'Record of Title.' It may be necessary to create	Accept in part	7.2

			subdivision to replace the term 'lot' with 'Record of Title'.	multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.		
FS1388.641	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
527.5	Mark Scobie	Support	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.	Supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1388.644	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
527.6	Mark Scobie	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision except for the amendments sought below AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI (b) General subdivision around</u>	Support Rule 22.4.1.2 (a)(iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm the provision of	Reject	8.2

			<p><u>established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u></p>	<p>services within the lot boundaries Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site.</p>		
FS1388.645	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept	8.2
527.7	Mark Scobie	Neutral/Amended	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add new matters of discretion to rule 22.4.1.2(b) as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>Oppose Rule 22.4.1.2 (a)(v). There is no analysis in the s32 regarding this relevance or practicality of this rule. Submitter agrees with the intent of this rule however the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the General provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the</p>	Accept in part	8.2

				discretion of where these are required in accordance with the recommended matter of discretion.		
FSI388.646	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
527.8	Mark Scobie	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision.	Creation of an additional lot between 8,000m2 and 1.6ha is supported as a Restricted Discretionary Activity.	Accept in part	8.2
FSI388.647	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
527.10	Mark Scobie	Oppose	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from prohibited activities to non-complying activities.	Oppose the Prohibited Activity status for the rural subdivision activities and should be considered non-complying. With regards to PR2 and PR3 here may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by a covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are viable and sustainable, permanent in nature and it is appropriate for these to be subdivided from other rural activities on	Accept in part	7.2

				<p>the site. Established rural activities include greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone</p>		
FS1062.69	Andrew and Christine Gore	Support	Allow submission point 527.10.	<ul style="list-style-type: none"> • It is important that not all rural subdivision is in a Prohibited Zone. • Support a non-complying policy. • All can be fairly assessed. 	Accept in part	7.2
FS1129.60	Auckland Council	Oppose			Accept in part	7.2
FS1131.26	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.648	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use	Accept in part	7.2

				management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
527.11	Mark Scobie	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, to replace the term 'lot' with 'Record of Title'.	Submitter seeks that the word 'lot' as used in these rules be changed for 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1388.649	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
529.1	Wilcox Properties Limited	Neutral/Amended	Retain Policy 3.2.8 Incentivise subdivision, except for the amendments sought below AND Add to Policy 3.2.8(b) Incentivise subdivision, as follows: <u>(b) Incentivise subdivision in the Rural Zone when there is the enhancement and/or restoration of biodiversity, legal and physical protection of areas that are of a suitable size and meet the Criteria for Determining Significance of Indigenous Biodiversity</u>	Supports the policy in part. Seeks that Policy 3.2.8 be expanded to include provision for the enhancement/restoration of areas as this is in line with the Vision and Strategy for the Waikato River. Supports incentivising the protection of existing biodiversity with subdivision subject to meeting certain criteria. Appendix 2 of the Proposed District Plan Criteria for Determining Significance of Indigenous Biodiversity could provide the basis for determining eligibility.	Reject	12.6

FS1377.126	Havelock Village Limited	Support	Support.	HVL supports amendments that allow for greater development potential in rural areas while also maintaining and protecting significant indigenous biodiversity.	Reject	12.6
529.9	Wilcox Properties Limited	Oppose	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3, PR4 Prohibited subdivision, from prohibited to non-complying activities.	<p>Oppose the Prohibited Activity status for rural subdivision activities and they should be considered non-complying activities. There may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. In some instances it may be unavoidable to create an addition of Record of Title. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities which are viable and sustainable such as greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the</p>	Accept in part	7.2

				subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.		
FS1131.27	The Village Church Trust	Support		The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.653	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
529.11	Wilcox Properties Limited	Neutral/Amended	Add a new discretionary activity to Rule 22.4.1.6 Conservation lot subdivision, as follows: <u>DI Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6 (vi-vii) RDI.</u> <u>Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6 (vi-vii) RDI</u>	Rule 22.4.1.6 vi requires a minimum area of 8000m2, flexibility for lot area should be provided where the lot boundaries encompass an existing dwelling curtilage or established rural activities. This avoids unnecessary fragmentation of productive farming land. This could be addressed as a Matter of Discretion.	Reject	12.6
FS1062.70	Andrew and Christine Gore	Support	Allow submission point 529.11.	<ul style="list-style-type: none"> The creation of conservation lot subdivision in the Rural zone has many advantages. This is important for biodiversity. 	Reject	12.6
529.12	Wilcox Properties Limited	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision, which classifies creation of an additional lot between 8,000m2 and	The creation of any additional lots is supported as a Restricted Discretionary Activity.	Accept in part	8.2

			I.6ha as a restricted discretionary activity.			
FS1388.654	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
529.13	Wilcox Properties Limited	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, to replace the term 'lot' with 'Record of Title'.	Submitter seeks that the word 'lot' as used in these rules be changed to 'Record of Title.' It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1388.655	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
529.14	Wilcox Properties Limited	Support	Retain Rule 22.4.1.2(a)(i-iii) General Subdivision, as notified.	Support the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1388.656	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2

529.15	Wilcox Properties Limited	Neutral/Amended	<p>Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND</p> <p>Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u></p>	<p>Support Rule 22.4.1.2 (a)(iv) in part. General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m² and greater than 1.6ha where they contain an existing dwelling. . There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m², it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site.</p>	Accept in part	8.2
FS1388.657	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
529.16	Wilcox Properties Limited	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND</p> <p>Add new matter of discretion to Rule (b), as</p>	<p>Rule 22.4.1.2 (a)(v) is opposed. There is no analysis in the s32 regarding this relevance or practicality of this rule. Submitter agrees with the intent of the rule, however, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give</p>	Accept in part	8.2

			<p>follows: <u>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the General provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.</p>		
FS1388.658	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
529.17	Wilcox Properties Limited	Neutral/Amended	<p>Retain Rule 22.4.1.6 Conservation lot subdivision, except for the amendments sought below AND Amend Rule 22.4.1.6 Conservation lot subdivision as follows: RDI (a) The subdivision must comply with all of the following conditions: (i) The lot must contain: A. a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by</p>	<p>Support rules 22.4.1.6 in part. Incentivisation of the protection of Significant Natural Area and existing biodiversity offer positive benefits. There is no provision for ecological enhancement/restoration in the Conservation Lot Rules. There are significant biodiversity and water quality benefits to be gained by enhancement. Water quality is a key issue identified in the Regional Policy Statement and The Vision and Strategy. It is recognised in the Rural Objectives and Policies which seek enhancement of surface and ground water quality and the natural characteristics of waterways. Incentivising through subdivision would assist in offsetting the cost of enhancement/restoration.</p>	Accept in part	12.3

an experienced and suitably qualified ecologist which meets: or B. a contiguous area, to be enhanced and/or restored: in accordance with the table below: ... (ii) The area of Significant Natural Area, or area to be enhanced and/or restored, is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area or area to be restored is not already subject to a conservation-covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act legal protection. (iv) The subdivision proposes to legally protect all areas of Significant Natural Area or area to be restored by way of a conservation-covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth National Trust Act. (v) An ecological management plan is prepared to address the ongoing management of the covenant-protected area

			<p>to ensure that the Significant Natural Area <u>area to be protected</u> is a self-sustaining and that plan: A. Addresses fencing requirement for the covenant <u>protected</u> area; B. Addresses ongoing pest plan and animal control; C. Identifies any enhancement <u>and/or</u> <u>restoration</u> or <u>edge planting</u> required within the covenant <u>protected</u> area to be protected. ... (b) Council's discretion is restricted to the following matters: (i) Subdivision layout and proximity of building platforms to Significant Natural Area <u>the area to be protected</u>; (ii) Matters contained in an ecological management plan for the covenant <u>protected</u> area; (iii) Effects of the subdivision on <u>localised</u> rural character and amenity values; (iv) Extent of earthworks including earthworks for the location of building platform and access ways; <u>(v) Mechanism of legal protection for the area to be protected.</u></p>			
530.5	John Van Lieshout	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, except for the	Support Rule 22.4.1.2 (a) (iv) in part. This rule should enable a lot to be created around an existing dwelling and curtilage so that the farming regime can continue.	Accept in part	8.2

			<p>amendments sought below AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>	<p>This will avoid redevelopment of farm tracks and fencelines for a relatively small lot. There may be situations where it is appropriate to create a new lot that is less than 8000m² or larger than 1.6ha which is consistent with objectives and policies. For lots smaller than 8000m², it is only necessary to confirm that services can be provided. A farm management report may be provided that confirms productive rural capacity for any lot greater than 1.6ha and the balance lot.</p>		
FS1388.660	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
530.6	John Van Lieshout	Oppose	<p>Delete Rule 22.4.1.2 (a)(v) General subdivision AND Add a matter of discretion to Rule 22.4.1.2(b) General subdivision as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>Rule 22.4.1.2 (a)(v) is opposed. The section 32 analysis does not justify this rule. Submitter agrees with the intent of the rule, however the 80/20 percentage requirement may not result in the best layout, design or farming outcome. Objectives and policies (5.1.1 and 5.2) and the expanded matters of discretion are sufficiently strong to avoid adverse outcomes on high class soils. The rule will mean that every subdivision application will require a land use capability report to demonstrate compliance with the 80/20 percentage requirement which is costly and this should be a matter of discretion rather than necessary.</p>	Accept in part	8.2
FS1388.661	Mercury NZ Limited for Mercury E	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.</i> Mercury</p>	Accept in part	8.2

				considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
530.7	John Van Lieshout	Support	Retain Rule 22.4.1.2 (a)(iv) General Subdivision.	The creation of an additional vacant lot between 8000m2 and 1.6ha is supported. The creation of any additional lot between 8000m2 and 1.6ha as a restricted discretionary activity is supported.	Accept in part	8.2
FSI388.662	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
530.8	John Van Lieshout	Support	Retain Rule 22.4.1.2 (a)(i)-(iii) General Subdivision.	Submitter supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FSI388.663	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
530.10	John Van Lieshout	Oppose	Amend the activity status of Rule 22.4.1.1 Prohibited subdivision PR1, PR2, PR3 and PR4, from prohibited activities to non-complying activities.	Oppose the Prohibited activity status for the rural subdivision activities and should be considered as non-complying activities. With regards to PR2 and PR3 there may be circumstances where a subdivision of high class soils has overall positive effects supported by objectives and policies. Relocating consented lots within a landholding may produce a better outcome from farming and landscape perspectives. There are circumstances where it may be unavoidable to create an additional Record of Title. For example, where a title is limited as to parcels and the land parcels are held together by a covenant. The subdivision rule relies on a definition of high class soils which	Accept in part	7.2

				are defined in the Proposed Plan, yet they may not be versatile due to a range of factors (not just the classification of soil). It is unfair to prohibit the creation of lots that accommodate well-established, viable and sustainable rural activities (such as greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries and commercial orchards) which are appropriate to separate from other rural activities on the site. This can result in economic wellbeing and a more efficient and effective operation of those types of activities. Commercial reasons could necessitate subdivision, such as selling or leasing the business, rather than having no other option but to sell the entire property or invest more capital. PR4 may unreasonably restrict subdivision over and above what is necessary to avoid undermining the intent of the operative Franklin Section Rule 22B and therefore a non-complying activity status is more appropriate. For example, the land may be able to subdivided using a Significant Natural Area or the boundary relocation rule without compromising the intent of the transferable development right subdivision rule. Objectives and policies should be sufficiently strong to protect high class soils from inappropriate subdivision and development and not compromise future urban development in the Urban Expansion Area.		
FSI 129.61	Auckland Council	Oppose			Accept in part	7.2
FSI 131.28	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FSI 388.664	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
530.11	John Van Lieshout	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with 'Record of Title'.	Submitter seeks that the term 'lot' is changed for 'Record of Title.' It may be necessary to create multiple lots and hold them together in one Record of Title. This may occur where a stream or a public road physically separates land parcels that are held in one Record of Title.	Accept in part	7.2

FS1388.665	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
532.5	Joanne & Kevin Sands	Neutral/Amend	Retain Rule 22.4.1.2 General subdivision except for the amendments sought below AND Add a new discretionary activity (DI) to Rule 22.4.1.2 General subdivision as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u>	Support rule 22.4.1.2 (a) (iv) in part. This rule should enable a lot to be created around an existing dwelling and curtilage so that the farming regime can continue. This will avoid redevelopment of farm tracks and fencelines for a relatively small lot. There may be situations where it is appropriate to create a new lot that is less than 8000m ² or larger than 1.6ha which is consistent with objectives and policies. For lots smaller than 8000m ² , it is only necessary to confirm that services can be provided. A farm management report may be provided that confirms productive rural capacity for any lot greater than 1.6ha and the balance lot.	Accept in part	8.2
FS1388.668	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
532.6	Joanne & Kevin Sands	Oppose	Delete Rule 22.4.1.2 (a)(v)	Rule 22.4.1.2 (a)(v) is opposed. The section 32 analysis does not justify this rule.	Accept in part	8.2

			General subdivision AND Add a new matter of discretion to Rule 22.4.1.2 (b) General subdivision as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u>	Submitter agrees with intent however the 80/20 percentage requirement may not result in the best layout, design or farming outcome. Objectives and policies (5.1.1 and 5.2) and the expanded matters of discretion are sufficiently strong to avoid adverse outcomes on high class soils. The rule will mean that every subdivision application will require a land use capability report to demonstrate compliance with the 80/20 percentage requirement which is costly and this should be discretionary rather than necessary.		
FSI388.669	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
532.7	Joanne & Kevin Sands	Support	Retain Rule 22.4.1.2 (a)(i-iii) General subdivision as notified.	The submitter supports the inclusion of general subdivision provisions.	Accept in part	8.2
FSI388.670	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
532.8	Joanne & Kevin Sands	Support	Retain Rule 22.4.1.2 (a)(iv) General subdivision, as notified.	The creation of an additional vacant lot between 8,000m2 and 1.6ha is supported. The creation of any additional lot between 8,000 and 1.6ha as a restricted discretionary activity is supported.	Accept in part	8.2
FSI388.671	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy	Accept in part	8.2

				<i>framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
532.10	Joanne & Kevin Sands	Oppose	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from Prohibited to non-complying activities.	<p>Oppose the Prohibited activity status for rural subdivision activities and these should be considered non-complying activities. With regards to PR2 and P43 there may be circumstances where a subdivision of high-class soils has overall positive effects supported by objectives and policies. Relocating consented soils within a landholding may produce a better outcome from farming and landscape perspectives. There may be circumstances where the creation of an additional Record of Title is unavoidable. For example, where a title is limited as to parcels and the land parcels are held together by a covenant.</p> <p>The subdivision rule relies on a definition of high-class soils, which are defined in the Proposed District Plan, yet they may not be versatile due to a range of factors (not just the classification of soil). It is unreasonable to prohibit the creation of lots that accommodate well-established, viable and sustainable rural activities (such as greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries and commercial orchards) which are appropriate to separate from other rural activities on the site. Subdivision may enable more opportunities for economic wellbeing and a more efficient and effective operation of those types of activities.</p> <p>Commercial reasons could necessitate subdivision, such as selling or leasing the business, rather than having no other option but to sell the entire property or invest in more capital. PR4 may unreasonably restrict subdivision over and above what is necessary to avoid undermining the intent of Franklin Section Rule 22B in the Operative District Plan and therefore a non-complying activity status is more appropriate. For example, the land may be able to subdivide using a Significant Natural Area or the boundary relocation rule without compromising the intent of the transferable development right subdivision rule. Objectives and policies should be sufficiently strong to protect high class soils from inappropriate subdivision and development and not compromise future urban development the Urban Expansion Area.</p>	Accept in part	7.2
FS1129.62	Auckland Council	Oppose			Accept in part	7.2
FS1131.29	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	<i>The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.</i>	Accept in part	7.2

FS1388.672	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
532.11	Joanne & Kevin Sands	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title".	Submitter seeks that the word 'lot' is changed for 'Record of Title.' It may be necessary to create multiple lots and hold them together in one Record of Title. This may occur where a stream or a public road physically separates land parcels that are held in one Record of Title.	Accept in part	7.2
FS1388.673	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
7.2533.5	Colin & Rae Hedley	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Add a new discretionary activity (DI) to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI. (b) General subdivision around</u>	Supports rule 22.4.1.2 (a)(iv) in part. This rule should enable a lot to be created around an existing dwelling and curtilage so that the farming regime can continue. This will avoid redevelopment of farm tracks and fencelines for a relatively small lot. There may be situations where it is appropriate to create a new lot that is less than 8000m ² or larger than 1.6ha which is consistent with objectives and policies. For lots smaller than 8000m ² , it is only necessary to confirm that services can be provided. A farm management report may be provided that confirms productive rural capacity for any lot greater than 1.6ha and the balance lot.	Accept in part	8.2

			<u>established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u>			
FS1388.676	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
533.6	Colin & Rae Hedley	Neutral/Amend	Delete Rule 22.4.1.2 (a)(v) General subdivision; AND Add a new matter of discretion to Rule 22.4.1.2 (b) General subdivision, as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u>	Rule 22.4.1.2 (a)(iv) is opposed. The section 32 analysis does not justify this rule. Submitter agrees with intent however the 80/20 percentage requirement may not result in the best layout, design or farming outcome. Objectives and policies (5.1.1 and 5.2) and the expanded matters of discretion are sufficiently strong to avoid adverse outcomes on high class soils. The rule will mean that every subdivision application will require a land use capability report to demonstrate compliance with the 80/20 percentage requirement which is costly and this should be discretionary rather than necessary.	Accept in part	8.2
FS1388.677	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
533.7	Colin & Rae Hedley	Support	Retain Rule 22.4.1.2 (a)(i-iii) General subdivision, as notified.	The submitter supports the inclusion of general subdivision provisions.	Accept in part	8.2
FS1388.678	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is	Accept in part	8.2

				<p>necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
533.8	Colin & Rae Hedley	Support	Retain Rule 22.4.1.2 (a)(iv) General subdivision, as notified.	<p>The creation of an additional vacant lot between 8,000m² and 1.6ha is supported. The creation of any additional lot between 8,000 and 1.6ha as a restricted discretionary activity is supported.</p>	Accept in part	8.2
FS1388.679	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
533.10	Colin & Rae Hedley	Neutral/Amended	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from Prohibited to non-complying activities.	<p>Oppose the Prohibited activity status for rural subdivision activities and these should be considered non-complying activities. There may be circumstances where a subdivision of high class soils has overall positive effects supported by objectives and policies. Relocating consented lots within a landholding may produce a better outcome from farming and landscape perspectives. There may be circumstances where the creation of an additional Record of Title is unavoidable. For example, where a title is limited as to parcels and the land parcels are held together by a covenant. The subdivision rule relies on a definition of high class soils which are defined in the Proposed Plan, yet they may not be versatile due to a range of factors (not just the classification of soil). It is unreasonable to prohibit the creation of lots that accommodate well-established, viable and sustainable rural activities (such as greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries and commercial orchards) which are appropriate to separate from other rural activities on the site. Subdivision may enable more opportunities for economic wellbeing and a more efficient and effective operation of those types of activities. Commercial reasons could necessitate subdivision, such as selling or leasing the business, rather than having no other option but to sell the entire property or invest more capital. PR4 may unreasonably restrict subdivision over and above what is necessary to avoid undermining the intent of the operative Franklin Section Rule 22B and therefore a</p>	Accept in part	7.2

				non-complying activity status is more appropriate. For example, the land may be able to subdivided using a Significant Natural Area or the boundary relocation rule without compromising the intent of the transferable development right subdivision rule. Objectives and policies should be sufficiently strong to protect high class soils from inappropriate subdivision and development and not compromise future urban development in the Urban Expansion Area.		
FSI 129.63	Auckland Council	Oppose			Accept in part	7.2
FSI 388.680	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	7.2
533.11	Colin & Rae Hedley	Neutral/Amend	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title".	Submitter seeks that the word 'lot' is changed for 'Record of Title.' It may be necessary to create multiple lots and hold them together in one Record of Title. This may occur where a stream or a public road physically separates land parcels that are held in one Record of Title.	Accept in part	7.2
FSI 388.681	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	7.2
535.72	Lance Vervoort for Hamilton City Council	Support	Retain the prohibited activity status for Rule 22.4.1.1 PRI Prohibited Subdivision. AND Add a clause to Rule 22.4.1.1 PI Prohibited subdivision as follows: <u>Any</u>	A prohibited activity status is imperative in the Urban Expansion Area to ensure that the objectives and policies for this area are achieved. The submitter supports prohibiting subdivision which results in the creation of any additional lots as this ensures the future urban development of the land is not compromised. Boundary relocations and rural hamlet subdivisions do not create additional lots but they still result in land fragmentation that will impede comprehensive future urban	Reject	7.2

			<p><u>boundary relocation or rural hamlet subdivision.</u> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>	development.		
FS1172.1	CDL Land New Zealand Limited	Oppose	<p>CDL has recently acquired a large landholding in the R2 growth cell which sits between the eastern boundary of Hamilton City and the Waikato Expressway. R2 is intended in the future to transfer from Waikato District to Hamilton City Council, and provisions in the Proposed Waikato District Plan seek to protect Hamilton's Urban Expansion Area for future development. CDL are fully supportive of this objective, but are concerned that the prohibition of all subdivision in the Urban Expansion Area is a very blunt tool as it does not allow for interim subdivision and boundary relocations which can actually facilitate better outcomes for long term urban growth by allowing aggregation of land.</p>	<p>CDL have requested a discretionary rule framework so that land in the Urban Expansion Area can potentially be aggregated for future development, and thus overcome issues of land fragmentation and land banking by existing owners who want to remain in their dwellings. Hamilton City Council provides for this type of interim outcome in their Peacocke growth cell.</p>	Accept	7.2
FS1062.82	Andrew and Christine Gore	Oppose	<p>Disallow submission point 535.72.</p>	<ul style="list-style-type: none"> • HCC should not control private land owners. • Prohibiting fair amenity value is not acceptable. • Controlling rights of landowners so they cannot use their own investments is outrageous. 	Accept	7.2
FS1131.48	The Village Church Trust	Oppose	<p>Reject the submission point.</p>	<p>HCC seeks to retain the prohibited activity status for Rule 22.4.1.1 PR1 Prohibited Subdivision, and to add a clause to Rule 22.4.1.1 PI Prohibited subdivision as follows: Any</p>	Accept	7.2

				boundary relocation or rural hamlet subdivision. Boundary relocations do not entail the creation of additional lots and are sometimes necessary to enable the sustainable and effective use of a land resource which is already constrained by circumstances which are beyond the landowner's control. The amendment sought by HCC would not allow people and communities to provide for their wellbeing and foreseeable needs and is inconsistent with the purpose of the RMA.		
FS1387.23	Blue Wallace Surveyors Ltd	Oppose	Blue Wallace seek that the submission be rejected, and a more appropriate compromised be implemented	The submission point is opposed as the Submitter contends the prohibition of land for subdivision is too heavy handed. It is considered that a co-operative approach would be more appropriate, and a more equitable solution could be developed	Accept	7.2
FS1333.16	Fonterra Limited	Support	Allow the relief.	For the reasons stated in the submission.	Reject	7.2
FS1388.710	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2
535.73	Lance Vervoort for Hamilton City Council	Oppose	Amend Rule 22.4.1.2 RD1 (a) (ii) General subdivision, as follows: (a)(ii) The Record of Title to be subdivided must be at least 20 40 hectares in area; AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.	Further fragmentation of land, particularly near Hamilton's boundary, is inappropriate because of impact on the city's infrastructure and demand for unplanned services. It is estimated that approximately 254 properties could be subdivided within Hamilton's 'Area of Interest' if the 20 ha parent lot size is retained. This number would reduce to approximately 119 properties using a 40 ha parent lot size. Increasing the threshold to 40 ha would be in line with Waipa District and would ensure the sustainable management of the 'Area of Interest' for future urban growth.	Accept	8.2
FS1020.2	Roger & Bronwyn Crawford on behalf of Roger & Bronwyn Crawford	Oppose	Oppose Submission point 535.73.	General Lot Subdivision is a legacy rule from the Waikato District Plan - Waikato Section (WDP - W), which currently provides limited growth within the rural areas without prescriptive restrictions on protection of high-class soils. Rule 22.4.1.2(a)(v) introduces greater restrictions for subdivision of high-class soils after consideration of various options for rural subdivision that provides for demand of rural-residential living in the Rural Zone and avoids inappropriate fragmentation of high-class	Reject	8.2

				soils- as discussed in Section 32 report. Amending rule 22.4.1.2(a)(ii) to require a minimum lot size of 40 ha before being eligible to subdivide would be an effective tool to further restrict subdivision in the rural zone. However, its effectiveness in relation to the impact of limiting fragmentation of high-class soils vs. the need to provide for limited rural growth is not quantified.		
FS1130.2	James Crisp Holdings & Ryedale Farm Partnership	Oppose	Reject submission and retain Rule 22.4.1.2 (a)(ii) as currently notified.	More information is needed regarding the undertaking of General Subdivision in the 'area of interest' under the WDP-WS rules to date. Just because there is currently sizeable potential for General Subdivision under the 20ha minimum lot size requirement that does not justify the need to make the rules more stringent than they currently are. If retained as notified it is highly unlikely that all of the rural properties near the Hamilton City Council with potential will seek to subdivide at once as they currently have this potential now. It appears that the submission is seeking to restrict the outcomes from a potential activity without providing robust evidence to justify that this is necessary.	Reject	8.2
FS1308.75	The Surveying Company	Oppose		No reasoning is provided as to why a 40ha requested minimum should apply. The General Subdivision provisions allowing for the creation of a greater number of small rural lots will only provide additional subdivision rights to a limited number of properties in the former Franklin area of the Waikato District. The 20ha minimum is sufficient to maintain the existing rural production activity on the balance and maintain rural character and amenity values.	Reject	8.2
FS1328.23	Kenneth Graham Barry	Oppose	Disallow the submission point in full.	Having a Restricted Discretionary minimum lot size of 20ha is too restrictive let alone 40ha. The submission point fails to consider the commercial realities of primary production and does not promote sustainable management.	Reject	8.2
FS1388.711	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	8.2
536.5	LJ & TM McWatt Limited	Oppose	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as	Support rule 22.4.1.2 (a)(iv) in part. This rule should enable a lot to be created around an existing dwelling and curtilage so that the farming regime can continue. This will avoid redevelopment of farm tracks and fencelines for a relatively small lot. There may be situations where it is appropriate to create a new lot that is less than 8000m2 or larger than 1.6ha which is consistent with objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm that services can be provided. A farm	Accept in part	8.2

			<p>follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>	<p>management report may be provided that confirms productive rural capacity for any lot greater than 1.6ha and the balance lot.</p>		
FS1388.723	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
536.6	LJ & TM McWatt Limited	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General subdivision; AND Add a new matter of discretion to Rule 22.4.1.2(b) General subdivision, as follows: <u>(b) Council's discretion is restricted to the following matters: ... (vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>Oppose rule 22.4.1.2 (a)(v). The section 32 analysis does not justify this rule. Submitter agrees with the intent however the 80/20 percentage requirement may not result in the best layout, design or farming outcome. Objectives and policies (5.1.1 and 5.2) and the expanded matters of discretion are sufficiently strong to avoid adverse outcomes on high class soils. The rule will mean that every subdivision application will require a land use capability report to demonstrate compliance with the 80/20 percentage requirement which is costly and this should be discretionary rather than necessary.</p>	Accept in part	8.2
FS1388.724	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy</p>	Accept in part	8.2

				framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
536.7	LJ & TM McWatt Limited	Support	Retain Rule 22.4.1.2(a)(i)-(ii) General Subdivision.	Supports the inclusion of the General subdivision rules.	Accept in part	8.2
FSI388.725	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
536.8	LJ & TM McWatt Limited	Support	Retain Rule 22.4.1.2 RD1(a)(iv) General subdivision, which classifies creation of an additional lot between 8,000m2 and 1.6ha as a restricted discretionary activity.	The creation of an additional vacant lot between 8000m2 and 1.6ha is supported. The creation of an additional lot between 8000m2 and 1.6ha as a restricted discretionary activity is supported.	Accept in part	8.2
FSI388.726	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
536.10	LJ & TM McWatt Limited	Oppose	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from Prohibited to Non-Comply ing Activities.	Oppose the prohibited activity status. With regards to PR2 and PR3 and there may be circumstances where a subdivision of high class soils has overall positive effects supported by objectives and policies. Relocating consented lots within a landholding may produce a better outcome from farming and landscape perspectives. There are circumstances where the creation of an additional Record of Title is unavoidable. For example, where a title is	Accept in part	7.2

				<p>limited as to parcels and the land parcels are held together by a covenant. The subdivision rule relies on a definition of high class soils which are defined in the Proposed Plan, yet they may not be versatile due to a range of factors (not just the classification of soil). It is unreasonable to prohibit the creation of lots that accommodate well-established, viable and sustainable rural activities (such as greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries and commercial orchards) which are appropriate to separate from other rural activities on the site. Subdivision may enable more opportunities for economic wellbeing and a more efficient and effective operation of the activity. Commercial reasons could necessitate subdivision, such as selling or leasing the business, rather than having no other option but to sell the entire property or invest more capital. PR4 may unreasonably restrict subdivision over and above what is necessary to avoid undermining the intent of the operative Franklin Section Rule 22B and therefore a non-complying activity status is more appropriate. For example, the land may be able to be subdivided using a Significant Natural Area or the boundary relocation rule without compromising the intent of the transferable development right subdivision rule. Objectives and policies should be sufficiently strong to protect high class soils from inappropriate subdivision and development and not compromise future urban development in the Urban Expansion Area.</p>		
FS1129.64	Auckland Council	Oppose			Accept in part	7.2
FS1131.30	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.727	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
536.11	LJ & TM McWatt Limited	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, by	Submitter seeks that the word 'lot' is changed to 'Record of Title.' It may be necessary to create multiple lots and hold them together in one Record of Title. This	Accept in part	7.2

			replacing the term "lot" with "Record of Title".	may occur where a stream or a public road physically separates land parcels that are held in one Record of Title.		
FS1388.728	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
537.2	Kelvin & Joy Smith	Neutral/Amended	Amend the Proposed District Plan to allow the subdivision of the property at 116 Swan Road, Te Kowhai into two blocks.	For selling options.	Reject	23.1
FS1028.2	Kelvin Russell and Joy Margaret Smith	Support	Seek that the whole of the submission be allowed.	Support all submission pending pertaining to 116 Swan Road, Te Kauwhata.	Reject	23.1
FS1277.101	Waikato Regional Council	Oppose	Retain zoning as notified.	The supply and location of large lot residential and rural residential land must be considered strategically across the whole district. The district plan must give effect to Policy 6.17 and implementation Method 6.1.5 under the WRPS.	Accept	23.1
539.5	Garyowen Properties (2008) Limited	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Add a new discretionary activity (DI) to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RD1. (b) General subdivision around established rural activities that does not comply</u>	Support rule 22.4.1.2 (a)(iv) in part. This rule should enable a lot to be created around an existing dwelling and curtilage so that the farming regime can continue. This will avoid redevelopment of farm tracks and fencelines for a relatively small lot. There may be situations where it is appropriate to create a new lot that is less than 8000m2 or larger than 1.6ha which is consistent with objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm that services can be provided. A farm management report may be provided that confirms productive rural capacity for any lot greater than 1.6ha and the balance lot.	Accept in part	8.2

			with Rule 22.4.1.2 (iv) RDI.			
FSI388.732	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
539.6	Garyowen Properties (2008) Limited	Neutral/Amended	Delete Rule 22.4.1.2 (a)(v) General subdivision; AND Add a new matter of discretion to Rule 22.4.1.2 (b) General subdivision as follows: (vi) <u>Effects on rural productivity and fragmentation of high class soils.</u>	Rule 22.4.1.2 (a)(v) is opposed. The section 32 analysis does not justify this rule. Submitter agrees with intent however the 80/20 percentage requirement may not result in the best layout, design or farming outcome. Objectives and policies (5.1.1 and 5.2) and the expanded matters of discretion are sufficiently strong to avoid adverse outcomes on high class soils. The rule will mean that every subdivision application will require a land use capability report to demonstrate compliance with the 80/20 percentage requirement which is costly and this should be discretionary rather than necessary.	Accept in part	8.2
FSI388.733	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
539.7	Garyowen Properties (2008) Limited	Support	Retain Rule 22.4.1.2 (a)(i-iii) General subdivision, as notified.	The submitter supports the inclusion of general subdivision provisions.	Accept in part	8.2
FSI388.734	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy	Accept in part	8.2

				<i>framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
539.8	Garyowen Properties (2008) Limited	Support	Retain Rule 22.4.1.2 (a)(iv) General subdivision, as notified.	The creation of an additional vacant lot between 8,000m ² and 1.6ha is supported. The creation of any additional lot between 8,000 and 1.6ha as a restricted discretionary activity is supported.	Accept in part	8.2
FS1388.735	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
539.10	Garyowen Properties (2008) Limited	Neutral/Amended	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from Prohibited to Non-Complying Activities.	Oppose the prohibited activity status for rural subdivision activities, and these should be considered as non-complying activities. With regards to PR2 and PR3 there may be circumstances where a subdivision of high class soils has overall positive effects supported by objectives and policies. Relocating consented lots within a landholding may produce a better outcome from farming and landscape perspectives. There may be circumstances where the creation of an additional Record of Title is unavoidable. For example, where a title is limited as to parcels and the land parcels are held together by a covenant. The subdivision rule relies on a definition of high class soils which are defined in the Proposed Plan, yet they may not be versatile due to a range of factors (not just the classification of soil). It is unfair to prohibit the creation of lots that accommodate well-established, viable and sustainable rural activities (such as greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries and commercial orchards) which are appropriate to separate from other rural activities on the site. Subdivision may enable more opportunities for economic wellbeing and a more efficient and effective operation of these activities. Commercial reasons could necessitate subdivision, such as selling or leasing the business, rather than having no other option but to sell the entire property or invest more capital. PR4 may unreasonably restrict subdivision over and above what is necessary to avoid undermining the intent of the operative Franklin Section Rule 22B and therefore a non-complying activity status is more appropriate. For example, the land may be able to subdivided using a Significant Natural	Accept in part	7.2

				Area or the boundary relocation rule without compromising the intent of the transferable development right subdivision rule. Objectives and policies should be sufficiently strong to protect high class soils from inappropriate subdivision and development and not compromise future urban development in the Urban Expansion Area.		
FS1129.65	Auckland Council	Oppose			Accept in part	7.2
FS1131.31	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1377.132	Havelock Village Limited	Support	Support.	HVL supports amendments to the Plan that provide for a greater development potential and a wider variety of densities and zones.	Accept in part	7.2
FS1388.736	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
539.11	Garyowen Properties (2008) Limited	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term 'lot' with 'Record of Title'.	Submitter seeks that the word 'lot' is changed for 'Record of Title.' It may be necessary to create multiple lots and hold them together in one Record of Title. This may occur where a stream or a public road physically separates land parcels that are held in one Record of Title.	Accept in part	7.2
FS1388.737	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
540.9	Glen Alvon Farms Limited	Neutral/Amended	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from	Oppose the prohibited activity status for rural subdivision activities and should be considered non-complying activities. With regard to PR2 and PR3 there may be circumstances where a subdivision of high	Accept in part	7.2

			Prohibited Activities to Non-Complying Activities.	<p>class soils has overall positive effects supported by objectives and policies. Relocating consented lots within a landholding may produce a better outcome from farming and landscape perspectives. There may be circumstances where the creation of an additional Record of Title is unavoidable. For example, where a title is limited as to parcels and the land parcels are held together by a covenant. The subdivision rule relies on a definition of high class soils which are defined in the Proposed Plan, yet they may not be versatile due to a range of factors (not just the classification of soil). It is unfair to prohibit the creation of lots that accommodate well-established, viable and sustainable rural activities (such as greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries and commercial orchards) which are appropriate to separate from other rural activities on the site. This can result in economic wellbeing and a more efficient and effective operation of those types of activities. Commercial reasons could necessitate subdivision, such as selling or leasing the business, rather than having no other option but to sell the entire property or invest more capital. PR4 may unreasonably restrict subdivision over and above what is necessary to avoid undermining the intent of the operative Franklin Section Rule 22B and therefore a non-complying activity status is more appropriate. For example, the land may be able to subdivided using a Significant Natural Area or the boundary relocation rule without compromising the intent of the transferable development right subdivision rule. Objectives and policies should be sufficiently strong to protect high class soils from inappropriate subdivision and development and not compromise future urban development in the Urban Expansion Area.</p>		
FSI131.32	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FSI388.741	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River	Accept in part	7.2

				<i>Catchment is appropriate.</i>		
540.10	Glen Alvon Farms Limited	Neutral/Amended	Retain Rule 22.4.1.6 Conservation lot subdivision, except for the amendments sought below AND Add a new discretionary activity to Rule 22.4.1.6 Conservation lot subdivision, as follows: <u>D1 (a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6(vi-vii) RDI. (b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii) RDI.</u>	There may be instances where it is not appropriate for the area of a conservation lot to be at least 8000m2 due to an existing curtilage for a dwelling or established rural activities.	Reject	12.6
FSI129.76	<i>Auckland Council</i>	Oppose				
540.12	Glen Alvon Farms Limited	Support	Retain Rule 22.4.1.2 (a) (i)-(iii) General subdivision.	Submitter supports inclusion of the General Subdivision rules.	Accept in part	8.2
FSI388.742	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
540.13	Glen Alvon Farms Limited	Support	Retain Rule 22.4.1.2 RDI (a) (iv) General subdivision.	The creation of an additional vacant lot between 8,000m2 and 1.6ha as a restricted discretionary activity is supported.	Accept in part	8.2
FSI388.743	<i>Mercury NZ Limited for Mercury E</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use</i>	Accept in part	8.2

				<p>management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
540.14	Glen Alvon Farms Limited	Not Stated	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title."	Submitter seeks that the word 'lot' is changed to 'Record of Title.' It may be necessary to create multiple lots and hold them together in one Record of Title. This may occur where a stream or a public road physically separates land parcels that are held in one Record of Title.	Accept in part	7.2
FSI388.744	Mercury NZ Limited for Mercury E	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	7.2
540.15	Glen Alvon Farms Limited	Neutral/Amended	<p>Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv)</u> <u>RDI (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv)</u></p>	<p>This rule should enable a lot to be created around an existing dwelling and curtilage so that the farming regime can continue. This will avoid redevelopment of farm tracks and fencelines for a relatively small lot. There may be situations where it is appropriate to create a new lot that is less than 8000m² or larger than 1.6ha which is consistent with objectives and policies. For lots smaller than 8000m², it is only necessary to confirm that services can be provided. A farm management report may be provided that confirms productive rural capacity for any lot greater than 1.6ha and the balance lot.</p>	Accept in part	8.2

			RDI.			
FS1388.745	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
540.16	Glen Alvon Farms Limited	Neutral/Amend	Delete Rule 22.4.1.2 (a) (v) General subdivision; AND Add a new matter of discretion in Rule 22.4.1.2 RDI as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u>	Oppose rule 22.4.1.2 General subdivision. The section 32 analysis does not justify this rule. Submitter agrees with the intent however the 80/20 percentage requirement may not result in the best layout, design or farming outcome. Objectives and policies (5.1.1 and 5.2) and the expanded matters of discretion are sufficiently strong to avoid adverse outcomes on high class soils. The rule will mean that every subdivision application will require a land use capability report to demonstrate compliance with the 80/20 percentage requirement which is costly and this should be discretionary rather than necessary.	Accept in part	8.2
FS1388.746	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
540.17	Glen Alvon Farms Limited	Neutral/Amend	Retain Rule 22.4.1.6 Conservation lot subdivision, except for the amendments sought below AND Amend Rule 22.4.1.6 Conservation lot subdivision, as follows: RDI (a) The subdivision must comply with all of the following conditions: (i)	Protecting Significant Natural Areas and other areas of existing biodiversity offer positive benefits to the region. Significant biodiversity and water quality benefits can be gained from ecological enhancements, particularly along waterways and wetlands and these are actions identified by the Waikato Regional Policy Statement, the Vision and Strategy and the objectives and policies for the Rural Zone. Revegetation costs would be offset by providing further subdivision opportunities. A covenant is not the only legal protection mechanism available as vesting in Council or managing the conservation area through a section 221 consent notice may be appropriate alternatives.	Accept in part	12.3

The lot must contain: A. a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist which meets; or B. a contiguous area, to be enhanced and/or restored; in accordance with the table below: ... (ii) The area of Significant Natural Area, or area to be enhanced and/or restored, is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area or area to be restored is not already subject to a ~~conservation-covenant-pursuant to the Reserves Act-199 or the Queen Elizabeth II National Trust Act-1977;~~ legal protection. (iv) The subdivision proposes to legally protect all areas of Significant Natural Area or area to be restored ~~by-way of a conservation-covenant-pursuant to the Reserves Act-199 or the Queen Elizabeth~~

			<p>ii National Trust Act 1977; (v) An ecological management plan is prepared to address ongoing management of the covenant protected area to ensure that the Significant Natural Area area to be protected is self-sustaining and that plan: A. Addresses fencing requirements for the covenant protected area; B. Addresses ongoing pest plant and animal control; C. Identifies any enhancement and/or restoration or edge-planting required within the covenant area to be protected; (vi) All proposed lots are a minimum size of 8000m2; (vii) All proposed lots excluding the balance lot, must each have a maximum area of 1.6ha; (viii) This rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement;</p>			
FS1062.86	Andrew and Christine Gore	Support	Allow submission point 540.17.	<ul style="list-style-type: none"> • Incentivising subdivision has advantages for conservation and biodiversity. • It spreads responsibility and cost across more people. 	Accept in part	12.3
540.18	Glen Alvon Farms Limited	Neutral/Amended	Retain Rule 22.4.1.6 Conservation lot subdivision, except for the amendments sought below AND Amend Rule 22.4.1.6 RD1 (b) Conservation	Support in part. Apart from a covenant, there are alternative methods for legal protection of a conservation area such as vesting in Council or a section 221 consent notice. There may be instances where it is not appropriate for the area of a conservation lot to be at least 8000m2 due to an existing curtilage for a dwelling or established rural activities.	Accept in part	12.3

			lot subdivision, as follows: (b) Council's discretion is restricted to the following matters: (i) Subdivision layout and proximity of building platforms to Significant Natural Area <u>the area to be protected</u> : (ii) Matters contained in an ecological management plan for the covenant-protected <u>protected</u> area; (iii) Effects of the subdivision on <u>localised</u> rural character and amenity values: (iv) Extent of earthworks including earthworks for the location of building platforms and access ways. (v) <u>Mechanism of legal protection for the area to be protected.</u>			
544.7	KR & BC Summerville	Neutral/Amended	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from Prohibited Activities to Non-Complying activities.	Oppose the Prohibited Activity status for rural subdivision activities and should be considered as non-complying activities. With regards to PR2 and PR3 there may be circumstances where a subdivision of high class soils has overall positive effects supported by objectives and policies. Relocating consented lots within a landholding may produce a better outcome from farming and landscape perspectives. There are circumstances where the creation of an additional Record of Title is unavoidable. For example, where a title is limited as to parcels and the land parcels are held together by a covenant. The subdivision rule relies on a definition of high class soils which are defined in the Proposed Plan, yet they may not be versatile due to a range of factors (not just the classification of soil). It is unreasonable to prohibit the creation of lots that accommodate well-established, viable and sustainable rural activities (such as greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries and commercial orchards) which are appropriate to separate from other rural	Accept in part	7.2

				activities on the site. This can result in economic wellbeing and a more efficient and effective operation of those types of activities. Commercial reasons could necessitate subdivision, such as selling or leasing the business, rather than having no other option but to sell the entire property or invest more capital. PR4 may unreasonably restrict subdivision over and above what is necessary to avoid undermining the intent of the operative Franklin Section Rule 22B and therefore a non-complying activity status is more appropriate. For example, the land may be able to be subdivided using a Significant Natural Area or the boundary relocation rule without compromising the intent of the transferable development right subdivision rule. Objectives and policies should be sufficiently strong to protect high class soils from inappropriate subdivision and development and not compromise future urban development in the Urban Expansion Area.		
FS1129.31	Auckland Council	Oppose			Accept in part	7.2
FS1131.33	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1388.759	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
544.8	KR & BC Summerville	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title".	Submitter seeks that the word 'lot' is changed for 'Record of Title.' It may be necessary to create multiple lots and hold them together in one Record of Title. This may occur where a stream or a public road physically separates land parcels that are held in one Record of Title.	Accept in part	7.2
FS1388.760	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of	Accept in part	7.2

				<i>the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
544.9	KR & BC Summerville	Neutral/Amended	Retain Rule 22.4.1.2 General subdivision except for the amendments sought below AND Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u>	Support rule 22.4.1.2 (a)(iv) in part. This rule should enable a lot to be created around an existing dwelling and curtilage so that the farming regime can continue. This will avoid redevelopment of farm tracks and fencelines for a relatively small lot. There may be situations where it is appropriate to create a new lot that is less than 8000m2 or larger than 1.6ha which is consistent with objectives and policies. For lots smaller than 8000m2, it is only necessary to confirm that services can be provided. A farm management report may be provided that confirms productive rural capacity for any lot greater than 1.6ha and the balance lot.	Accept in part	8.2
FS1388.761	Mercury NZ Limited for Mercury E	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
544.10	KR & BC Summerville	Neutral/Amended	Retain Rule 22.4.1.4 Boundary relocation, except for the amendment sought below AND Add a new matter of discretion to Rule 22.4.1.4	Support in part. The relocation of a lot created under the previous transferable lot rules from an area that contains no high class soils to an area of high class soils would create an adverse outcome. The inclusion of high class soils as a matter of discretion would provide Council with a robust framework to ensure that adverse effects on high class soils are avoided.	Accept	10.6

			RD1(b) Boundary relocation, as follows: (v). <u>Effects on high class soils, farm management and productivity.</u>			
FS1388.762	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.6
544.11	KR & BC Summerville	Not Stated	Retain Rule 22.4.1.2 (a)(iv) General subdivision.	The creation of an additional vacant lot between 8,000m2 and 1.6ha is supported as a restricted discretionary activity.	Accept in part	8.2
FS1388.763	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
544.12	KR & BC Summerville	Oppose	Delete Rule 22.4.1.2 General subdivision clause (a)(v); AND Add a new matter of discretion to Rule 22.4.1.2 (b) General subdivision, as follows: (vi). <u>Effects on rural productivity and fragmentation of high class soils.</u>	Rule 22.4.1.2 (a)(v) is opposed. The section 32 analysis does not justify this rule. Submitter agrees with the intent however the 80/20 percentage requirement may not result in the best layout, design or farming outcome. Objectives and policies (5.1.1 and 5.2) and the expanded matters of discretion are sufficiently strong to avoid adverse outcomes on high class soils. The rule will mean that every subdivision application will require a land use capability report to demonstrate compliance with the 80/20 percentage requirement which is costly and this should be discretionary rather than necessary.	Accept in part	8.2
FS1379.195	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept in part	8.2

FS1388.764	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
544.13	KR & BC Summerville	Neutral/Amended	Retain Rule 22.4.1.5 Rural Hamlet Subdivision, except for the amendments sought below AND Amend Rule 22.4.1.5 RDI Rural Hamlet Subdivision, as follows: (a) Subdivision to create a Rural Hamlet must comply with all of the following conditions: (i) it results in 3 to 5 proposed lots being clustered together; (ii) All existing Records of Title <u>and/or</u> consented lots form one continuous landholding; (iii) Each proposed lot has a minimum area of 8000m2 5000m2; (iv) Each proposed lot has a maximum area of 1.6ha 1.0ha; (v) The proposed balance lot has a minimum area of 20 ha; and (vi) It does not create any additional lots beyond the number of existing Records of Title.	Supported in part. The inclusion of 'consented lots' in this rule (such as general lots and conservation lots) would have positive outcomes through shared infrastructure and enhancement of production systems. It would also limit the wide dispersal of lots and enable the subdivision layout to account for effects from intensive farming or mineral extraction activities. The subdivision design needs to specifically respond to site circumstances and it may be more appropriate to have smaller sized lots to result in a compact design within a rural setting where dwellings within a hamlet can borrow their rural character and amenity from adjoining rural productive land. If 5 lots were created, this could potentially result in a total of 8ha of land being taken up, resulting in dispersed rural housing rather than being characterised as a hamlet.	Reject	11.2
FS1129.71	Auckland Council	Oppose			Accept	11.2

FS1379.196	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	11.2
544.14	KR & BC Summerville	Neutral/Amend	Retain Rule 22.4.1.5 Rural Hamlet Subdivision, except for the amendments sought below AND Amend Rule 22.4.1.5 RDI (b) Rural Hamlet Subdivision, as follows: (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimension, shape and orientation of the proposed lots and <u>specified building areas:</u> <u>... (vi) effects on rural productivity and fragmentation of high class soils.</u>	Supported in part. The hamlet provisions should require a response to the landscape context that is more important than meeting the performance standards relating to lot size. This is because rural character and amenity values will be maintained by the 20ha balance lot surrounding the hamlet.	Accept in part	11.2
544.15	KR & BC Summerville	Neutral/Amend	Retain Rule 22.4.1.4 Boundary relocation, and the flexibility to allow rural properties to rationalise large landholdings to provide a logical lot arrangement that better supports the farming activity; AND Amend Rule 22.4.1.4 (a)(i) as follows: RDI (a) The boundary relocation must: (i) Relocate a common boundary or boundaries between two <u>or more</u> existing Records of Title <u>or consented</u>	Support in part. Many farms in the district are held in multiple Records of Titles which have the ability to be relocated. The boundary relocation rule should reflect the operative Franklin Section rule which enables an existing title or consented lot to be relocated within a property or, alternatively, within properties where boundaries are shared and are in common ownership. These types of boundary relocations typically result in positive effects by enhancing the productive farming system and allowing for the relocation of potential house sites to more favourable locations. Considers the retention of the 18 July 2018 date is appropriate as this allows closer scrutiny and a higher activity status for those Records of Title and consented lots created under the transferable and environmental lot rules.	Accept in part	10.5

			lots that existed prior to 18 July 2018; ...			
FS1379.197	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept in part	10.5
FS1388.765	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	10.5
544.16	KR & BC Summerville	Support	Retain Rule 22.4.1.2(a)(i)-(iii) General subdivision.	No reasons provided.	Accept in part	8.2
FS1388.766	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
553.26	Malibu Hamilton	Support	Retain Rule 22.4.1.3 Subdivision of Maaori Freehold Land.	The New Zealand Coastal Policy Statement 2010 in Policy (d) recognises Tangata whenua needs for papakāinga, marae. The Waikato Regional Policy Statement, 2016 also has Policy 6.4 Marae and papakāinga provisions. The Future Proof Strategy Planning for Growth November 2017 has Priority 15 that seeks developments of papakāinga housing that meets the needs and aspirations in the sub-region. RMA sections 6(e), 7(a), and 8 set out legal obligations when managing the natural and physical resources of the region to Tangata whenua.	Accept	9.2
559.252	Sherry Reynolds on behalf of Heritage New Zealand Lower	Neutral/Amended	Retain Rule 22.4.8 RDI Subdivision – land containing heritage items,	The submitter supports in part the restricted discretionary activity status of the rule relating to the subdivision of land containing heritage items and the associated matters of discretion, as these assessment	Reject	20.2

	Northern Office		<p>except for the amendments sought below. AND Amend Rule 22.4.8 RDI Subdivision – land containing heritage items as follows: (a) Subdivision of land containing a heritage item listed in Schedule 30.1 (Historic Heritage Items) (b) Council’s discretion is restricted to the following matters: (i) Effects on heritage values; (ii) Context and setting of the heritage item; (iii) The extent to which the relationship of the heritage item with its setting is maintained <u>within one lot</u>. AND Amend Rule 22.4.8 RD1 Subdivision – land containing heritage items to be consistent with the equivalent rules in other zone chapters, including heritage items being retained in one lot.</p>	<p>criteria will assist to give effect to the related policy. An amendment is required to the assessment criteria to recognise that the retention of a heritage item and its setting is best achieved when they are located within the same lot. The inclusion of threshold creates a clear distinction for those administering the Plan as to when the activity becomes a non-complying activity.</p>		
559.259	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	Support	<p>Retain Rule 22.4.8 NCI Subdivision – land containing heritage items, except for the amendments sought below. AND Amend Rule 22.4.8 NCI Subdivision – land containing heritage items to be consistent</p>	<p>The submitter supports the non-complying status of the rule relating to the subdivision of land containing heritage items, when the restricted discretionary activity status of the rule is not achieved. This stringent assessment will assist to ensure that the heritage values of the heritage item with its setting are maintained.</p>	Reject	20.2

			with the equivalent rules in other zone chapters.			
559.264	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	Support	Retain Rule 22.4.3 RDI Title boundaries – Significant Natural Areas, Heritage Items, Maaori sites of Significance and Maaori areas of Significance, except for the amendment sought below. AND Amend Rule 22.4.3 RDI Title boundaries - Significant Natural Areas, Maaori sites and Maaori areas of Significance to be consistent with other zone chapters, including sites and areas not being divided by a proposed lot boundary line. AND Amend Rule 22.4.3 RDI Title boundaries - Significant Natural Areas, Maaori sites and Maaori areas of Significance to be consistent with the equivalent rules in other zone chapters.	The submitter supports Rule 22.4.3 RDI Title boundaries – Significant Natural Areas, Maaori sites and Maaori areas of Significance. This rule will give effect to Part 2, section 6 Matters of national Importance, in particular s6(e) and 6(f).	Accept in part	15.2
567.36	Ngati Tamaoho Trust	Neutral/Amended	Amend Rule 22.4.1.6 Conservation lot subdivision by adding a separate box for wetland protection.	A wetland over 2 Ha in size is large and not many remaining and as such, does not create much of an incentive to protect remaining wetlands. The rule is confusing.	Accept in part	12.3
571.1	Michael James Honiss on behalf of MK & NL Honiss	Support	Retain Rule 22.4.1.6 Conservation lot subdivision;	Supports the reduction in contiguous area to a minimum of 1 Ha. The submitter has already undertaken significant investment in enhancement of a gully area	Accept in part	12.4

			specifically the minimum 1ha of significant natural area required for a conservation lot subdivision.	identified as "significant" on their property and long tailed bats roost in the gully area. Strongly endorse Council's initiatives in protecting the significant flora and fauna.		
575.22	Fulton Hogan Limited	Neutral/Amended	<p>Add a new rule - regarding subdivision, as follows (or words to similar effect):</p> <p><u>ALLOTMENT BOUNDARY – MINERAL AND AGGREGATE EXTRACTION ACTIVITIES</u></p> <p><u>Subdivision is a restricted discretionary activity if the boundary of every allotment is drawn so that it is within:</u></p> <p><u>(a) 200m of the boundary of a lawfully established mineral and aggregate extraction activity used for sand extraction;</u></p> <p><u>and (b) 500m of the boundary of a lawfully established mineral and aggregate extraction activity used for rock extraction.</u></p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential and additional amendments as necessary to give effect to the matters raised in the submission.</p>	In order to safeguard existing quarry operations, the proposed rule sought will limit the risk of creating reverse sensitivity effects by ensuring that Fulton Hogan are considered an affected party in situations where properties adjacent to their existing quarries are subject to a subdivision application.	Reject	6.2
FS1292.73	McPherson Resources Limited	Support	Allow the submission point.	McPherson support the inclusion of a rule which ensures that new sites are setback appropriately from existing quarries in order to avoid reverse sensitivity effects.	Reject	6.2
FS1319.11	New Zealand Steel Holdings Limited	Support	NZS seeks the inclusion of a rule restricting subdivision within the setback from the Aggregate	NZS supports the inclusion of a rule restricting subdivisions within the setback from the Aggregate Extraction Area. NZS has sought in its original submission that it be a discretionary activity to subdivide land within 200m of an Aggregate Extraction Area.	Reject	6.2

			Extraction Area.			
FS1332.36	Winstone Aggregates	Support	Support.	The submission point reflects the matters that affect the aggregate industry as a whole.	Reject	6.2
581.34	Penny Gallagher for Synlait Milk Ltd	Oppose	Amend Rule 22.4.1.2RD1(b)(i v) General subdivision as follows: (iv) potential for <u>subdivision and subsequent activities to adversely affect adjoining activities through</u> reverse sensitivity effects;	Concise wording would assist in the administration of the District Plan. Seeks a more clearly articulated provisions that describes the scenario where reverse sensitivity may arise as an issue.	Accept	8.2
FS1341.51	Hynds Pipe Systems Limited	Support		<ul style="list-style-type: none"> • This submission supports the industrial strategic growth node along McDonald Road and in particular the importance of appropriate land to enable heavy industrial use. Importantly the submission seeks to protect the location of Heavy Industrial Zone land from encroachment by sensitive activities and proposal for residential re-zoning. • Hynds supports the submission as it relates to these matters because it is also concerned that rezoning of land adjacent to the Heavy Industrial land will create reverse sensitivity effects on the existing and proposed industrial business operations. • Ensuring there is no encroachment by sensitive activities on the heavy industrial land is the most appropriate way for the Council to exercise its functions and to ensure the efficiency and effectiveness of the proposed plan provisions. 	Accept	8.2
FS1342.148	Federated Farmers	Support	Allow the submission point 581.34.	FFNZ supports the amendment for reasons made by the submitter.	Accept	8.2
FS1388.954	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	8.2
581.35	Penny Gallagher for Synlait Milk Ltd	Oppose	Amend Rule 22.4.1.5RDI(b)(i v) Rural Hamlet Subdivision as follows: (iv) potential for <u>subdivision and</u>	Concise wording would assist in the administration of the District Plan. Seeks a more clearly articulated provisions that describes the scenario where reverse sensitivity may arise as an issue.	Accept	11.2

			<u>subsequent activities to adversely affect adjoining activities through reverse sensitivity effects;"</u>			
FS1188.6	Stonehill Trustee Limited	Support	Support submission point 581.35.	STL supports this submission as the potential for reverse sensitivity effects arising from residential (and other sensitive land use) activities establishing in close proximity to industrial activities need to be appropriately managed and, where possible, avoided. STL notes that this submission relates specifically to Rural Hamlet Subdivision and seeks Council review and consideration of zone objectives, policies, rules and standards across all zones in the PWDP to ensure that potential reverse sensitivity effects of sensitive land use activities on industrial activities are appropriately avoided, remedied or mitigated.	Accept	11.2
FS1330.48	Middlemiss Farm Holdings Limited	Oppose	Reject Submission.	Provision does not need amendment.	Reject	11.2
FS1341.52	Hynds Pipe Systems Limited	Support		<ul style="list-style-type: none"> This submission supports the industrial strategic growth node along McDonald Road and in particular the importance of appropriate land to enable heavy industrial use. Importantly the submission seeks to protect the location of Heavy Industrial Zone land from encroachment by sensitive activities and proposal for residential re-zoning. Hynds supports the submission as it relates to these matters because it is also concerned that rezoning of land adjacent to the Heavy Industrial land will create reverse sensitivity effects on the existing and proposed industrial business operations. Ensuring there is no encroachment by sensitive activities on the heavy industrial land is the most appropriate way for the Council to exercise its functions and to ensure the efficiency and effectiveness of the proposed plan provisions. 	Accept	11.2
593.2	Christine Montagna	Support	Retain Rule 22.4.1.2 General Subdivision, as notified.	Constraints upon subdivision are appropriate in order to retain productive rural land and preserve the soil resource. Further rural subdivision has adverse effects on wildlife, the environment and amenity of local residents.	Accept in part	8.2
FS1328.24	Kenneth Graham Barry	Oppose	Disallow the submission point in full.	Rural subdivision will not automatically result in adverse effects to wildlife, the environment or local resident's amenity. This is especially where section 102 of the RMA now allows positive effects (through offsetting or environmental compensation) to be considered in the consenting process. There is no resource management basis for the proposed provisions.	Accept in part	8.2
FS1388.1001	Mercury NZ Limited for Mercury E	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is	Accept in part	8.2

				<p>necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
612.1	CDL Land New Zealand Ltd	Oppose	<p>Amend Rule 22.4.1.1 PR1 Prohibited Subdivision, to change the activity status for subdivision in the Urban Expansion Area to Discretionary; AND Add the following standards: <u>Subdivision within the Urban Expansion Area must comply with the following conditions:</u> (a) <u>The Record of Title to be subdivided must have been issued prior to 18 July 2018.</u> (b) <u>The Record of Title to be subdivided must be at least 1.6ha.</u> (c) <u>The proposed subdivision must create no more than 1 additional record of title.</u> (d) <u>The additional Record of Title must contain a lawfully established dwelling existing as at 18 July 2018.</u> (e) <u>The additional Record of Title must have a net area between 3000m2 and 1ha.</u> (f) <u>A consent notice must be registered on the Record of Title for the balance lot advising that no</u></p>	<p>The submitter has recently acquired a large landholding in the R2 growth cell, situated between the eastern boundary of Hamilton City and the Waikato Expressway. In the future it is intended for R2 to be transferred from Waikato District to Hamilton City Council, with provisions in the Proposed Plan seeking to protect the Urban Expansion Area for future development, of which the submitter is fully supportive. Concerned that prohibition of all subdivision in the Urban Expansion Area is a blunt tool and does not allow for interim subdivision, which is capable of facilitating better long term urban growth outcomes via aggregation of land. Land in the Urban Expansion Area can potentially be aggregated for future development. Overcome issues of land fragmentation and land banking by existing owners who want to remain in their dwellings.</p>	Reject	7.2

			<u>additional dwellings are permitted under Rules 22.3.1 and 22.3.2.</u>			
FS1387.5	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2
FS1062.88	Andrew and Christine Gore	Support	Allow submission point 612.1.	<ul style="list-style-type: none"> • Not all subdivision should be prohibited. • Land in the future expansion area could be aggregated. • The rights of current land owners should be protected and their amenity value realised as they wish. 	Reject	7.2
FS1379.212	Hamilton City Council	Oppose		HCC opposes the relief sought to delete the prohibited activity status of subdivision in the UEA and allow for subdivision as a discretionary activity. The relief sought would enable further subdivision to occur in the UEA. Increased subdivision within this zone, as requested by the submitter, is contrary to the purposes of the UEA. Further, the purpose of the Rural Zone with the UEA Overlay is to prevent fragmentation of land and to more efficiently provide for urbanisation of the land.	Accept	7.2
612.2	CDL Land New Zealand Ltd	Oppose	Amend Rule 22.4.1.1 PR3 (b) Prohibited Subdivision, to include the following provisions: <u>(v) Subdivision within the Urban Expansion Area (Rule number TBC) . (vi) Boundary Relocation (Rule 22.4.1.4) . (vii) Rural Hamlet Subdivision (Rule 22.4.1.5).</u>	As a consequence of amendment sought to Rule 22.4.1.1 PR1, within the Urban Expansion Area subdivision must be provided as an exception to PR3. Boundary relocation and Rural Hamlet subdivision also needs to be provided as an exception as they should be able to occur irrespective of issuing of Record of Title.	Accept in part	8.2
FS1387.6	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management	Accept in part	8.2

				controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
612.3	CDL Land New Zealand Ltd	Oppose	Amend Rule 22.4.1.4 Boundary Relocation RD1, as follows: (a) A Boundary relocation must: (i) Relocate a common boundary or boundaries between two records of title that existed prior to 18 July 2018. (ii) The Records of Title must form a continuous landholding; (iii) Not result in additional lot Records of Title. (iv) Create one lot of at least 8000m2 <u>except in the Urban Expansion Area where one lot shall be at least 3000m2.</u> (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimension, shape and orientation of the proposed lots; (ii) effects on rural character and amenity values; (iii) effects on landscape values; and (iv) potential for reverse sensitivity effects.	Boundary location must occur irrespective of when Record of Title was issued. Replacement of 'lot' in (iii) with 'Record of Title' enables boundary relocation to be given effect by way of amalgamation. In the Urban Expansion Area, the size of one allotment should be encouraged to be as big as possible to facilitate better future urban growth opportunities.	Reject	10.2
FS1387.7	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district		

				<p>plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
FS1379.213	Hamilton City Council	Oppose		<p>HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.</p>		
624.1	Glenn Soroka & Louise Meredith for Trustees of the Pakau Trust	Neutral/Amended	<p>Add new Rural Zone subdivision rules in Rule 22.4 Subdivision, to recognise Pakau Trust's residual entitlement of 35 Environmental Lots which can be used as transferable rural title rights as follows: <u>Rule 22.4.XX Pakau Trust Entitlement Rule For the purpose of Rule 22.4.XX, 35 transferable rural lot rights exist, that were secured by the protection of 204 hectares of significant indigenous vegetation at Klondyke Road, Port Waikato. Those transferable rural lot rights may be utilised under Rule 22.4.XXX where: (i) The number of transferable rural lot rights available, will reduce by the number utilised at each receiving property when a survey plan is lodged for the subdivision approved at that receiving property; (ii) A subdivision plan is only required for the receiver property; (iii) Transferable</u></p>	<p>The Proposed District Plan fails to provide an appropriate opportunity for, and recognition of, the protection in perpetuity of significant indigenous vegetation. The cost to a property owner of protecting and maintaining, in perpetuity, significant stands of indigenous vegetation are substantial, in real financial terms. The property owner foregoes development potential, and subdivision of that property, where a significant environmental and community benefit is achieved by the protection of significant indigenous vegetation. In effect, the legal protection of significant indigenous vegetation provides a public benefit, at the expense of the private property owner. This should be recognised and compensated for. The subdivision application lodged in April 2012 secured Pakau Trust's entitlement to 64 Environmental Lots - 29 of which have been used and 35 remain to be used as transferable rural lot rights. Transferable rural lot rights enable an environmental feature to be protected while relocating the development potential elsewhere on appropriate receiver properties. Pakau Trust's position is unique.</p>	Reject	22.2

rural lot rights cannot be generated on any other donor property. Rule 22.4.XXX
Transferable Rural Lot Right Subdivision RDI
(a) Transferable Rural Lot Right Subdivisions utilising transferable rural lot rights under Rule 22.4.XX [Pakau Trust Entitlement Rule] must comply with all of the following conditions: (i) The Record of Title to be subdivided must be 1 hectare or greater in area: (ii) The additional lots must have a proposed area of between 2500m² and 1.6 hectares; (iii) One transferable lot right originating under Rule 22.4.XX [Pakau Trust Entitlement Rule] shall be utilised for every two additional lots created on the receiver property: (b) For the purposes of this rule a subdivision plan is required only for the receiver property and not the donor property. (c) Council's discretion is restricted to the following matters on the receiving property: (i) subdivision layout and design including dimensions, shape and

			<p><u>orientation of the proposed lots; (ii) effects on rural character and landscape values; (iii) potential for reverse sensitivity effects; (iv) extent of earthworks required for building platforms and accessways. D I Transferable rural lot right subdivision that does not comply with Rule 22.4.XXX RDI. AND Amend the Proposed District Plan further with any necessary consequential or other relief that addresses Pakau Trust's concerns.</u></p>			
FS1387.16	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept	22.2
629.1	Sharon Burman on behalf of Burman Family Trust	Oppose	<p>Amend Rule 22.4.1.2 General Subdivision, to allow for sites less than 20 hectare in the Rural Zone to be subdivided to create one additional site.</p>	<p>At present rural farms can subdivide one property if over 20 hectares. Properties under 20 hectares are often less productively viable. It would make greater sense to allow smaller blocks to create areas of subdivision – home ownership and occupancy.</p>	Reject	8.2
FS1197.28	Bowrock Properties Limited	Support	<p>That the submission point is accepted.</p>	<p>Support general intent of submission point in that it allows creation of additional lots on land holdings which are not economically viable as a productive rural unit.</p>	Reject	8.2
FS1311.23	Ethan & Rachael Findlay	Support	<p>Support submission point 629.1.</p>	<p>To provide provisions to allow most efficient use of land. To support general intent of submission point in that it allows creation of additional lots on land holdings which are not economically viable as a productive rural unit.</p>	Reject	8.2

FS1387.25	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
647.1	Karen Miles for D & K Miles Limited	Oppose	Amend Rule 22.4.1.2 (a) General Subdivision, to change the date to record of title must be issued from 6th December 1997 to before December 2010, or more recently e.g. 2012.	Oppose the from December 1997 threshold date of title for subdivision. 1997 was 20 years ago which is too long. Submitter wants further growth opportunities in their rural area. Next plan change would be over 10 years away for this matter to be considered again.	Reject	8.2
FS1328.25	Kenneth Graham Barry	Support	Delete Rule 22.4.1.2 RD1(a) or amend the rule so that the date is replaced with the date the Proposed Plan becomes operative.	Consider that the provision should be deleted. But if not deleted agree that amendment to Rule 22.4.1.2 RD1(a) is required to remove the arbitrary date. If required, the date should be the date that the plan becomes operative.	Reject	8.2
FS1387.81	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
FS1379.219	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	8.2
662.15	Blue Wallace Surveyors Ltd	Oppose	Delete Rule 22.4.1.1 PR1 Prohibited subdivision AND Add a cascading objective, policy and rule set	Recognises that land within the Urban Expansion area is being preserved so as to enable future urban growth that is aligned with strategic agreements between Hamilton City Council and Waikato District Council; however prohibiting the future use of the area is too heavy handed. Urban expansion boundary across the country are	Accept in part	7.2

			whereby subdivision of Rural and Country Living Zone within the Urban Expansion Area is a Non-Complying Activity and will be subject to an approved Concept Plan of development.	subject to a higher level of land use management, whereby a well-considered and strategic concept land development plan can precede subdivision scheme plans. Market conditions and the rights of landowners should not be unreasonably withheld through limited district plan provisions. Rather a collaborative approach between all parties should be supported whilst aligning with their primary objectives in serving the local communities in a fair and reasonable manner.		
FS1379.221	Hamilton City Council	Oppose		HCC opposes the relief sought to delete the prohibited activity status of subdivision in the UEA and allow for subdivision as a discretionary activity. The relief sought would enable further subdivision to occur in the UEA. Increased subdivision within this zone, as requested by the submitter, is contrary to the purposes of the UEA. Further, the purpose of the Rural Zone within the UEA Overlay is to prevent fragmentation of land and to more efficiently provide for urbanisation of the land.	Accept in part	7.2
FS1387.104	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
662.16	Blue Wallace Surveyors Ltd	Oppose	Amend Rule 22.4.1.1 PR2 Prohibited subdivision from a Prohibited activity to a Non-Complying activity.	Acknowledges that subdivision of the district's rural resource needs to be carefully and responsibly managed by Council, however, such management is poorly provided for in the Proposed District Plan. Fundamentally opposed to the use of prohibition as a land management tool. A non-complying rule is more appropriate.	Accept in part	8.2
FS1131.34	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 PR2 Prohibited subdivision from a Prohibited activity to a Non-complying activity. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	8.2
FS1308.92	The Surveying Company	Support		We support the deletion of PR2 and PR3 and inclusion of provisions that make these types of subdivision Non-Complying Activities.	Accept in part	8.2
FS1387.105	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is	Accept in part	8.2

				necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
662.17	Blue Wallace Surveyors Ltd	Oppose	Amend Rule 22.4.1.1 PR3(a) Prohibited subdivision from a Prohibited activity to a Non-Complying activity.	Acknowledges that subdivision of the district's rural resource needs to be carefully and responsibly managed by Council, however, such management is poorly provided for in the Proposed District Plan. Fundamentally opposed to the use of prohibition as a land management tool. A non-complying activity is more appropriate.	Reject	8.2
FS1308.93	The Surveying Company	Support		We support the deletion of PR2 and PR3 and inclusion of provisions that make these types of subdivision Non-Complying Activities.	Reject	8.2
FS1387.106	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
662.18	Blue Wallace Surveyors Ltd	Neutral/Amended	Amend Rule 22.4.1.2 RD1 (a)(iv) General subdivision as follows: (iv) The additional lot must have a proposed area of between 83,000m2 and 1.6ha;	Seeks to lessen the minimum rural residential lot size in the Rural Zone from 8,000m2 to 3,000m2. Landowners have concerns regarding the Rural Zone subdivision design standards and how this affects large farming succession planning. Enabling greater flexibility in the area quantum for rural subdivision, retiring farmers can more effectively retain their rural lifestyle.	Reject	8.2
FS1387.107	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2

662.19	Blue Wallace Surveyors Ltd	Neutral/Amended	<p>Retain Rule 22.4.1.4 RDI Boundary relocation to the extent that there is no longer the requirement for boundaries subject to this rule to be under the same ownership, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 22.4.1.4 RDI (a)(iv) Boundary relocation as follows: (iv) Create one lot of at least 83,000m2 in area.</p>	<p>Amend this rule so that it aligns with the amendments sought within Rule 22.4.1.2 RDI. The amendment sought will enable greater flexibility for rural subdivision and allow retiring farmers to retain their rural lifestyle without the more onerous maintenance requirements.</p>	Accept in part	10.2
FS1387.108	Mercury NZ Limited for Mercury D	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	10.2
662.20	Blue Wallace Surveyors Ltd	Neutral/Amended	<p>Retain Rule 22.4.1.5 RDI Rural Hamlet Subdivision to the extent that it will allow for appropriate rural communities to be comprehensively designed under the boundary relocation provisions, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 22.4.1.5 RDI (a) (iii) Rural Hamlet Subdivision as</p>	<p>Supports the rule in part to the extent that it will allow for appropriate rural communities to be comprehensively designed under the boundary relocation provisions. The amendments will enable greater flexibility in the area quantum for Hamlet boundary relocation subdivision and allowing more effectively for retiring farmers to retain their rural lifestyle without the onerous maintenance requirements.</p>	Reject	11.2

			follows: (iii) Each proposed lot has a minimum area of 83,000m2.			
FS1379.223	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	11.2
662.21	Blue Wallace Surveyors Ltd	Neutral/Amend	Retain Rule 22.4.1.6 RD1 Conservation lot subdivision, except for the amendments sought below AND Amend Rule 22.4.1.6 RD1 (a)(i) Conservation lot subdivision as follows: (i) The lot must contain a contiguous area of existing Significant Natural Area, or <u>environmental conditions favourable to extending a Significant Natural Area</u> , either as shown on the planning maps or as...	Supports the rule in part on the principle that a contiguous area of land containing ecological significance should not be fragmented, nor should spatially separate areas of land containing ecological significance be considered as one area due to non-connectivity. Considers that land immediately abutting ecologically Significant Natural Area due to landform/topography or other shared environmental attribute should also be used to calculate conservation allotment provisions. The land abutting Significant Natural Areas are often sharing habitat criteria and hence should be recognised as holding inherent ecological values. Need to recognise the landowner's ability to rehabilitate peripheral areas of Significant Natural Areas. Such an amendment will have a measurable, positive environmental effect that can be managed in perpetuity.	Accept in part	12.3
662.22	Blue Wallace Surveyors Ltd	Neutral/Amend	Delete Rule 22.4.4 RD1 (a) Subdivision - Road frontage.	A 60m width may not always be appropriate in the event that the actual or potential adverse effects on traffic safety are less than minor. Contends that a more meaningful road frontage dimension be provided through an assessment of the existing and proposed traffic effect of any development, as well as the criteria contained within the district plan detailing the required sight visibility and operational speed environment. Considers that the frontage rule is superfluous, as engineering criteria alone should be used to regulate road frontage widths.	Reject	16.2
662.23	Blue Wallace Surveyors Ltd	Neutral/Amend	Retain Rule 22.4.9 RD1 Subdivision - building platform, except for the amendments sought below AND Amend Rule	Supports the Proposed Plan providing clear design guidance on the subdivision process- such as the location and dimension for building platforms. The reason for the sought amendment is so that overly restrict design criteria are removed from the Proposed District Plan and that more adaptive solutions can be considered by the developer without the need for expanded assessment matters.	Reject	21.2

			22.4.9 RD1(a)(i) Subdivision - building platform as follows: (i) Has an area of 1,000m2 <u>500m2</u> exclusive of boundary setbacks;			
680.234	Federated Farmers of New Zealand	Oppose	Amend Rule 22.4.1.1 Prohibited subdivision to be a Discretionary activity instead of Prohibited Activity status. AND Any consequential changes needed to give effect to this relief. AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.	The submitter is opposed to the use of prohibited activity status in this regard. The absolute nature of this approach is unnecessary and unduly restrictive.	Reject	7.2
FSI287.29	Blue Wallace Surveyors Ltd	Support	BWS seek that this submission point is accepted by Council.	BWS support this point in that is is agreed that a prohibited activity status for rural zone subdivisions is unduly restrictive-and hence does not enable (or even consider that) a proposed development to be assessed on its merit.	Reject	7.2
FSI308.99	The Surveying Company	Support		We support this submission point and agree with the submitters reasoning that the absolute nature of this approach is unnecessary and unduly restrictive.	Reject	7.2
FSI328.26	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree that the absolute nature of the prohibition approach is unnecessary and unduly restrictive.	Reject	7.2
FSI379.238	Hamilton City Council	Oppose		HCC opposes the submission to reduce subdivision in the UEA from a prohibited to discretionary activity status. Prohibited activity status in the UEA is imperative to ensure the objectives and policies for this overlay are achieved. The prohibited activity status ensures future urban development of the land is not compromised.	Accept	7.2
FSI387.221	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy	Accept	7.2

				<i>framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
680.235	Federated Farmers of New Zealand	Not Stated	<p>Add a new Controlled Activity rule to Section 22.4 Subdivision as follows:</p> <p><u>Subdivision to adjust a common boundary – Controlled activity</u> Despite rule 22.4.1.2, <u>subdivision is a controlled activity if:</u> (1) <u>the result of the subdivision is to adjust a common boundary between two viable certificates of title, and (2) no additional certificates of title are created, and (3) the subdivision creates certificates of title having substantially the same area, shape, location and access as before the subdivision, and (4) no additional potential for permitted activity dwellings and no additional subdivision potential is created beyond that which already existed prior to the subdivision occurring.</u> Control is reserved over area and shape of certificates of title easements</p> <p>AND Any consequential changes needed to give effect to</p>	The submitter considers that subdivision to create a boundary adjustment should be a controlled activity as there is little or no risk of adverse effect that cannot be appropriately managed by matters of control.	Reject	10.2

			this relief. AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.			
FS1308.100	The Surveying Company	Support		We support inclusion of a boundary adjustment provision in the Rural Zone. Providing specifically for boundary adjustments as a controlled status allows for landowners to formalize minor boundary related issues such as buildings across boundaries, aligning boundaries to fence lines etc., with low risk and cost.	Reject	10.2
FS1379.239	Hamilton City Council	Oppose		HCC opposes any provisions that allow for additional subdivision within the Rural Zone. Rural subdivision can affect the character of the Rural Zone, productivity and can affect elite or high-class soils. Residential development in the Rural Zone can also detract from directing growth to towns and other areas identified for growth.	Accept	10.2
FS1387.222	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
680.236	Federated Farmers of New Zealand	Neutral/Amended	Amend Rule 22.4.1.2 RDI General subdivision, to make subdivision of lots with a minimum area of 20ha a Controlled Activity in the Rural Zone, with appropriate matters of control. AND Any consequential changes needed to give effect to this relief. AND Any consequential amendments to Chapter 23:	Lots which are a minimum of 20ha in area should be a controlled activity in the Rural Zone, with a controlled activity standard that requires all lots to be a minimum size of 20 ha (in addition to other appropriate matters of control). There is little or no risk of adverse effects to the environment from such subdivision that cannot be managed by appropriate matters of control, or where subdivision raises other issues, such as natural hazard risk, traffic safety risk, or management of environmentally sensitive areas, etc through more careful consideration of effects through an alternative activity pathway whereby discretion is reserved to some restricted extent. Subdivision of lots which are a minimum of 20ha in area should otherwise be provided for as a controlled activity in the Rural Zone. Lots which are 20ha minimum are a practical size for land management for various sorts of farming activity including grazing for dry stock and dairy standoff. If these can be acquired by farmers with relative certainty, this would enable farming communities to more efficiently provide for	Reject	8.2

			Country Living Zone to address areas of existing farmland zoned as Country Living Zone.	their social and economic wellbeing. Where subdivision cannot achieve a standard of minimum 20ha lot area, the subdivision could trigger to a restricted discretionary activity status provided that any lot is at least 8,000m ² in area, and the Council's suggested criteria for high class soil can also apply.		
FS1328.27	Kenneth Graham Barry	Support		Agree with the reasoning of the submitter, a Controlled Activity status would provide sufficient control.	Reject	8.2
FS1379.240	Hamilton City Council	Oppose		HCC opposes the relief sought. As outlined in HCC's original submission, we support a minimum parent lot of 40ha.	Accept	8.2
FS1387.223	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
680.237	Federated Farmers of New Zealand	Oppose	Amend Rule 22.4.1.2 NCI General subdivision, from Non-complying activity status to Discretionary activity status. AND Any consequential changes needed to give effect to this relief. AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.	The submitter is opposed to the use of non-complying activity status in this regard. The approach is unnecessary and unduly restrictive.	Reject	8.2
FS1328.28	Kenneth Graham Barry	Support		Agree with the reasoning of the submitter, a Discretionary Activity status would provide the necessary control over subdivision but also allow the Waikato District Council discretion.	Reject	8.2
FS1379.241	Hamilton City Council	Oppose		The submitter seeks proposals that do not comply with the general subdivision rule to be discretionary rather than non-complying. As detailed in our original submission, HCC opposes further fragmentation of rural land, and a more permissive activity status will not aid in sufficiently addressing this.	Accept	8.2

FS1387.224	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
680.238	Federated Farmers of New Zealand	Oppose	Amend Rule 22.4.1.4 RDI Boundary relocation from Restricted Discretionary Activity status to a Controlled Activity status in the Rural Zone. AND Amend Rule 22.4.1.4 RDI (b) Boundary relocation, as follows: (b) Council's discretion is restricted <u>reserves control over</u> to the following matters: (i) <u>Amalgamation of land subdivision layout and design including dimension, shape and orientation of the proposed lots;</u> (ii) <u>Any change in vehicle access from a road as a result of the proposed new lot boundaries effects on rural character and amenity values;</u> (iii) <u>Easements effects on landscape values;</u> and (iv) <u>Potential for reverse sensitivity effects</u> AND Any	There is a continuing need to provide for subdivision such as boundary adjustments and amalgamations, in order to provide for efficient property management. The risk to the environment from subdivision for boundary relocation is low because no new lots are being created and there is no overall intensification of land use. Therefore, there is no need to manage boundary relocation as a restricted discretionary activity, and that boundary relocation can, and should be, dealt with via controlled activity status and appropriate matters of control.	Reject	10.2

			consequential changes needed to give effect to this relief. AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.			
FSI379.242	Hamilton City Council	Oppose		HCC opposes the relief sought to change the activity status for subdivision, as this has the potential to lead to rural land fragmentation and the creation of smaller rural lots.	Accept	10.2
FSI387.225	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
680.239	Federated Farmers of New Zealand	Support	Retain Rule 22.4.1.5 Rural Hamlet Subdivision, as notified. AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.	Support is extended to the planning approach being taken.	Accept in part	11.2
FSI129.72	Auckland Council	Oppose			Accept in part	11.2
680.240	Federated Farmers of New Zealand	Neutral/Amended	Amend Rule 22.4.1.6 RDI (a)(iii) Conservation lot subdivision, as follows: (iii) The Significant Natural Area is not already subject to a conservation covenant pursuant to the Reserves Act	The submitter supports the intention, with the exception of (iii), and asks why penalise those who have been proactive? The conservation lot subdivision can be retrospective as provision (viii) makes sure there is no double dipping which is understandable. In some cases, farmers may have previously set up conservation covenants such as QE2 etc on worthy natural features within their farmland, but have not had the advantage of being able to subdivide a conservation lot in exchange for that past undertaking. In the submitter's view, where a farmer has previously sought	Reject	12.2

1977 or the Queen Elizabeth II National Trust Act 1977, unless the landowner who set up the covenant (or their successors in title) had not previously subdivided an equivalent qualifying conservation lot in exchange for such protection covenant(s); ... (vii) This rule of its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement; (b) Where subdivision to create a conservation lot may be inappropriate due to the sensitive nature of the location, or unsuitability due to natural hazard risk or traffic safety hazard risk or inability to service the lot with on-site potable water and fire-fighting water supply or on-site domestic sewage treatment and disposal, landowners may apply to transfer an entitlement for a qualifying conservation lot to more appropriate location. (c) (b) Council's discretion is restricted to the following matters:... AND Any consequential changes needed to give effect to this relief.

to protect a natural feature through such conservation covenant, the ability to subdivide one or more qualifying conservation lots should be recognised. The protection of suitable natural features can be encouraged through incentives such as additional subdivision rights that can be transferred to another location, if the locality where the natural feature in question is situated, is too sensitive to allow conservation lots in that location. It should be feasible to enable some form of Transferable Development Right to create one or more qualifying conservation lots elsewhere in exchange for the protection of a natural feature, by way of a restricted discretionary activity.

			AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.			
FS1129.75	Auckland Council	Oppose			Accept	12.2
FS1138.31	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	<i>In part. Appropriate provision for a TDR mechanism.</i>		Reject	12.2
680.241	Federated Farmers of New Zealand	Neutral/Amen d	Amend Rule 22.4.2 RDI Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas, as follows: (a) Subdivision of land containing any natural hazard area, contaminated land, Significant Amenity Landscape , notable trees, intensive farming activities... (iii) The boundaries of every proposed lot must not divide and of the following: A. A natural hazard area; B. Contaminated land; C. Significant Amenity Landscape ; D. Notable trees (b) Council's discretion is restricted to the following matters: (i)	Amendment is required to give effect to relief sought with regard to Policy 3.4.3.	Accept in part	14.2

			<p>landscape values (ii) amenity values and character ...</p> <p>(ix) effects on any Aggregate Extraction Area (not including Farm Quarries)</p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p> <p>AND</p> <p>Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.</p>			
FSI 108.77	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Oppose		Inappropriate addition.	Accept in part	14.2
FSI 139.68	Turangawaewae Trust Board	Oppose		Inappropriate addition.	Accept in part	14.2
FSI 387.226	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	14.2
680.242	Federated Farmers of New Zealand	Support	Retain Rule 22.4.3 RDI Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance, as notified (once the issues relating to the identification process have been addressed). AND	Conditional support is extended to this planning approach once the issues relating to the identification process has been addressed.	Accept	15.2

			Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.			
680.243	Federated Farmers of New Zealand	Oppose	Amend Rule 22.4.3 Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance from Non-complying Activity status to Discretionary Activity status, as follows: NC1 <u>D1</u> Subdivision that does not comply with Rule 22.4.3 RD1 AND Any consequential changes needed to give effect to this relief. AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.	Submitter considers discretionary activity status to be more appropriate than non-complying.	Reject	15.2
<i>FS1323.133</i>	<i>Heritage New Zealand Pouhere Taonga</i>	<i>Oppose</i>	<i>That the amendments sought are declined.</i>	<i>HNZPT is concerned that the deletion of this rule will lead to adverse effects on Heritage items and Maaori sites and areas of significance at the time of subdivision. A non-complying activity status should be retained for activities that do not meet the restricted discretionary matters of assessment to avoid adverse effects on historic heritage.</i>	<i>Accept</i>	<i>15.2</i>
680.244	Federated Farmers of New Zealand	Oppose	Delete Rules 22.4.5 D1 (a) (i) - (v) Subdivision within identified areas. AND Any consequential changes needed to give effect to this relief.	The submitter understands the principle but seeks deletion of the application to areas (i)-(v) until there is some confidence in the areas which have been identified.	Reject	17.2

			AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.			
FS1387.227	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	17.2
680.245	Federated Farmers of New Zealand	Oppose	Delete Rule 22.4.6 RDI Subdivision of land containing all or part of an Environmental Protection Area. AND Delete Rule 22.4.6 DI Subdivision of land containing all or part of an Environmental Protection Area. AND Any consequential changes needed to give effect to this relief. AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.	Submitter is unsure what Environmental Protection Areas are and what the purpose of identifying them is. There is no mention of these areas within the policy framework and no definition provided in Chapter 13. Without knowing how they have been identified and what the purpose is they are unable to assess the merits or otherwise of this proposed rule.	Reject	18.2
FS1315.20	Lochiel Farmlands Limited	Support		Is consistent with LFL's view that a definition for Environmental Protection Area needs to be defined and that it appears to duplicate SNA.	Reject	18.2
FS1387.228	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate	Accept	18.2

				<p>from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
680.246	Federated Farmers of New Zealand	Neutral/Amended	<p>Amend Rule 22.4.7 (RD1)(a) Esplanade reserves and esplanade strips, as follows: (a) An esplanade reserve or esplanade strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas)) is required to be created and vested in Council from every subdivision where the land being subdivided is within 20m of <u>any water body identified in Appendix 4 (Esplanade Priority Areas)</u>: AND Any consequential changes needed to give effect to this relief. AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.</p>	<p>The amendment is required to address the concerns raised under Policy 8.1.3.</p>	Reject	19.2
680.247	Federated Farmers of New Zealand	Neutral/Amended	<p>Amend Rule 22.4.9 RD1 Subdivision - Building platform, as follows: a) Subdivision, other than an access, or utility allotment <u>or boundary</u>.</p>	<p>The submitter is concerned that the building platform requirement may be triggered in every instance where boundary adjustment or relocation is being undertaken. Amendment is required for clarity sake, to avoid any confusion and provides increased certainty.</p>	Reject	21.2

			<p><u>adjustment or boundary relocation</u>, must provide a building platform on the proposed lot that: ...</p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p> <p>AND</p> <p>Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.</p>			
683.1	Carolyn Watson	Neutral/Amended	<p>Retain Rule 22.4.1.4 Boundary relocation and the flexibility to allow rural properties to rationalise large landholdings to provide a logical lot arrangement that better supports the farming activity, except for the amendments sought below;</p> <p>AND</p> <p>Amend Rule 22.4.1.4 RDI (a)(i) Boundary relocation, as follows: (a) The boundary relocation must:</p> <p>(i) Relocate a common boundary or boundaries between two <u>or more</u> existing Records of Title <u>or consented lots</u> that existed prior to 18 July 2018;</p>	<p>Many farms in the district are held in multiple Records of Titles which have the ability to be relocated. The boundary relocation rule should reflect the operative Franklin Section rule which enables an existing title or consented lot to be relocated within a property or, alternatively, within properties where boundaries are shared and are in common ownership. These types of boundary relocations typically result in positive effects by enhancing the productive farming system and allowing for the relocation of potential house sites to more favourable locations. Rural boundary relocations are typically undertaken where land is exchanged between two Records of Title to accommodate the existing farming activity, or when a farmer owns multiple titles and wants to create a small rural lot for a dwelling and hold the balance of the farm in one Record of Title.</p>	Reject	10.5
FS1379.251	Hamilton City Council	Oppose		<p><i>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and</i></p>	Accept	10.5

				areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.		
FS1387.247	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.5
683.2	Carolyn Watson	Neutral/Amend	Add a new matter of discretion to Rule 22.4.1.4 RD1 (b) Boundary relocation, as follows: (b) Council's discretion is restricted to the following matters: ... (v) <u>effects on high class soils, farm management and productivity.</u>	The relocation of a lot created under the transferable development right rules in the operative Franklin Section from an area that does not contain high class soils to an area that does contain high class soils would create an adverse outcome. The requested matters of discretion would work with the proposed objectives and policies in Chapter 5 (Rural Environment) to provide a robust framework to ensure that adverse effects on high class soils are avoided.	Accept	10.6
FS1387.248	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.6
686.9	Reid Crawford Farms Limited	Neutral/Amend	Amend the activity status for Rule 22.4.1.1 Prohibited subdivision PR1, PR2, PR3 and PR4, from Prohibited to Non-Complying activities.	There may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. It is fanciful to think that every subdivision on high class soil would result in a significant adverse effect on the environment. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record	Accept in part	7.2

of Title, i.e. where a title is limited as to parcels and held together by covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law.

It is unfair and unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site.

Established rural activities include greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries or commercial orchard activities. Rural activities do not need to be held on the same certificate of title as other rural activities, and there may be circumstances where subdivision enables more significant opportunities for economic wellbeing and the efficient and effective operation of the activity.

A number of commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than having no other option but to dispose of the entire property, or the need to invest more capital in the operation.

The prohibited activity status prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable in the long-term following its separation from other rural activities on the site.

PR4 states any subdivision of a lot previously amalgamated for the purpose of a transferable lot subdivision is prohibited. This rule may unreasonably restrict the subdivision potential over and above what is necessary to avoid undermining the intent of the rule under which these Records of Title were created.

Under Rule 22B of the Franklin Section, the donor certificates of title had to meet a minimum area of 1ha each. However there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. We also note that under the Franklin Section of the District Plan there were no corresponding rules that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22B of the Franklin Section require closer scrutiny this should merit a Non-Complying status only. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries with a neighbour without creating an outcome that may compromise the prior transferable subdivision.

The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected in the Rural Zone

				from inappropriate subdivision and development and that subdivision in the Urban Expansion Area does not undermine the integrated and efficient development of this zone.		
FSI129.32	Auckland Council	Oppose			Accept in part	7.2
FSI131.36	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FSI387.263	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
686.10	Reid Crawford Farms Limited	Neutral/Amended	Amend Rule 22.4.1.6 Conservation lot subdivision as follows: RD1 (a) The subdivision must comply with all of the following conditions: (i) The lot must contain: <u>A. a contiguous area of existing Significant Natural Area</u> either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist <u>which meets; or B. a contiguous area, to be enhanced and/or restored;</u> in accordance with the table below: ... (ii) The area of Significant Natural Area, <u>or area to be enhanced and/or restored, is</u>	Support the incentivisation of legally and physically protecting Significant Natural Areas and other areas of existing biodiversity which offers positive benefits for the Region. There is no provision for ecological enhancement and/or restoration in the Conservation Lot rules. There are significant biodiversity and water quality benefits to be gained from ecological enhancement particularly along waterways and wetland areas. Water quality is a key issue identified in the RPS and the Vision and Strategy. Recognised in the rural objectives and policies which seek enhancement of surface and ground water quality and the natural characteristics of waterways. The plan should be enabling of improving biodiversity and water quality within the Waikato Catchment and incentivise enhancement and/or restoration of areas that meet criteria in Appendix 2. Re-vegetation costs approximately \$45,000 per hectare. Incentivisation through subdivision would assist in offsetting this cost and encourage enhancement and/or restoration. Seek that provisions for ecological enhancement and/or restoration of appropriate areas be included. Minimum areas for enhancement and/or restoration should be in accordance with Rule 22.4.16. Rule 22.4.1.6 ii requires the legal protection of the conservation feature. Other forms of legal protection, such as the vesting of the conservation area in Council ownership (esplanade reserve) or by S221 consent	Accept in part	12.3

assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area or area to be restored is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act legal protection. (iv) The subdivision proposes to legally protect all areas of Significant Natural Area or area to be restored by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act. (v) An ecological management plan is prepared to address the ongoing management of the covenant-protected area to ensure that the Significant Natural Area area to be protected is a self-sustaining and that plan: A. Addresses fencing requirement for the covenant-protected area; B. Addresses ongoing pest plan and animal control; C. Identifies any

notice may be appropriate. Submitter suggests that this rule require legal protection only and leave the mechanism of protection to discretion of Council. Rule 22.4.1.6 (vi) requires a minimum area of 8,000m² but flexibility for lot area should be provided where dwellings or established rural activities exist. This avoids unnecessary fragmentation of productive land. This could be addressed as a matter of discretion.

			<p>enhancement <u>and/or</u> restoration or edge planting required within the covenant area to be protected. ... (b) Council's discretion is restricted to the following matters: (i) Subdivision layout and proximity of building platforms to Significant Natural Area the area to be protected; (ii) Matters contained in an ecological management plan for the covenant-protected area; (iii) Effects of the subdivision on <u>localised</u> rural character and amenity values; (iv) Extent of earthworks including earthworks for the location of building platform and access ways; <u>(v) Mechanism of legal protection for the area to be protected.</u></p>			
686.12	Reid Crawford Farms Limited	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision to replace all references to "lot" with "Record of Title."	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur where a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1387.264	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management</i>	Accept in part	7.2

				<i>controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
686.13	Reid Crawford Farms Limited	Neutral/Amended	Add new discretionary activity to Rule 22.4.1.6 Conservation lot subdivision, as follows: <u>DI (a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6 (vi-viii) RDI. (b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6 (vi-vii) RDI.</u>	Supports the incentivisation of legally and physically protecting Significant Natural Areas and other areas of existing biodiversity which offers positive benefits for the Region. There is no provision for ecological enhancement and/or restoration in the Conservation Lot rules. Water quality is a key issue identified in the RPS and the Vision and Strategy. This is recognised in the rural objectives and policies which seek enhancement of surface and ground water quality and the natural characteristics of waterways. The plan should be enabling of improving biodiversity and water quality within the Waikato Catchment and incentivise enhancement and/or restoration of areas that meet criteria in Appendix 2. Re-vegetation costs approximately \$45,000 per hectare. Incentivisation through subdivision would assist in offsetting this cost and encourage enhancement and/or restoration. Submitter seeks that provisions for ecological enhancement and/or restoration of appropriate areas be included. Rule 22.4.1.6 ii requires the legal protection of the conservation feature, but there are additional means such as vesting in Council or s221 consent notice. Rule 22.4.1.6 (vi) requires a minimum of 8000m2. Flexibility of lot size should be provided where the lot boundaries encompass an existing dwelling curtilage or established rural activities.	Reject	12.6
686.14	Reid Crawford Farms Limited	Support	Retain Rule 22.4.1.2 (a) (iv) as a restricted discretionary activity for lots between 8,000m2 and 1.6ha.	Supports the creation of an additional vacant lot between 8,000m2 and 1.6ha. Supports the additional lot between 8,000m2 and 1.6ha as a restricted discretionary activity.	Accept in part	8.2
FS1387.265	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
686.15	Reid Crawford Farms Limited	Neutral/Amended	Add a new discretionary	General subdivision creating a child lot around an existing dwelling, where a	Reject	8.2

			<p>activity to Rule 22.4.1.2 General Subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>	<p>curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. This will ensure the boundaries proposed are practical to ensure the most efficient ongoing management of the land and not to meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies and achieving the anticipated environmental results. For lots smaller than 8,000m2 it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management Report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. The creation of lots that accommodate existing and well-established rural activities should be provided for where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other activities on the site.</p>		
FS1387.266	Mercury NZ Limited for Mercury D	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept	8.2
686.16	Reid Crawford Farms Limited	Not Stated	<p>Delete Rule 22.4.1.2 RDI (a)(v) General Subdivision (the 80/20 rule); AND Add a new matter of discretion to Rule 22.4.1.2</p>	<p>There is no analysis in the s32 report regarding the relevance or practicality of this rule. The submitter agrees with the intent of this rule, which is to design subdivision to avoid the fragmentation of the high class soils. The strict and arbitrary 80/20 requirement of this rule may not necessarily result in the best layout, design or farming outcome for the site. The objectives and</p>	Accept in part	8.2

			<p>RDI (b) General Subdivision, as follows: <u>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the General Provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Consent planners should have the discretion of where these are required in accordance with the recommended matter of discretion.</p>		
FSI387.267	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
686.17	Reid Crawford Farms Limited	Support	Retain Rule 22.4.1.2 (a)(i), (ii) and (iii) General Subdivision.	Supports inclusion of the General Subdivision provisions.	Accept in part	8.2
FSI387.268	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
686.18	Reid Crawford Farms Limited	Neutral/Amended	Retain Rule 22.4.1.4 Boundary relocation as notified, except	Support inclusion of boundary relocations and flexibility to allow rural properties to rationalise large landholdings to provide logical lot arrangement that better support the farming activity.	Accept in part	10.5

			<p>for amendments sought below; AND Amend Rule 22.4.1.4 Boundary Relocation, as follows: (a) The boundary relocation must: (i) Relocate a common boundary or boundaries between two or more existing Records of Title <u>or</u> <u>consented lots</u> that existed prior to 18th July 2018. (b) Council's discretion is restricted to the following matters: (v) <u>Effects on high class soils, farm management and productivity.</u></p>	<p>Rural boundary relocations typically result in positive effects through enhancement of the productive farming system and allowing relocation of potential house sites to more favorable locations. Many farms in the district held in multiple Records of Title and have ability to relocate boundaries and create General and Conservation Lots under proposed provisions. Submitter would like to see provision made for relocation of the boundaries of adjacent consented lots and Records of Title in the Franklin Section of the District Plan (22.B.15.1). Consider retention of the date 18 July 2018 as appropriate, as this would allow for closer scrutiny and a higher activity status for those Records of Title and consented lots created under the Transferable and Environmental lot rule of the previous section of the District Plan which had restrictions on size. Relocation of a lot created under the previous Transferable Lot Rules from an area containing no high class soils to a high classed soil area would create an adverse outcome. Inclusion of high class soils a matter of discretion together with proposed objectives and policies in Chapter 5 (Rural Environment) would give council a robust framework to avoid adverse effects on high class soils.</p>		
FS1379.252	Hamilton City Council	Oppose		<p>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.</p>	Accept in part	10.5
FS1387.269	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	10.5
686.19	Reid Crawford Farms Limited	Neutral/Amended	<p>Amend Rule 22.4.1.5 Rural Hamlet Subdivision, to allow for relocation of consented lots and reduce lot size requirements as follows: RDI (a)</p>	<p>Support provisions for Hamlet Subdivision in the Rural Zone. When designed well, the positive benefits of Rural Hamlets include shared infrastructure, improved and enhancement of the productive farming system, and provide housing and lifestyle choices within the district. Inclusion of consented lots, both general and conservation, would have positive outcomes via provision of shared infrastructure and enhancement of production systems and</p>	Accept in part	11.2

Subdivision to create a Rural Hamlet must comply with all of the following conditions: (i) it results in 3 to 5 proposed lots being clustered together; (ii) All existing Records of Title and/or consented lots form one continuous landholding; (iii) Each proposed lot has a maximum area of 85,000m²; (iv) Each proposed lot has a maximum area of 1.60ha; (v) The proposed balance lot has a minimum area of 20ha; and (vi) It does not create any additional lots beyond the number of existing Records of Title. (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimension, shape and orientation of the proposed lots and specified building areas; (ii) effects on rural character and amenity values; (iii) effects on landscape values; (iv) potential for reverse sensitivity effects; (v) extent of earthworks including earthworks for the location of building platforms and access ways.; (vi) effects on rural

limit wide dispersal of lots. Enable subdivision layout to account for effects from intensive farming/mineral extraction activities. May be more appropriate to have smaller lot sizes to ensure benefits of Hamlet design are achieved. Rural Hamlets provide compact design within rural setting. The proposed subdivision rules mean lots at 1.6 ha would take up 8ha of land and visually result in dispersed rural housing, not a Hamlet. Hamlet provisions should ensure a response to landscape context is more important than meeting performance standards around lot size. Rural character and amenity will be maintained by 20 ha+ balance surrounding the Hamlet.

			<u>productivity and fragmentation of high class soils.</u>			
FSI 129.73	Auckland Council	Oppose			Accept in part	11.2
FSI 379.253	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.	Accept in part	11.2
690.1	Paramjit & Taranpal Singh	Oppose	Amend Rule 22.4.1.1 Prohibited Subdivision, so all references to "lot" be changed to "Record of Title."	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FSI 387.299	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
690.2	Paramjit & Taranpal Singh	Support	Retain 22.4.1.2 (a) (i-ii) General Subdivision rules, as notified.	Submitter supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FSI 387.300	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
690.3	Paramjit & Taranpal Singh	Neutral/Amended	Add a new discretionary activity to Rule 22.4.1.2 General Subdivision, as follows: <u>DI (a)</u> .	General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can	Reject	8.2

			<p><u>General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u></p>	<p>continue. This will ensure the boundaries proposed are practical to ensure the most efficient ongoing management of the land. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m² and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m², it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots that accommodate existing and well-established rural activities should be provided for where these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site</p>		
FS1387.301	Mercury NZ Limited for Mercury D	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept	8.2
690.4	Paramjit & Taranpal Singh	Oppose	<p>Delete 22.4.1.2 (a) (v) General Subdivision (80/20 Rule) provisions; AND Add a new matter of discretion to Rule 22.4.1.2 (b) General Subdivision, as follows: (vi) <u>Effects on rural productivity and</u></p>	<p>There is no analysis in the s32 regarding the relevance or practicality of this rule. The strict and arbitrary 80/20 requirement of this rule may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the</p>	Accept in part	8.2

			<p><u>fragmentation of high class soils.</u></p>	<p>objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.</p>		
FS1387.302	Mercury NZ Limited for Mercury D	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
690.9	Paramjit & Taranpal Singh	Oppose	<p>Amend Rule 22.4.1.1 Prohibited Subdivision PR1, PR2, PR3, PR4, to change the activity status from Prohibited to Non-Complying Activities.</p>	<p>There may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. In some instances it may be unavoidable to create an additional Record of Title. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities which are viable and sustainable such as greenhouses, pack house, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural</p>	Accept in part	7.2

				<p>activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 228 of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. Under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.</p>		
FSI 129.33	Auckland Council	Oppose			Accept in part	7.2
FSI 131.37	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FSI 387.305	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
690.10	Paramjit & Taranpal Singh	Support	Retain the table in Rule 22.4.1.6 (a) (i) Conservation lot subdivision.	Support the table identified in Rule 22.4.1.6 (a)(i).	Accept in part	12.4
690.11	Paramjit & Taranpal Singh	Not Stated	Amend Rule 22.4.1.6 Conservation lot subdivision, as follows:	Supports the incentivisation of legally and physically protecting Significant Natural Areas and other areas of existing biodiversity which offers positive benefits for the Region. There is no provision	Accept in part	12.3

Amend Rule 22.4.1.6 Conservation lot subdivision as follows:
RD1 (a) The subdivision must comply with all of the following conditions: (i) The lot must contain: A. a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist which meets; or B. a contiguous area to be enhanced and/or restored; in accordance with the table below: ... (ii) The area of Significant Natural Area, or area to be enhanced and/or restored, is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area or area to be restored is not already subject to a conservation-covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act legal protection. (iv) The subdivision proposes to legally protect all areas of Significant

for ecological enhancement and/or restoration in the Conservation Lot rules. Water quality is a key issue identified in the RPS and the Vision and Strategy. This is recognised in the rural objectives and policies which seek enhancement of surface and ground water quality and the natural characteristics of waterways. The plan should be enabling of improving biodiversity and water quality within the Waikato Catchment and incentivise enhancement and/or restoration of areas that meet criteria in Appendix 2. Re-vegetation costs approximately \$45,000 per hectare. Incentivisation through subdivision would assist in offsetting this cost and encourage enhancement and/or restoration. Seek that provisions for ecological enhancement and/or restoration of appropriate areas be included. Rule 22.4.1.6 ii requires the legal protection of the conservation feature, but there are additional means such as vesting in Council or s221 consent notice.

Natural Area or area to be restored by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth Natural Trust Act. (v) An ecological management plan is prepared to address the ongoing management of the covenant-protected area to ensure that the Significant Natural Area area to be protected is a self-sustaining and that plan: A. Addresses fencing requirement for the covenant protected area; B. Addresses ongoing pest plan and animal control; C. Identifies any enhancement and/or restoration or edge planting required within the covenant area to be protected. ... (b) Council's discretion is restricted to the following matters: (i) Subdivision layout and proximity of building platforms to Significant Natural Area the area to be protected; (ii) Matters contained in an ecological management plan for the covenant-protected area; (iii) Effects of the subdivision on localised rural

			character and amenity values; (iv) Extent of earthworks including earthworks for the location of building platform and access ways; (v) <u>Mechanism of legal protection for the area to be protected</u>			
690.12	Paramjit & Taranpal Singh	Support	Retain Rule 22.4.1.2 (a)(iv) as notified.	The creation of an additional vacant lot between 8000m2 and 1.6ha is supported.	Accept in part	8.2
FS1387.306	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
690.13	Paramjit & Taranpal Singh	Neutral/Amen d	Add a new discretionary activity to Rule 22.4.1.6 as follows: <u>DI (a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6 (vi-vii).</u> <u>RDI. (b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6 (vi-vii).</u> <u>RDI.</u>	Flexibility for a lot area should be provided where the lot boundaries encompass an existing dwelling curtilage or established rural activities. This avoids unnecessary fragmentation of productive farming land. This could be addressed as a matter of discretion.	Reject	12.6
691.24	McPherson Resources Limited	Neutral/Amen d	Add an allotment boundary rule for mineral and aggregate extraction	McPherson owns and operates the McPherson Quarry outside of Pokeno. In order to safeguard this operation, it is imperative that appropriate provisions relating to subdivisions in the rural zone are implemented into the Proposed District	Reject	6.2

			<p>activities as follows (or words to similar effect):</p> <p><u>ALLOTMENT BOUNDARY - MINERAL AND AGGREGATE EXTRACTION ACTIVITIES</u></p> <p><u>Subdivision is a restricted discretionary activity if the boundary of every allotment is drawn so that it is within: (a) 200m of the boundary of a lawfully established mineral and aggregate extraction activity used for sand extraction; and (b) 500m of the boundary of a lawfully established mineral and aggregate extraction activity used for rock extraction</u></p> <p>AND Any consequential amendments or alternative relief to address the matters raised in the submission.</p>	<p>Plan. The proposed rule will limit the risk of creating reverse sensitivity effects by ensuring that the McPhersons are considered an affected party in situations where properties adjacent to their existing quarries are subject to a subdivision application</p>		
FSI 146.2	Gleeson Quarries Huntly Limited	Support	<p>Similar to the McPherson Quarries, Gleeson Quarries Huntly Limited wishes to limit the risk of creating reverse sensitivity effects and needs to be considered as an affected party for adjacent property subdivisions.</p>	<p>We seek that the whole submission is allowed as the submission allows the quarry to be considered as an affected party and can partake in the process.</p>	Reject	6.2
695.79	Sharp Planning Solutions Ltd	Neutral/Amended	<p>Add a definition of "Rural Hamlet Subdivision" in Chapter 13 Definitions.</p>	<p>A definition of "Rural Hamlet Subdivision" should be added.</p>	Reject	11.2
FSI 387.325	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is</p>	Accept	11.2

				<i>necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
695.92	Sharp Planning Solutions Ltd	Oppose	No specific decision sought with respect to Rule 22.4.1.1 PR2 and PR3 Prohibited subdivision, however the submission considers the rules are unnecessarily complex and a transferable right if supplied would completely eliminate the need for concern over high class soils if the created entitlement is required to be transferred to another zone with capacity for the intended purpose.	The rules are unnecessarily complex. If a transferable right subdivision process is supplied it would 100% eliminate the need for concern over high class soils if the created entitlement is required to be transferred to another Zone with capacity for the intended purpose.	Reject	7.2
<i>FS1308.107</i>	<i>The Surveying Company</i>	<i>Support</i>		<i>We support the inclusion of Transferable Rural Lot Right Provisions. Transferable Rural Lot Right provisions can achieve the protection of versatile soils as is currently occurring in the 'Pukekohe Hub'. The Auckland Unitary Plan provides an excellent example of this.</i>	Reject	7.2
<i>FS1387.328</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Oppose	7.2
695.93	Sharp Planning Solutions Ltd	Oppose	Delete Rule 22.4.1.1 PR4(a) Prohibited Subdivision; OR Amend Rule 22.4.1.1 PR4(a) Prohibited	The rule is likely to be ultra-vires. It is unclear how Council can lawfully limit amalgamation or re-survey of land as part of subdivision. S241 of the Resource Management Act allows for amalgamation and re-survey of land (s218), regardless of how the record of title was first created. The District Plan cannot override the legal	Reject	7.2

			Subdivision, to be an exemption (if this is the intent).	rights set out in the Act, nor add them where the Act is silent on such matters. The rule is an error and was probably intended to be an exemption.		
FSI138.27	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	<i>In part. This is an appropriate environmental mechanism, but it must be refined and workable. Both the donor and receiving mechanisms need to be evaluated so that they achieve an appropriate incentive, deliver an environmental outcome, and facilitate appropriate development opportunity.</i>		Reject	7.2
FSI308.108	The Surveying Company	Support		<i>We support the inclusion of Transferable Rural Lot Right Provisions. Transferable Rural Lot Right provisions can achieve the protection of versatile soils as is currently occurring in the 'Pukekohe Hub'. The Auckland Unitary Plan provides an excellent example of this.</i>	Reject	7.2
FSI387.329	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	7.2
695.94	Sharp Planning Solutions Ltd	Neutral/Amend	No specific decision sought, however the submission considers that Rule 22.4.1.2 RDI(v) A and B General subdivision adds unnecessary and inappropriate complexity and that no variation margin is set out for realistic variations which do occur (the Operative District Plan Franklin Section allowed plus or minor 10%	This rule adds unnecessary and inappropriate complexity to consideration of development applications. No variation margin is set out to allow for realistic variations, which do occur.	Reject	8.2

			range).			
FS1387.330	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
695.95	Sharp Planning Solutions Ltd	Oppose	Delete the date component of Rule 22.4.1.4 RD1 (a) Subdivision – Boundary relocation.	It is likely to be ultra-vires. It is unclear how the Council can lawfully place a record of title date restriction on boundary relocations and adjustments. The Resource Management Act allows for boundary relocation and adjustments regardless of the date the record of title was created. The District Plan cannot override the legal rights set out in the Act, nor add to them where the Act is silent on such matters.	Accept	10.5
FS1387.331	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.5
695.96	Sharp Planning Solutions Ltd	Neutral/Amend	Amend Rule 22.4.1.5 Rural Hamlet Subdivision, to include a transferable rural lot right subdivision.	It is preferred that Council instead create appropriate planning and rezoning around existing towns and villages than ad-hoc dispersed subdivision. A transferable rural lot right subdivision combined with an appropriate level of vision and growth planning around existing towns and village will enable and promote development, and address latent development potential, within an improved framework and development outcomes.	Reject	11.2
FS1129.74	Auckland Council	Oppose			Accept	11.2
FS1138.28	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	In part. This is an appropriate environmental mechanism, but it must be refined and workable. Both the donor and receiving		Reject	11.2

			<i>mechanisms need to be evaluated so that they achieve an appropriate incentive, deliver an environmental outcome, and facilitate appropriate development opportunity.</i>			
FS1379.267	Hamilton City Council	Oppose		<i>HCC opposes any changes to the Rural Zone subdivision rules that allow for more subdivision in the Rural Zone. Subdivision should only be of a scale and size to support productive rural uses. HCC opposes the provision for subdivision to be able to locate specifically around existing towns and villages as this would result in urban sprawl around those areas and could impede any further/denser development in those areas. Subdivision should be directed to the urban limits of existing towns.</i>	Accept	11.2
695.97	Sharp Planning Solutions Ltd	Neutral/Amended	Amend Rule 22.4.1.6 RD1(a)(iii) Conservation lot subdivision to apply a discretionary activity status to a conservation lot subdivision utilising land already subject to the listed covenant(s) where such land has not been previously subdivided.	This would respect owners of land who of their own initiative have previously bush at their own expense without seeking reward. Such subdivision would be subject to all the other same requirements listed in the provisions, in the same way an unprotected bush area would be assessed and considered.	Reject	12.7
FS1168.127	Horticulture New Zealand	Support	Accept submission in part.	<i>Notional boundary is a term that is used in noise standards and is defined in the National Planning Standards. The NPS definition should be used in the Plan.</i>	Reject	12.7
695.98	Sharp Planning Solutions Ltd	Neutral/Amended	Add to Rule 22.4.6 RD1(a)(i) Subdivision of land containing all or part of an Environmental Protection Area a reasonable setback (trigger threshold applied) e.g. where an overlay occurs in or within 100m of lots being proposed to be developed, with the exception of the balance lot; AND Amend Rule 22.4.6 RD1(a)(i) Subdivision of land containing	This blanket imposition is concerning.	Reject	18.2

			<p>all or part of an Environmental Protection Area, as follows: A planting and management plan is submitted to Council for the Environmental Protection Area prepared by a suitably-qualified person, containing. <u>The plan is to contain details of exclusively indigenous species suitable to the area and conditions for the purpose of planting enhancement and management where this is considered necessary after qualified ecological assessment of the Environmental Protection Area Planning Overlay on the site.</u></p>			
FS1387.332	Mercury NZ Limited for Mercury D	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept	18.2
695.99	Sharp Planning Solutions Ltd	Neutral/Amended	<p>Amend Rule 22.4.9 RDI a)(i) Subdivision – Building platform, to reduce the area of a building platform on the proposed lot from 1000m² to 800m².</p>	<p>A building platform of 800m² would suffice for most rural dwellings, access and servicing curtilage.</p>	Reject	21.2

695.158	Sharp Planning Solutions Ltd	Neutral/Amended	Add provisions for transferable rural lot right with entitlements placed in country living zones or in villages and towns as a tool to facilitate objectively focused planning and development outcomes.	There is no applied framework to accommodate growth demand in rural areas. Ad-hoc approaches lead to unintended consequences.	Reject	22.2
FS1138.19	Glenn Michael Soroka and Louise Claire Meredith as Trustees of the Pakau Trust	Support	<i>In part. This is an appropriate environmental mechanism, but it must be refined and workable.</i>	<i>In part.</i>	Reject	22.2
FS1385.29	Mercury NZ Limited for Mercury B	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure perspective. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	22.2
695.162	Sharp Planning Solutions Ltd	Neutral/Amended	Add a transferable lot right subdivision approach similar to that of Waipa District Council and Auckland Council where areas of entitlement generation and placement are identified.	The approaches used by those Councils control the desired outcome of lot placement in appropriate locations and have little of the complexity of the former Franklin Council system. Council needs to be more proactive in terms of Town and Village growth that can readily occupy growth. Matangi, Huntly, Taupiri, Te Uku, Whatawhata/Karakariki, Ngaruawahia, Tauwhare, Tuakau and Mercer can all be worked towards as key recipients of growth, but little is acknowledged outside of Pokeno, Te Kauwhata and Te Kowhai.	Reject	22.2
FS1138.1	Glenn Michael Soroka and Louise Claire Meredith as Trustees of the Pakau Trust	Support	<i>This is an appropriate environmental mechanism to be considered.</i>		Reject	22.2
FS1305.35	Andrew Mowbray	Support	<i>Seek that the whole of the submission point be allowed.</i>	<i>I support the growth and development along with the investigation in how to develop rural villages in proximity to Hamilton so as to ensure planning is undertaken to ensure that increased population density can be realised without significant resource depletion.</i>	Reject	22.2
FS1379.262	Hamilton City Council	Oppose		<i>HCC opposes transferable lot right subdivision as it is unclear where those areas would be.</i>	Accept	22.2

697.330	Waikato District Council	Neutral/Amend	Amend Subdivision Rule - Title boundaries relating to Significant Natural Areas, Maaori sites and Maaori areas of Significance, heritage items and notable trees to split it out into separate rules, as already shown in some zone chapters for the subdivision rules.	This provides clarity to the rules and consistency across the zone chapters.	Reject	15.2
697.820	Waikato District Council	Neutral/Amend	Amend Rule 22.4 Subdivision, as follows: 22.4 Subdivision - Rules	Additional words in this rule provide clarity.	Accept	6.2
697.821	Waikato District Council	Neutral/Amend	Add a new clause (h) to Rule 22.4.1(3) Subdivision, as follows: <u>(h) Rule 22.4.8A – subdivision within the National Grid Corridor</u> AND <u>Amend consequential renumbering</u> AND <u>Add a new rule after Rule 22.4.8 as follows: 22.4.8A Subdivision within the National Grid Corridor RDI</u> (a) <u>The subdivision of land within the National Grid Corridor must comply with all of the following conditions: (i) All allotments intended to contain a sensitive land use must provide a</u>	This is to replicate the subdivision rule within the National Grid Corridor from Chapter 14 into Chapter 22 for increased clarity and usability of the Plan.	Accept	6.2

building platform for the likely principal building(s) and any building(s) for a sensitive land use located outside of the National Grid Yard, other than where the allotments are for roads, access ways or infrastructure; and (ii) The layout of allotments and any enabling earthworks must ensure that physical access is maintained to any National Grid support structures located on the allotments, including any balance area. (b) Council's discretion is restricted to the following matters: (i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid; (ii) The ability to provide a complying building platform outside of the National Grid Yard; (iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage; (iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission.

			lines. NCI <u>Any subdivision of land within the National Grid Corridor that does not comply with one or more of the conditions of Rule 22.4.8A RDI.</u>			
FS1342.193	Federated Farmers	Oppose	Disallow submission point 697.821.	FFNZ has concerns with the reasoning behind this submission point and doubt that replicating the rule from Chapter 14 into Chapter 22 "will result in increased clarity and usability of the Plan". If anything, replicating rules creates confusion. It is more appropriate to improve the 'road mapping' within the plan and utilise referencing options to ensure relevant or applicable parts of the plan are linked.	Reject	6.2
FS1350.128	Transpower New Zealand Limited	Oppose	Disallow in terms of sought relocation of National Grid provisions. Notwithstanding the location of the provisions, Transpower seeks that all amendments sought in its original submission be included.	Related to the original submission by Waikato District Council seeking relocation/replicating of the National Grid provisions into the respective chapters, Transpower supports and prefers a standalone set of provisions (for the reason it avoids duplication and provides a coherent set of rules which submitters can refer to, noting that the planning maps clearly identify land that is subject to the National Grid provisions). A standalone set of provisions as provided in the notified plan is also consistent with the National Planning Standards. Irrespective that the proposed plan has not been drafted to align with the National Planning Standards, it would be counterproductive to amend the layout contrary to the intent of the Standards. Standard 7. District wide Matters Standard provides, as a mandatory direction, that 'provisions relating to energy, infrastructure and transport that are not specific to the Special purpose zones chapter or sections must be located in one or more chapters under the Energy, Infrastructure and Transport heading'. Clause 5.(c) makes specific reference to reverse sensitivity effects between infrastructure and other activities. If council wish to pursue splitting the National Grid provisions into the respective chapters, supply of a revised full set of provisions would be beneficial to enable Transpower to fully assess the implications and workability of the requested changes. Notwithstanding the location of National Grid provisions within the proposed plan, Transpower seeks the specific changes to provisions as sought in its original submission.	Reject	6.2
FS1387.696	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land	Reject	6.2

				use and development in the Waikato River Catchment is appropriate.		
697.822	Waikato District Council	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, as follows: Any subdivision within the Urban Expansion Area involving the creation of any additional lot record of title .	The definition "record of title" has been included for correction.	Reject	7.2
FS1333.17	Fonterra Limited	Support	Allow the relief.	For the reasons stated in the submission.	Reject	7.2
FS1387.697	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2
697.823	Waikato District Council	Neutral/Amended	Amend Rule 22.4.1.1 PR2 Prohibited subdivision, as follows: (a) Subdivision of a Record of Title issued prior to 6 December 1997, which results in more than one additional lot record of title being located on <u>any</u> high class soil. (b) Exceptions to PR2 (a) are where an additional lot record of title is created by any of the following rules: (i) ...	The definition "record of title" has been included for correction.	Reject	8.2
FS1387.698	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district	Accept	8.2

				<p><i>plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>		
697.824	Waikato District Council	Neutral/Amended	<p>Amend Rule 22.4.1.1 PR3 Prohibited subdivision, as follows: (a) Subdivision of a Record of Title issued <u>on or after 6 December 1997</u>, which results in any additional lot <u>record of title</u> being located on <u>any</u> high class soil. (b) Exceptions to PR3(a) are where an additional lot <u>record of title</u> is created by any of the following: (i) Conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maori Freehold land (Rule 22.4.1.3); (v) <u>A boundary relocation (Rule 22.4.1.4)</u> (c) Rule PR3(a) does not apply <u>to any records of title that were created by the following:</u> (i) a boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rule 22.4.1.4); or (ii) a process other than subdivision</p>	<p>The definition "record of title" has been included for correction. Rule PR3 (b)(v) expressly exempts boundary relocations from this rule.</p>	Accept in part	8.2

			under the Resource Management Act 1991.			
FSI387.699	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
697.825	Waikato District Council	Neutral/Amend	Amend Rule 22.4.1.1 PR4 Prohibited subdivision, as follows: (a) <u>Notwithstanding rule PR3(c)(ii),</u> a Any proposed subdivision where of any record of title that has been used as a donor lot has been created for the purpose of a transferable rural lot <u>right</u> subdivision under the provisions of the previous Operative Waikato District Plan – Franklin Section, <u>irrespective of how the donor record of title was created by either: (i) — Amalgamation; or (ii) — Re-survey</u>	Rule clarifies donor properties used for transferable rural subdivision.	Accept	7.2
FSI138.4	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Oppose	The amendment sought changes the meaning significantly. It applies now to do the donor site, whether or not legally protected, whether or not the full entitlement is used.		Reject	7.2
FSI387.700	Mercury NZ Limited for	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor	Reject	7.2

	Mercury D			adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
697.826	Waikato District Council	Neutral/Amen d	Amend Rule 22.4.1.2 General subdivision as follows: (a) Subdivision must comply with all of the following conditions: (i) The Record of Title to be subdivided must have issued prior to 6 December 1997; (ii) The Record of Title to be subdivided must be at least 20 hectares in area; (iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment or utility allotment. (iv) The additional lot must have a proposed area of between 8,000m ² and 1.6 ha; (v) Where there is land containing high class soil (as determined by a Land Use Capability Assessment prepared by a suitably qualified person) must be contained within the boundaries of only two lots as follows: A. one the larger lot must contain a minimum of 80% of the high	Words included to provide clarity to the rule.	Accept in part	8.2

			class soil; and B. the other lot may contain up to 20% of high class soil. (b)...			
FS1387.701	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
697.827	Waikato District Council	Neutral/Amended	Amend Rule 22.4.1.4 Boundary relocation, as follows: (a) The boundary relocation must: (i) Relocate a common boundary or boundaries between two existing viable Records of Title that existed prior to 18 July 2018; (ii) The Records of Title must form a continuous landholding; (iii) Not result in any additional lot; (iv) Create one lot of All lots created by the subdivision must <u>be</u> at least 8,000m ² in area. (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimension, shape and orientation of the proposed lots; (ii) effects on rural character and amenity values;	Rule 22.4.1.4 requires qualifying records of title to be "viable". A definition has been proposed for this. In respect to condition (a)(iv) it requires re-worded to ensure that all lots created by the subdivision are at least 8,000m ² . Matter of discretion (v) has been added to ensure that applications assess the fragmentation and usability of land for rural purposes as part of their applications.	Accept in part	10.2

			(iii) effects on landscape values; and (iv) potential for reverse sensitivity effects.; and (v) <u>Fragmentation and usability of land for rural purposes.</u>			
FS1387.702	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	10.2
697.828	Waikato District Council	Neutral/Amended	Amend Rule 22.4.1.5 RD1 (a) Rural Hamlet Subdivision, as follows: (a) Subdivision to create a Rural Hamlet must comply with all of the following conditions: (i) It results in a <u>single cluster of 3 to 5 proposed lots being clustered together;</u> (ii) All existing Records of Title form one continuous landholding; (iii) Each proposed lot has a minimum area of 8,000m ² . (iv) Each proposed lot has a maximum area of 1.6ha; (v) The proposed balance lot has a minimum area of 20ha; and (vi) It does not create any additional lots beyond the number of existing <u>viable</u> Records of Title.	Providing the wording “a single cluster of” makes it clear to the applicant that proposed lots must be clustered together.	Accept	11.2

697.829	Waikato District Council	Neutral/Amended	Amend Rule 22.4.1.7 Subdivision to create a reserve heading, as follows: Subdivision to create a reserve <u>and incentive lot</u>	This is to provide clarity to this rule.	Accept	13.2
697.830	Waikato District Council	Neutral/Amended	Amend Rule 22.4.1.7 RD1(a)(iii) Subdivision to create a reserve, as follows: (iii) No more than one additional lot in <u>addition to the balance lot</u> is created, excluding any land vested in Council.	This is to provide clarity to this rule.	Accept	13.2
697.831	Waikato District Council	Neutral/Amended	Amend Rule 22.4.2 Title boundaries-natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas heading, as follows: Title boundaries – Existing Buildings natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas	This rule heading needs amending to reflect the changes being made to RD1.	Accept	14.2
FSI387.703	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is</i>	Reject	14.2

				<p>necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
697.832	Waikato District Council	Neutral/Amended	<p>Amend Rule 22.4.2 Title boundaries - natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas, as follows: (a) Subdivision of land containing any natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities or Aggregate Extraction Areas must comply with all of the following conditions: (i) (a) The boundaries of every proposed lot containing existing buildings must demonstrate that existing buildings comply with the Land Use-Building rules in Rule 22.3 relating to: A. (i) Rule 22.3.1 (Number of Dwellings within a Record of Title); B. (ii) Rule 22.3.5 (Daylight admission); C. (iii) Rule 22.3.6 (Building coverage); D. (iv) Rule 22.3.7 (Building</p>	<p>Rule needs amending to provide clarity that its purpose relates to existing buildings, not land and other features. Consequential changes to be made in other rules. Reference to Rule 22.3.7.2 has been inserted to ensure compliance with this rule is also required for subdivision where sensitive land use activities exist.</p>	Accept in part	14.2

			<p>setbacks); E. (v) Rule 22.3.7.2 (Building setback sensitive land use) (ii) Rule 22.4.2 RD1 (a)(i) does not apply to any noncompliance with the Land Use-Building rules in Rule 22.3 that existed lawfully prior to the subdivision. (iii) The boundaries of every proposed lot must not divide any of the following: A. A natural hazard area; B. Contaminated land; C. Significant Amenity Landscape; D. Notable trees. (b) Council's discretion is restricted to the following matters: (i) landscape values; (ii) amenity values and character; (iii) reverse sensitivity effects; (iv) effects on existing buildings; (v) effects on natural hazard areas; (vi) effects on contaminated land; (vii) effects on any notable trees; (viii) effects on an intensive farming activity; (ix) effects on any Aggregate Extraction Area.</p>			
FSI387.704	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy	Accept in part	14.2

				<i>framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
697.833	Waikato District Council	Neutral/Amend	Amend Rule 22.4.3 Title boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance heading, as follows: Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance, <u>notable trees</u>	In response to the changes made to Rule 22.4.2 and in respect to notable trees, it is logical to add it to this rule.	Accept	15.2
697.834	Waikato District Council	Neutral/Amend	Add a new rule to Rule 22.4.3 RDI (a) Title boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance as follows: (v) <u>Notable trees.</u>	This is as a consequential amendment of the removal of notable tree from Rule 22.4.2 RDI.	Accept	15.2
697.835	Waikato District Council	Neutral/Amend	Add a new matter of discretion to Rule 22.4.3 RDI (b) Title boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance, as follows: (v) <u>Effects on notable trees.</u>	This is as a consequential amendment to the removal of notable tree from Rule 22.4.2 RDI.	Accept	15.2
697.836	Waikato District Council	Neutral/Amend	Add a new rule to Rule 22.4.5 D1(a) Subdivision within identified	This is as a consequential amendment of the removal of natural hazard area from Rule 22.4.2 RDI.	Accept	17.2

			areas, as follows: <u>(ix) A natural hazard area</u>			
FS1387.705	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	17.2
697.837	Waikato District Council	Neutral/Amend	Add a new matter of discretion to Rule 22.4.6 DI (b) Subdivision of land containing all or part of an Environmental Protection Area, as follows: <u>(vi) legal protection if appropriate.</u>	An additional matter of discretion is required to enable the assessment as to whether legal protection is required.	Accept	18.2
FS1387.706	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	18.2
697.838	Waikato District Council	Neutral/Amend	Amend Rule 22.4.8 Subdivision of land containing heritage items heading, as follows: Subdivision of land containing a heritage items	This is to provide clarity to this rule.	Reject	20.2
697.839	Waikato District Council	Neutral/Amend	Amend Rule 22.4.9 RDI (a) Building platform, as	This is to provide clarity to this rule.	Accept	21.2

			<p>follows: (a) Subdivision, other than an access or utility allotment, must provide a building platform on the <u>every</u> proposed lot that <u>meets all of the following conditions</u>: (i) Has an area of 1,000m² exclusive of boundary setbacks; (ii) Has an average gradient not steeper than 1:8; (iii) Is certified by a geotechnical engineer as geotechnically stable <u>and suitable for a building platform</u>; (iv) Has vehicular access in accordance with Rule 14.12.1 P1 (Transportation) (v) Is not subject to inundation in a 2% AEP storm or flood event; (vi) a dwelling could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3.</p>			
697.840	Waikato District Council	Neutral/Amended	<p>Amend Rule 22.4.9(b)(iii) Building platform, as follows: (iii) Likely location of future buildings and their potential effects on the environment;</p>	This is to revise the matter of discretion so that it is meaningful.	Accept in part	21.2
697.841	Waikato District Council	Neutral/Amended	<p>Amend Rule 22.4.1.6 Conservation lot subdivision, to provide further clarity in</p>	The amendments to this rule provides further clarity in the table between areas inside the Hamilton Basin Ecological Management Area and outside makes it easier for the plan users to interpret the rule.	Accept	12.5

			the table between areas inside and outside of the Hamilton Basin Ecological Management Area. Refer to Page 510 of the submission for details.			
697.927	Waikato District Council	Neutral/Amendment	Add new matter of discretion (vi) to Rule 22.4.5 RD1 (b) Site boundaries - Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori, as follows: <u>(vi) effects on notable trees.</u>	This is as a consequential amendment arising from the removal of notable trees from Rule 23.4.5 RD1.	Reject	17.2
FSI 108.28	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Support		Appropriate wording change.	Reject	17.2
FSI 139.27	Turangawaewae Trust Board	Support		Appropriate wording change.	Reject	17.2
701.9	Steven & Theresa Stark	Neutral/Amendment	Add provisions for transferable development rights for landowners who've unwelcome designations placed on their properties which placed restrictions on them, 'on a measure by measure basis.' For example, if a property has a Significant Natural Area or Outstanding Natural Landscape etc. over 10ha of their land, they could be granted transferable development rights enabling them to develop lots equal to a total of 10ha, be it in one lot of 10ha, 10 lots of 1 ha, etc.	The decision requested would be partial compensation for the loss of property rights and restrictions on the land.		

FSI 138.2	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	In part. This is an appropriate mechanism where there is a significant environmental feature present. However, the mechanism needs to be workable.			
FSI277.135	Waikato Regional Council	Oppose	Do not include proposed new rule to allow for transferable development rights where an overlay is shown on a property.	As per implementation method 6.17.3 WRC is supportive of provisions such as transferable development where they allow development to be directed to rural residential zones identified in district plans. This proposed rule allows for ad hoc rural residential subdivision and has the potential to further fragment rural land and contribute to the loss of high quality soils. The supply and location of large lot residential and rural residential land must be considered strategically across the whole district. The district plan must give effect to Policy 6.17 and Implementation Method 6.1.5 under the WRPS.		
706.5	Francis and Susan Turton	Oppose	No specific decision sought, but the submission opposes Rule 22.4.3 RD1 (a) Title boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance.	The restrictions are opposed because some Significant Natural Areas are already divided by existing title boundaries.	Reject	15.2
706.9	Francis and Susan Turton	Oppose	No specific decision sought, but submission opposes Rule 22.4.1.6 RD1 (a) Conservation lot subdivision.	Significant Natural Areas have a value and belong to the property owner. Financial compensation needs to be offered on all Significant Natural Area sites and sizes. Terms and conditions should be negotiated by the property owner.	Reject	12.3
706.10	Francis and Susan Turton	Oppose	No specific decision sought, but submitter opposes Rule 22.4.2 RD1 (a) Title boundaries - natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas.	The restrictions are opposed because some Significant Amenity Landscapes are already divided by existing title boundaries.	Reject	14.2

724.11	Sue Robertson for Tamahere Community Committee	Support	Retain Rule 22.4.1.6 Conservation lot subdivision as notified, particularly the requirement to put conservation covenants in place on the gully or bush area.	The requirement to covenant gullies or bush areas encourages the preservation, on-going care and restoration of these areas and the proposed lot size reduces the area that the landowner is responsible for.	Accept in part	12.4
724.15	Sue Robertson for Tamahere Community Committee	Not Stated	Amend the various rules for subdivision in the Rural Zone to reduce the specified minimum lot size from 8000m2 to 50002.	A lot area of 8000m2 is too large for most people who wish to live rurally and it is not large enough to support grazed animals. 8000m2 is a very big lawn to mow.	Reject	6.2
FS1287.35	<i>Blue Wallace Surveyors Ltd</i>	Support	<i>Blue Wallace seek that Council accept the submission point in its entirety.</i>	<i>The Submitter supports this point as it corresponds with our initial submission. A smaller rural-residential allotment should be provided for so as to allow flexibility for farm succession planning (i.e., a smaller rural residential allotments for retiring farmers). An 8,000m2 minimum allotment is neither practical from, a farming (productivity) or lifestyle perspective.</i>	Reject	6.2
FS1379.279	<i>Hamilton City Council</i>	Oppose		<i>HCC opposes the proposed amendment to reduce the minimum lot size of subdivision in the Rural Zone from 8000 sq.m to 5000 sq.m. Smaller lot sizes are available for rural-residential style development in more suitably zoned areas. The subdivision of rural land down to 5000 sq.m will result in fragmentation and compromise the ability to undertake future urbanisation if this were to occur. This amendment would apply to all rural-zoned land and could result in ad hoc, unchecked and unplanned development in rural areas.</i>	Accept	6.2
742.231	Mike Wood for New Zealand Transport Agency	Neutral/Amended	Retain Rule 22.4.4 RDI Subdivision - Road frontage, except for the amendments sought below AND Amend matter of discretion (b)(i) in Rule 22.4.4 RDI Subdivision - Road frontage as follows: Safety and efficiency of vehicle access and <u>road land transport</u>	The submitter supports a 60m width minimum for lots with a road boundary as this will enable safe separation distance between vehicle entrances. Retaining discretion over safety and efficiency of the road network is also supported with minor amendment.	Accept	16.2

			network; AND Request any consequential changes necessary to give effect to the relief sought in the submission.			
FS1287.39	Blue Wallace Surveyors Ltd	Oppose	Blue Wallace seeks that the submission point be rejected.	The Submitter opposes this submission point to the extent that it supports the 60m road frontage. It is considered that the 60m width is superfluous and other means would be better used to maintain road safety.	Reject	16.2
746.65	The Surveying Company	Oppose	Add full provisions for transferable rural lot subdivision within the Rural Zone to Chapter 22 Rural Zone; AND Add the Operative Waikato District Plan - Franklin Section Rule 22B.12 - Transferable Rural Lot Right including the provision to transfer "approved lots" to Chapter 22 Rural Zone.	There continues to be a demand for countryside living properties, and when there is no supply, the land values escalate. Land values can increase to the point where it becomes more economical to subdivide land to use for country lifestyle residential, rather than to use it for primary production. This would severely affect the districts primary focus to preserve the primary productive capabilities. A large number of lots created for horticulture still remain. These are dispersed across the areas of land with little regard for locational constraints and loss of prime soils if developed as a countryside living property. It is appropriate to provide further countryside living on rural lots that have less versatile soils and can absorb adverse effects, and where redistribution of existing vacant lots/consented lots is achieved. Incentives can be offered for the transfer of existing titles of vacant lots and consented lots into such developments. Many small rural lots that are located in areas of prime/high quality soil do not have houses or other buildings on them. If all these titles were to be fully developed, the consequences would be major. The rural area would change in character and use, from rural to country living. This would have wide-ranging adverse effects on the rural economy, business sector and sustainability of prime/versatile soils. It will provide an opportunity to transfer the title created off the property to another locality that is more appropriate and can absorb the development. There are environment benefits to this subdivision mechanism within the Waikato District for the reasons discussed above and below: - It enables the ability to transfer existing titles and consented titles that contain prime/high quality soils to other more suitable locations within the district that can better absorb development. - It enables land that has prime/high quality soils to be amalgamated together to allow larger farming units that are more efficient to operate as a rural production farming unit. - It enables the transfer of lots created by environmental protection (conservation lots) to localities that can better absorb the development and are more attractive in terms of distance to amenities, town and the motorway. These transfers will	Reject	22.2

				ensure the parent title can continue to operate as a larger and more productive farming unit.		
FSI1343.2	Bruce Cameron	Support	Allow submission point 746.65.	FFNZ supports the amendments for reasons outlined by the submitter.	Reject	22.2
FSI129.26	Auckland Council	Oppose			Accept	22.2
FSI138.21	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	This is an appropriate environmental mechanism, but it must be refined and workable. Both the donor and receiving mechanisms need to be evaluated so that they achieve an appropriate incentive, deliver an environmental outcome, and facilitate appropriate development opportunity.		Reject	22.2
FSI138.23	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	In part. This is an appropriate environmental mechanism, but it must be refined and workable and apply to appropriate zones. Both the donor and receiving entitlements need to be evaluated so that an appropriate mechanism is provided for.		Reject	22.2
FSI1342.206	Federated Farmers	Support	Allow submission point 746.65.	FFNZ supports the amendments for reasons outlined by the submitter.	Reject	22.2
FSI379.292	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	22.2
FSI387.939	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	22.2

746.86	The Surveying Company	Oppose	<p>Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 -Prohibited subdivision from Prohibited to Non-Complying Activities.</p>	<ul style="list-style-type: none"> • There may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. • It is fanciful to think that every subdivision on high class soil would result in a significant adverse effect on the environment. • Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. • There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by covenant. • The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. • It is unfair and unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. • Established rural activities include greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries or commercial orchard activities. • Rural activities do not need to be held on the same certificate of title as other rural activities, and there may be circumstances where subdivision enables more significant opportunities for economic wellbeing and the efficient and effective operation of the activity. • A number of commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than having no other option but to dispose of the entire property, or the need to invest more capital in the operation. • The prohibited activity status prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable in the long-term following its separation from other rural activities on the site. • PR4 states any subdivision of a lot previously amalgamated for the purpose of a transferable lot subdivision is prohibited. • This rule may unreasonably restrict the subdivision potential over and above what is necessary to avoid undermining the intent of the rule under which these Records of Title were created. • Under Rule 22B of the Franklin Section, the donor certificates of title had to meet a minimum area of 1ha each. However there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. • It is noted that under the Franklin Section of the District 	Accept in part	7.2
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				Plan there were no corresponding rules that limited any further subdivision of the donor lot. • While subdividing lots amalgamated under Section 22B of the Franklin Section require closer scrutiny this should merit a Non-Complying status only. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries with a neighbour without creating an outcome that may compromise the prior transferable subdivision. • The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected in the Rural Zone from inappropriate subdivision and development and that subdivision in the Urban Expansion Area does not undermine the integrated and efficient development of this zone.		
FSI 129.34	Auckland Council	Oppose			Accept in part	7.2
FSI 131.39	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FSI 387.957	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
746.87	The Surveying Company	Neutral/Amend	Amend Rule 22.4.1.1- Prohibited subdivision to change all references of "lot" to "Record of Title".	<ul style="list-style-type: none"> • It may be necessary to create multiple lots and hold them in one Record of Title. • This may occur where a stream or a public road bisects land held together in one Record of Title. 	Accept in part	7.2
FSI 387.958	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management	Accept in part	7.2

				controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
746.88	The Surveying Company	Support	Retain Rule 22.4.1.2 (a)(i) – (ii) General Subdivision as notified.	The submitter supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1130.4	James Crisp Holdings & Ryedale Farm Partnership	Support	Accept submission point and retain Rule 22/4.1.2 (a)(i)-(ii) as currently notified.	The 20ha minimum lot size requirement is appropriate for the Rural zoned areas of the Waikato District hence its adoption from the WDP-WS. With regards to rural fragmentation that is addressed in the notified PWDP through 22.4.1.2 (v).	Accept in part	8.2
FS1387.959	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
746.89	The Surveying Company	Support	Add a new discretionary activity to Rule 22.4.1.2 General Subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u>	General subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. This will ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not to meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies and achieving the anticipated environmental results. For lots smaller than 8,000m2 it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm management report should be provided to demonstrate that the both the	Reject	8.2

				proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. The creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other activities on the site should be provided for.		
FS1387.960	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
746.90	The Surveying Company	Oppose	Delete Rule 22.4.1.2(a)(v)-G General Subdivision AND Add a new matter of discretion to Rule 22.4.1.2 RD1 (b)- General subdivision as follows: <u>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</u>	<ul style="list-style-type: none"> • There is no analysis in the s32 report regarding the relevance or practicality of this rule. • The submitter agrees with the intent of this rule, which is to design subdivision to avoid the fragmentation of the high class soils. • The strict and arbitrary 80/20 requirement of this rule may not necessarily result in the best layout, design or farming outcome for the site. • The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. • In addition to the objectives and policies (5.2), would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. • The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. • The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Land use Capability Reporting with every subdivision application under the General Provisions to demonstrate that this exact figure is met. • This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. • Consent planners should have the discretion of where these are required in accordance with the recommended matter of discretion. 	Accept in part	8.2
FS1387.961	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed,</i>	Accept in part	8.2

				<p>or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
746.109	The Surveying Company	Neutral/Amended	<p>Amend Rule 22.4.1.4- Boundary relocation as follows: (a) The boundary relocation must: (i) Relocate a common boundary or boundaries between two or more existing Records of Title or consented lots that existed prior to 18 July 2018.</p>	<p>Boundary relocation provisions support flexibility to allow rural properties to rationalise large landholdings to provide a logical lot arrangement that better supports the farming activity. Boundary relocations typically result in positive effects through the enhancement of the productive farming system and allow for the relocation of potential house sites to more favourable locations. Many farms in the District are held in multiple Records of Title, and have the ability to relocate boundaries and create General and Conservation Lots under the proposed provisions. The submitter would like to see provision made for the relocation of the boundaries of adjacent consented lots and Records of Title held in common ownership as per the Franklin Section of the District Plan Retention of the date, 18 July 2018 is appropriate as it would allow for closer scrutiny and a higher activity status for those Records of Title and consented lots created under the Transferable and Environmental Lot rules of the previous sections of the District Plan which had restrictions on size.</p>	Reject	10.5
FS1379.288	Hamilton City Council	Oppose		<p>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.</p>	Accept	10.5
FS1387.973	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept	10.5
746.110	The Surveying Company	Neutral/Amended	<p>Amend Rule 22.4.1.5 RDI (a)-Rural Hamlet Subdivision to</p>	<p>The submitter supports subdivision provisions for Hamlet subdivision in the Rural Zone. When designed well positive benefits of Rural Hamlets include</p>	Accept in part	11.2

allow for the relocation of consented lots to ensure lots can be clustered within a Hamlet and reduce the lot size requirements to ensure from a visual, character and farming perspective that a Rural Hamlet is achieved. The amendments sought are as follows: (a) Subdivision to create a Rural Hamlet must comply with all of the following conditions: (i) It results in 3 to 5 proposed lots being clustered together; (ii) All existing Records of Title and/or consented lots form one continuous landholding; (iii) Each proposed lot has a minimum of 85,000m²; (iv) Each proposed lot has a maximum area of 1.60ha; ... AND Amend the matters of discretion in Rule 22.4.1.5 RD1 (b)- Rural Hamlet Subdivision as follows: (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimension, shape and orientation of the proposed lots and specified building areas; ... (vii) effects on rural productivity and

shared infrastructure, improved and enhancement of the productive farming system, and providing housing and lifestyle choices within the District. The submitter seeks the inclusion of consented lots, including General and Conservation Lots, in the Hamlet provisions. This would have positive outcomes through the provision of shared infrastructure, enhancement of the production systems. It would also limit the wide dispersal of lots and enable subdivision layout to account for effects from intensive farming or mineral extraction activities. Rural Hamlets can be difficult to achieve in reality and Hamlet design needs to specifically respond to the site circumstances and it may be more appropriate to have smaller size lots to ensure the benefits of Hamlet design are achieved. The purpose of Rural Hamlets is to allow for compact design within a rural setting, dwellings within a Hamlet borrow their rural character and amenity from adjoining rural production land. Five lots at 1.6ha would take up 8ha of land and would visually result in dispersed rural housing, not a Hamlet. The Hamlet provisions should ensure that a response to the landscape context is more important than meeting performance standards relating to lot size and should allow for a reduction in the lot size. Rural character and amenity values will be maintained by the over 20ha balance lot surrounding the Hamlet.

			<u>fragmentation of high class soils.</u>			
FS1379.289	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept in part	11.2
746.111	The Surveying Company	Support	Amend Rule 22.4.1.6 RDI-Conservation on lot subdivision as follows: (a) The subdivision must comply with all of the following conditions: (i) The lot must contain: <u>A. a contiguous area of existing Significant Natural Area</u> either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist <u>which meets; or B. a contiguous area, to be enhanced and/or restored;</u> in accordance with the table below: ... (ii) The area of Significant Natural Area, <u>or area to be enhanced and/or restored,</u> is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area <u>or area to be restored is not already subject to a conservation-covenant pursuant to the Reserves Act-1977 or the</u>	The submitter supports the incentivisation of legally and physically protecting Significant Natural Areas and other areas of existing biodiversity which offers positive benefits for the Region. There is no provision for ecological enhancement and/or restoration in the Conservation Lot Rules. There are significant biodiversity and water quality benefits to be gained from ecological enhancement particularly along waterways and wetland areas. Water quality is a key issue identified by the Regional Policy Statement and The Vision and Strategy (which requires an improvement of water quality in the Waikato catchment, not simply maintenance). It is also recognised in the corresponding Rural Objectives and Policies which seek enhancement of surface and ground water quality and the natural characteristics of waterways. The Plan should be enabling of improving both biodiversity and water quality within the Waikato Catchment and incentivise enhancement and/or restoration of areas that meet one or more criteria in Appendix 2: Criteria for Determining Significance of Indigenous Biodiversity. Revegetation approximately costs \$45,000 to \$70,000 per hectare, excluding fencing of revegetated areas from stock. Incentivisation through subdivision would assist in offsetting this cost and encourage enhancement and/or restoration planting. The submitter seeks that provisions for ecological enhancement and/or restoration of appropriate areas be included in the Conservation Lot Subdivision rules. Appropriate features to be restored should meet one or more criteria in Appendix 2: Criteria for Determining Significance of Indigenous Biodiversity, or areas identified as Significant Natural Areas that don't meet the minimum size requirements for subdivision are able to be increased in size through additional enhancement and/or restoration planting. The submitter agrees that any area that enables subdivision under these rule be legally protected by way of a registered interest on the Record of Title. However other forms of legal protection, such as the vesting of the conservation area in Council ownership (such as an esplanade reserve to afford public access) or by way of a section 221 consent notice (for areas that have unusual management requirement) may be appropriate. The submitter suggests that this rule require legal protection only and leave the mechanism of protection to the discretion	Accept in part	12.3

		<p>Queen Elizabeth II National Trust Act legal protection. (iv) The subdivision proposes to legally protect all areas of Significant Natural Area <u>or area to be restored by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth National Trust Act. (v) An ecological management plan is prepared to address the ongoing management of the covenant-protected area to ensure that the Significant Natural Area <u>area to be protected</u> is a self-sustaining and that plan: A. Addresses fencing requirement for the covenant-protected area; B. Addresses ongoing pest plan and animal control; C. Identifies any enhancement <u>and/or restoration or</u> edge planting required within the covenant-area to be protected. ... (b) Council's discretion is restricted to the following matters: (i) Subdivision layout and proximity of building platforms to Significant Natural Area <u>the area to be protected</u>; (ii) Matters</u></p>	<p>of Council when assessing the application (eg. encumbrance, bond, consent notice, covenant or vesting as a reserve).</p>		
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			<p>contained in an ecological management plan for the covenant-protected area;</p> <p>(iii) Effects of the subdivision on localised rural character and amenity values;</p> <p>(iv) Extent of earthworks including earthworks for the location of building platform and access ways; (v) <u>Mechanism of legal protection for the area to be protected</u></p>			
FSI293.55	Department of Conservation	Support	Seek that the submission point is allowed.	Occasionally restored or enhanced vegetation may meet the threshold level to be considered an SNA. The suggested changes will allow for protection on indigenous vegetation that may not be mapped as a Significant Natural Area but do meet SNA criteria.	Accept in part	12.3
FSI062.104	Andrew and Christine Gore	Support	Allow submission point 746.111.	• It is important that policy reflects strong environmental consideration.	Accept in part	12.3
746.112	The Surveying Company	Support	Amend Rule 22.4.1.6 RDI (iii)-Conservation Lot Subdivision to remove reference to Queen Elizabeth II and the Reserves Act.	Other mechanism maybe more appropriate, including the vesting in Council as Esplanade Reserve or the protection by way of Section 221 Consent Notice.	Reject	12.4
FSI062.105	Andrew and Christine Gore	Support	Allow submission point 746.112.	• It is important that policy reflects strong environmental consideration.	Reject	12.4
746.113	The Surveying Company	Support	Retain Rule 22.4.1.7-Subdivision to create a reserve as notified.	It enhances and incentivises public access through subdivision providing a win-win for the landowner and public.	Accept	13.2
FSI062.106	Andrew and Christine Gore	Support	Allow submission point 746.113.	• It is important that policy reflects strong environmental consideration.	Accept	13.2
746.114	The Surveying Company	Support	Amend Rule 22.4.9 RDI (a)(i) Subdivision - Building Platform as follows: (i) can accommodate a 30m diameter circle has an area of 1,000m ² exclusive of boundary setbacks.	The submitter would like to see this as a 30m diameter circle exclusive of setback, instead of a 1000m' area with no dimensions specified.	Accept in part	21.2

746.115	The Surveying Company	Oppose	<p>Add a new rule to Section 22.4-Subdivision as follows:</p> <p><u>Subdivisions of land containing mapped off-road walkways/trails/cycleways RDI</u></p> <p><u>(a) The subdivision where walkways/trails/cycleways shown on the planning maps are to be provided as part of the subdivision must comply with all of the following conditions:</u></p> <p><u>(i)The walkway/trail/cycle way is at least 3 metres wide and is designed and constructed for shared pedestrian and cycle use, as per Rule 14.12.1 P8 (Transportation);</u></p> <p><u>(ii)The walkway/trail/cycleway is generally in accordance with the walkway/trail/cycleway route shown on the planning maps;</u></p> <p><u>(iii)The walkway/trail/cycleway is shown on the plan of subdivision and vested in the Council.</u></p> <p><u>b)Council's discretion shall be restricted to the following matters:</u></p> <p><u>(i)Alignment of the walkway/trail/cycleway;</u></p> <p><u>(ii)Drainage in relation to the walkway/trail/cycleway;</u></p> <p><u>(iii)Standard of design and construction of the</u></p>	<p>The inclusion of trails/cycleways on the Planning Maps needs to be reflected in the plan provisions, particularly subdivision provisions.</p>	Reject	6.2
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			<p><u>walkway/trail/cycleway; (iv)Land stability; (v)Amenity matters including batter slopes; and (vi)Connection to reserves.</u></p> <p><u>D I A subdivision that does not comply with the above Rule.</u></p>			
FSI307.5	New Zealand Walking Access Commission	Support	WAC is supportive of this proposed addition.		Reject	6.2
FSI342.205	Federated Farmers	Oppose	Disallow submission point 746.115.	FFNZ understands the intent of the submission but does not consider a new rule is required. If a property is being subdivided with these overlays present on the planning maps, those matters can be addressed taking into account site-specific attributes and limitations, during the consent process.	Accept	6.2
FSI387.974	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	6.2
746.141	The Surveying Company	Support	Retain Rule 22.4.1.2 (a)(iv) General subdivision where the creation of a lot between 8,000m2 and 1.6ha is a restricted discretionary activity.	The creation of an additional vacant lot between 8,000m2 and 1.6ha is supported.	Accept in part	8.2
FSI387.984	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land	Accept in part	8.2

				<i>use and development in the Waikato River Catchment is appropriate.</i>		
746.142	The Surveying Company	Neutral/Amended	Add a new matter of discretion to Rule 22.4.1.4-Boundary relocation as follows: <u>Effects on high class soils, farm management and productivity.</u>	Relocation of a lot created under the previous Transferable Lot Rules from an area that contained no high class soils to high class soils would create an adverse outcome. The inclusion of high class soils as a matter of discretion together with the proposed objectives and policies in Chapter 5 (Rural Environment), would provide Council with a robust framework to ensure that adverse effects on high class soils were avoided.	Accept	10.6
FS1387.985	<i>Mercury NZ Limited for Mercury D</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	10.6
746.143	The Surveying Company	Neutral/Amended	Add a new discretionary rule to Rule 22.4.1.6-Conservation lot subdivision as follows: <u>DI (a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6(vi-vii) RDI. (b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii) RDI.</u>	Rule 22.4.1.6.vi requires a minimum area of 8000m', flexibility for lot area should be provided where the lot boundaries encompass an existing dwelling curtilage or established rural activities. This avoids unnecessary fragmentation of productive farming land. This could be addressed as a Matter of Discretion.	Reject	12.6
746.152	The Surveying Company	Not Stated	Amend the Proposed District Plan to be enabling of improving both biodiversity and water quality within the	There are no provisions for ecological enhancement and/or restoration in the Conservation Lot rules. There are significant biodiversity and water quality benefits to be gained from ecological enhancement, particularly along waterways and wetland areas. Revegetation approximately costs \$45,000-\$70,000 per	Accept in part	12.3

			Waikato Catchment, including adding provisions for ecological enhancement and/or restoration of appropriate areas into the Conservation Lot Subdivision rules.	hectare, excluding fencing of revegetated areas from stock. Incentivisation through subdivision would assist in offsetting this cost and encourage enhancement and /or restoration planting. Appropriate features to be restored should meet one or more criteria in Appendix 2: Criteria for Determining Significance of Indigenous Biodiversity, or areas identified as Significant Natural Areas that do not meet the minimum size requirements for subdivision need to be increased in size through additional enhancement and/or restoration planting.		
751.28	Chanel Hargrave and Travis Miller	Oppose	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited Activity to be a non-complying activity, rather than a prohibited activity.	With regards to PR2 and PR3, there may be circumstances where the subdivision of high class soils have overall positive effects that can be supported by objectives and policies. There are circumstances where it may be unavoidable to create a additional Record of Title The rule relies on a definition of High Class Soils which may not be versatile due to a range of factors identified through case law. Unfair to prohibit the creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. Rural activities that do not need to be held on the same certificate of title as other rural activities, there may circumstances where subdivision enables more significant opportunities for economic wellbeing and efficient operations. Commercial reasons would necessitate subdivision including the desire to sell or lease the business partially. Prohibited activity status prevents opportunities for subdivision where there is significant capital investments. PR4 states any subdivision of a lot previously amalgamated for the purpose of a transferable lots subdivision is prohibited. This rule may unreasonably restrict the subdivision potential over and above what is necessary to avoid undermining the intent of the rule under which these Records of Title were created. Under Rule 22B of the Franklin Section require close scrutiny this should merit a non-complying activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries with a neighbour without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed District Plan should be sufficiently strong to protect high class soils. It may be necessary to create multiple lots and hold them in one Record of Title.	Accept in part	7.2
FS1131.40	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional	Accept in part	7.2

				circumstances. The purpose of the RMA could be equally served with a lesser activity status.		
FS1387.1081	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
751.29	Chanel Hargrave and Travis Miller	Support	Retain Rule 22.4.1.2 RDI (a)(i)-(ii) General subdivision	Support the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1387.1082	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
751.30	Chanel Hargrave and Travis Miller	Support	Retain Rule 22.4.1.2 RDI (a)(iv) General subdivision	The creation of an additional vacant lot between 8,000m2 and 1.6ha is supported The creation of any additional lot between 8,000m2 and 1.6ha as a restricted discretionary activity is supported.	Accept in part	8.2
FS1387.1083	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
751.31	Chanel Hargrave and Travis Miller	Neutral/Amended	Add a discretionary activity rule to Rule 22.4.1.2	A discretionary rule should be provided for lots less than 8,000m2 and greater than 1.6ha where they contain an existing dwelling. There may be site specific	Reject	8.2

			<p>General subdivision as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2(iv) RD1. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RD1.</u></p>	<p>factors that create a unique situation that is conducive to the lot size whilst remaining consistent with the Proposed District Plan. General subdivision creating a child lot around an existing dwelling, where a curtilage is established and the farming regime is already in place on the balance lot. This will ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land. For lots smaller than 8,000m2, it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises of existing curtilage around the house, then the lot will not result in any unreasonable effects with respect to productive potential. The creation of lots that accommodate existing and well-established rural activities is appropriate.</p>		
FS1387.1084	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept	8.2
751.32	Chanel Hargrave and Travis Miller	Oppose	<p>Delete Rule 22.4.1.2 RD1(a)(v) General subdivision AND Add a matter of discretion to Rule 22.4.1.2 RD1 (b) as follows; <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>There is no analysis of this rule in the s32 report. Agree with the intent of this rule, however the strict 80/20 requirement may not necessarily result in the best layout, design or farming outcomes. Like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for General Subdivision. Objectives, policies and matters of discretion will sufficiently ensure adverse effects on high class soils are avoided. The 80/20 split requirement will result in the need for Landuse Capability Reporting with every subdivision application under the General Provisions to demonstrate the exact figure was met, which is an additional cost</p>	Accept in part	8.2
FS1387.1085	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management</p>	Accept in part	8.2

				<i>controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
751.36	Chanel Hargrave and Travis Miller	Support	No specific decision is sought, but submission supports the incentivisation of legally and physically protecting Significant Natural Areas and other areas of existing biodiversity.	This offers positive benefits to the region.	Accept in part	12.4
751.50	Chanel Hargrave and Travis Miller	Neutral/Amended	Amend Rule 22.4.1.4 RDI (a) (i) Boundary relocation as follows: (a) The boundary relocation must: (i) Relocate a common boundary or boundaries between two <u>or more</u> existing Records of Title <u>or consented lots</u> that existed prior to 18 July 2018.	Support the inclusion of boundary relocation provisions to support and allow rural properties to rationalise large landholdings. Rural boundary relocation typically is undertaken where land is exchanged between two Records of Title to accommodate the existing farming activity or when a farmer owns multiple titles and wants to create a small rural lot for a dwelling and hold the balance of the farm in one Record of Title. Boundary relocation typically result in positive effects on productive farming systems. The submitter would like to see provision made for the relocation of the boundaries of adjacent consented lots and Records of Title held in common ownership as per the Franklin Section of the Operative District Plan. Consider the retention of the date 18 July 2018 to be appropriate to allow for closer scrutiny and a higher activity status for those Records of Title and consented lots created under the Transferable and Environmental Lot rules of the previous section of the District Plan which had restrictions on size.	Reject	10.5
751.51	Chanel Hargrave and Travis Miller	Neutral/Amended	Retain Rule 22.4.1.5 Rural Hamlet Subdivision except for the amendments sought below. AND Amend Rule 22.4.1.5 Rural Hamlet Subdivision to enable the relocation of consented lots and reduce lot size as follows: (a) Subdivision to create a Rural	Support subdivision provisions for Hamlet subdivision within the Rural Zone. Positive benefits of Rural Hamlets include shared infrastructure, improved and enhanced farming systems and providing lifestyle choices. Seek the inclusion of consented lots (General and Conservation lots) in the Hamlet provisions as it would have positive outcomes through the provision of shared infrastructure and enhancement of production systems. It would also limit wide dispersal of lots. The Hamlet provision should ensure that a response to the landscape context is more important than meeting performance standards relating to lot size. Maintain rural character and amenity values.	Accept in part	11.2

Hamlet must comply with all of the following conditions: (i) It results in 3 to 5 proposed lots being clustered together (ii) All existing Records of Title and/or consented lots form one continuous landholding; (iii) Each proposed lot has a minimum area of ~~8000~~ 5,000m²; (iv) Each proposed lot has a maximum area of 1.6ha; (v) The proposed balance lot has a minimum area of 20ha; and (vi) It does not create any additional lots beyond the number of existing Records of Title; (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimension, shape and orientation of the proposed lots and specified building areas; (ii) effects on rural character and amenity values; (iii) effects on landscape values; (iv) potential for reverse sensitivity effects; (v) extent of earthworks including earthworks for the location of the building platforms and access ways; (vi) effects on rural productivity and fragmentation of

			high class soils.			
FS1379.298	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept in part	11.2
751.52	Chanel Hargrave and Travis Miller	Neutral/Amended	Amend Rule 22.4.1.6 Conservation lot subdivision as follows: RDI (a) The subdivision must comply with all of the following conditions: (i) The lot must contain: <u>A. a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist which meets; or B. a contiguous area to be enhanced and/or restored;</u> in accordance with the table below: ... (ii) The area of Significant Natural Area, <u>or area to be enhanced and/or restored,</u> is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area <u>or area to be restored is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth</u>	The submitter supports the incentivisation of legally and physically protecting Significant Natural Areas and other areas of existing biodiversity which offers positive benefits. There us no provision for ecological enhancement and/or restoration within the Conservation Lot rules. There are significant biodviersity and water quality benefits to be gained from ecological enhancement along waterways and wetlands. Regional Policy Statement identified water quality is a key issue. Rural Zone objectives and policies also seek enhancement of surface and ground water quality. Incentivisation through subdivision would assist in offsetting the cost of enhancement and restoration. Provisions for ecological enhancement and/or restoration of appropriate areas to be included in the conservation lot subdivision rules. Minimum areas for enhancement and/or restoration should be in accordance with Rule 22.4.1.6. Agree that any area that enables subdivision under this rule be legally protected by way of a registered interest on the Record of Title. Suggest that this rule require legal protection only and leave the mechanism to the discretion of Council when assessing.	Accept in part	12.3

~~II National Trust Act legal protection.~~ (iv) The subdivision proposes to legally protect all areas of Significant Natural Area or area to be restored by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth National Trust Act. (v) An ecological management plan is prepared to address the ongoing management of the ~~covenant-protected area~~ to ensure that the ~~Significant Natural Area~~ area to be protected is a self-sustaining and that plan: A. Addresses fencing requirement for the ~~covenant protected~~ protected area; B. Addresses ongoing pest plan and animal control; C. Identifies any enhancement and/or restoration or ~~edge~~ planting required within the ~~covenant~~ area to be protected. ... (b) Council's discretion is restricted to the following matters: (i) Subdivision layout and proximity of building platforms to ~~Significant Natural Area~~ the area to be protected; (ii) Matters contained in an

			ecological management plan for the covenant -protected area; (iii) Effects of the subdivision on localised rural character and amenity values; (iv) Extent of earthworks including earthworks for the location of building platform and access ways; (v) <u>Mechanism of legal protection for the area to be protected</u>			
751.53	Chanel Hargrave and Travis Miller	Neutral/Amended	Delete specific references to Queen Elizabeth II National Trust Act 1977 and the Reserves Act 1977 within Rule 22.4.1.6 RD1 (a)(iii) Conservation lot subdivision.	Other mechanisms may be more appropriate, including the vesting in Council as Esplanade Reserve or the protection by way of s221 Consent Notice. A s221 Consent Notice may be more appropriate for areas that are being restored and require site specific maintenance schedules.	Reject	12.4
751.54	Chanel Hargrave and Travis Miller	Support	Retain Rule 22.4.1.7 Subdivision to create a reserve	Support the enhancement of public access and incentivising the provision of access through subdivision provides a win for both landowners and the public.	Accept	13.2
751.55	Chanel Hargrave and Travis Miller	Neutral/Amended	Amend Rule 22.4.9 (RD1) (a) (i) Subdivision - Building Platform as follows: (i) <u>can accommodate a 30m diameter circle has an area of 1,000m2</u> exclusive of boundary setbacks;	The submitter would like to see this as a 30m diameter circle exclusive of setback, instead of a 1000m2 area with no dimensions specified. Supports the requirement for a building platform.	Accept in part	21.2
751.56	Chanel Hargrave and Travis Miller	Oppose	Add a new rule within Rule 22.4 Subdivision as follows: <u>Subdivisions of land containing mapped off-road walkways/trails/</u>	Include additional trails/cycleways shown on the Planning Maps need to be reflected in the provisions, particularly subdivision provisions for each zone.	Reject	6.2

cycleways RDI
(a) The
subdivision
where
walkways/trails/
cycleways
shown on the
planning maps
are to be
provided as part
of the
subdivision must
comply with all
of the following
conditions (i).
The
walkway/trail/cy
cleway is at least
3 metres wide
and is designed
and constructed
for shared
pedestrian and
cycle use, as per
Rule 14.12.1 P8
(Transportation
); (ii) The
walkway/trail/cy
cleway is
generally in
accordance with
the
walkway/trail/cy
cleway route
shown on the
planning maps;
(iii) The
walkway/trail/cy
cleway is shown
on the plan of
subdivision and
vested in the
Council. (b)
Council's
discretion shall
be restricted to
the following
matters: (i)
Alignment of the
walkway/trail/cy
cleway; (ii)
Drainage in
relation to the
walkway/trail/cy
cleway; (iii)
Standard of
design and
construction of
the
walkway/trail/cy
cleway; (iv) Land
stability; (v)
Amenity
matters
including batter
slopes; and (vi)
Connection to
reserves. D I A
subdivision that

			<u>does not comply with the above Rule.</u>			
FS1387.1097	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	6.2
751.60	Chanel Hargrave and Travis Miller	Oppose	Amend Rule 22.4.1.1 Prohibited Activity to change the references of 'lot' to 'Record of Title'.	It may be necessary to create multiple lots and hold then in one Record of Title.	Accept in part	7.2
751.61	Chanel Hargrave and Travis Miller	Neutral/Amended	Add a new matter of discretion to Rule 22.4.1.4 RDI (b) as follows: <u>(v) Effects on high class soils, farm management and productivity.</u>	This will provide Council with a robust framework to ensure adverse effects on high class soils are avoided.	Accept	10.6
FS137.1100	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	10.6
751.62	Chanel Hargrave and Travis Miller	Neutral/Amended	Add a new discretionary rule Rule 22.4.1.6 Conservation lot subdivision as follows: <u>D1 (a) Conservation lot subdivision</u>	Flexibility for lot area should be provided where the lot boundaries encompass an existing dwelling curtilage or established rural activity.	Reject	12.2

			<p><u>around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6(vi-vii) RDI. (b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii) RDI.</u></p>			
760.3	Patrick Day on behalf of P & B Day	Not Stated	Delete the requirement for boundaries to not divide a Significant Natural Area or Significant Amenity Landscape.	No reasons stated.	Reject	15.2
FS1385.47	Mercury NZ Limited for Mercury B	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure perspective. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept	15.2
FS1276.154	Whaingaroa Environmental Defence Inc. Society	Oppose	WED seeks that the whole submission point be disallowed.	There is no reason for property boundaries and Significant Natural Area or Significant Amenity Landscape to coincide.	Accept	15.2
761.10	Lyndendale Farms Limited	Oppose	Amend the Rule 22.4- Subdivision to allow for subdivision associated with the proposed Retirement Village at 180 Horsham Downs Road, Horsham Downs; including subdivision to separate the proposed retirement village from the	Amendments are required to allow subdivision associated with a Retirement Village activity in the Rural zone. LFL Property (180 Horsham Downs Road) has an area of approximately 52ha and currently comprises a single certificate of title. Existing title was recently created as part of the Waikato Expressway designation. Further subdivision of the existing title is likely either: As part of the proposed Retirement Village Development (create individual certificates of title within the development) and/or To separate the proposed Retirement Village activities from the existing farming activities on the balance of the existing title. Amendments are required to proposed subdivision provisions to allow for the types of subdivision anticipated.	Reject	6.2

			balance of the rural property. AND Amend Rule 22.4.1.1 - Prohibited Subdivision to exclude subdivision associated with a retirement village activity. AND Amend the Proposed District Plan to make any consequential amendments that are required to give effect to the submission.			
FS1379.303	Hamilton City Council	Oppose		HCC opposes the amendment of the subdivision rules to allow for retirement villages in the Rural Zone. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the WRPS and the Future Proof Strategy. Given the significant impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport and social infrastructure, HCC opposes more lenient subdivision provisions.	Accept	6.2
FS1387.1116	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	6.2
761.11	Lyndendale Farms Limited	Oppose	Amend Rule 22.4- Subdivision to allow for subdivision associated with the retirement village activities at 180 Horsham Downs Road as a Restricted Discretionary Activity. AND Add Rule	Amendments are required to the general subdivision rules (22.4.1.2) to provide for subdivision associated with the proposed retirement village at 180 Horsham Downs Road as a Restricted Discretionary Activity.	Reject	6.2

			22.4.1.2 RDI to provide for subdivision associated with a retirement village at 180 Horsham Downs Road, Horsham Downs as a Restricted Discretionary Activity. AND Amend the Proposed District Plan to make any consequential amendments that are required to give effect to the submission.			
FS1379.304	Hamilton City Council	Oppose		HCC opposes the amendment of the subdivision rules to allow for a retirement village as a restricted discretionary activity within the Rural Zone, particularly within Hamilton's Area of Interest. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the WRPS and the Future Proof Strategy. Given the significant impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport and social infrastructure, HCC opposes more lenient subdivision provisions.	Accept	6.2
FS1387.304	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	6.2
763.1	Fiona Jones	Neutral/Amended	Amend the Proposed District Plan to enable subdivision of 25 Renown Road, Waikokowai and 22 McDonald Mine Road, Waikokowai into two.	25 Renown Road is a house, tank, septic tank and separate road/fences/driveway access. Small Significant Natural Area in between both properties. 25 Renown Road was on two titles historically. Subdivision would allow submitter to protect Significant Natural Area and keep the public out. 5 Kauri trees located on 22 McDonald Mine Road side. Unique subdivision as the site was an old school (120 years old).	Reject	23.1

766.53	Nicky Hogarth for Holcim (New Zealand) Limited	Oppose	Delete all references to the title date within Rules 22.4 Subdivision. AND Any additional or consequential relief to give effect to the matters raised in the submission.	No justification to have an arbitrary title date for further subdivision or boundary adjustments. Potential fragmentation issues can be dealt via other less arbitrary mechanisms.	Reject	8.2
FS1379.315	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	8.2
FS137.1158	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
766.54	Nicky Hogarth for Holcim (New Zealand) Limited	Oppose	Delete Rule 22.4.1.1 Prohibited Subdivision. AND Any additional or consequential relief to give effect to the matters raised in the submission.	Effects on soil classification can be managed in other ways (i.e. objectives and policies) which are far more consistent with an effects based approach to resource management. There should be no prohibited activity subdivisions.	Reject	7.2
FS1328.29	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree that high class soils can be managed in other ways more consistent with an effects based approach.	Reject	7.2
FS1387.1159	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	7.2

766.55	Nicky Hogarth for Holcim (New Zealand) Limited	Oppose	Amend Rule 22.4.1.6 Conservation lot subdivision to take into account enhancement planting for the total area to be protected. AND Any additional or consequential relief to give effect to the matters raised in the submission.	There is a significant environmental benefit to be obtained from enhancement planting, particularly to 'join up' areas of SEA (and other non-identified features).	Accept in part	12.3
777.11	Radio New Zealand Limited	Neutral/Amend	Add a new definition for "rural hamlet" to Chapter 13 Definitions.	It is not clear what is meant by "rural hamlet" and a definition would be useful to district plan users.	Reject	6.2
FS1387.1179	<i>Mercury NZ Limited for Mercury D</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	6.2
782.1	Jack Macdonald	Oppose	Amend Chapter 22.4 Subdivision by enabling transferable rural lot right subdivision as a restricted discretionary activity and discretionary activity throughout the Waikato District.	The transferable Rural Lot process allows for the transfer of existing titles or consented conservation lots to more appropriate areas in the district. There is no net increase in the overall number of development rights across the district. On the whole the submitter believes that the process has been working well for many years in the Former Franklin area and is an effective mechanism for promoting development in more appropriate areas whilst protecting high quality versatile soils. To remove the provision for Transferable Rural Lot subdivisions and making it a prohibited activity is unnecessary and compromises the current and proposed objectives for the rural area. The natural outcome of the Transferable Rural Lot process is to transfer existing/consented titles from less intensively developed outlying areas to the more intensively developed central areas. It seeks to manage growth in the rural zones and to avoid the wide dispersal of lots and protection of larger rural blocks. The Transferable Rural Lot provisions of the former Franklin District Plan were designed to protect and enhance the potential use of high quality	Reject	22.2

				<p>versatile soils by encouraging the transfer of surplus titles to more environmentally sustainable locations. This is consistent with the draft District Plan objectives and policies and the objectives of the Resource Management Act 1991. The fact that the former Franklin District is now administered by Waikato District Council does not remove the underlying objectives of wiser use of resources. The same resources remain in the same district. The fact that the administering authority may want a consistent set of subdivision rules across the district is not relevant. By prohibiting the transfer of lots within the District, the proposed objectives and policies may not be able to be met. In particular the removal of the process:</p> <p>Will prevent the consolidation of existing titles</p> <p>Will not promote the protection of productive land or versatile soils within the District;</p> <p>Will not assist in the reorganisation of the wide dispersal of and reduction in rural titles, and will negate opportunities for the retention of land versatility and larger lot sizes in rural areas and for productive farming units to better manage the use of soils and rural land;</p> <p>Will not promote positive effects on the rural environment, rural character and rural amenity;</p> <p>Will not reduce reverse sensitivity effects when existing title rights are developed in rural production areas of the District; and</p> <p>Will not promote positive effects on the rural environment, rural character and rural amenity;</p> <p>Will not reduce reverse sensitivity effects when existing title rights are developed in rural production areas of the District; and</p> <p>Will not promote outcomes that are consistent with the rural objectives and policies.</p> <p>The majority of transferable rural lot subdivision applications in the Waikato District are removing titles for the larger productive land holdings, thus reducing or eliminating adverse effects on unplanned and scattered rural residential development in the more remote rural Waikato, and reducing the burden on infrastructure, particularly in more remote areas.</p> <p>If these rights are now restricted to where they currently are within the Waikato District, they will result in the uptake and development of latent capacity in outlying areas of the District, which is inconsistent with and contrary to the objectives and policies.</p>		
FS1129.27	Auckland Council	Oppose			Accept	22.2
FS1138.22	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	<p><i>In part. This is an appropriate environmental mechanism, but it must be refined and workable. Both the donor and receiving mechanisms need to be evaluated so</i></p>		Reject	22.2

			that they achieve an appropriate incentive, deliver an environmental outcome, and facilitate appropriate development opportunity.			
FS1138.24	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	In part. This is an appropriate environmental mechanism, but it must be refined and workable. Both the donor and receiving mechanisms need to be evaluated so that they achieve an appropriate incentive, deliver an environmental outcome, and facilitate appropriate development opportunity.		Reject	22.2
FS1379.322	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	22.2
FS1387.1226	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	22.2
782.2	Jack Macdonald	Oppose	Amend Rule 22.4.1.2 RD1 (a) (iv) General subdivision, as follows: RD1 (a) Subdivision must comply with all of the following conditions: ... (iv) The additional lot must have a proposed area of between 8,000m2 4000m2 and 1.6 ha;	A lot area range of 8000m2-1.6ha will result in a lifestyle block that is too large and will force developers to turn potentially productive farming paddocks into areas that will not be used for farming and become neglected. The best maintenance of open pasture (all classes of soils) is grazing animals. The lots created will be too small to be productive or grazed, yet they are too big to be easily managed as lifestyle properties. If a landowner is subdividing off an existing farm cottage, the house and curtilage area will be approximately 2000m2. This will result in at least 6000m2 of potentially productive farming land being wasted or not utilised. The high class soil rule will restrict this to some degree because an area of land is not classified as 'high class soil', it doesn't mean	Reject	8.2

				that it can't be used for productive purposes or add valuable support to a farming operation.		
FSI387.1227	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
782.3	Jack Macdonald	Oppose	Delete Rule 22.4.1.4 (a)(i) Boundary relocation. OR Amend Rule 22.4.1.4 (a)(i) Boundary relocation to allow application of this rule to more than two existing Records of Title.	The rule needs to allow for two or more existing titles as many landholdings in the Waikato District are comprised of several titles and the proposed rule will therefore restrict logical layouts. Titles created after 18 July 2018 may be the result of a minor boundary adjustment or the balance of a general subdivision application and it is unreasonable to a discretionary activity test to apply in this instance if rural land use is to be supported and better environmental outcomes achieved. Boundary relocations are a legitimate way to adjust legal boundaries and the potential adverse effects of moving a boundary or title are generally minimal. The assumption is that the intent of Rule (a)(i) is to prevent making new conservation lots or the additional title created from the General subdivision rule, larger in size. This intent will now potentially restrict or make boundary adjustments tougher for larger rural blocks that may have a title created after 18 July 2018 for whatever reason. These newer titles could have been subject to another minor boundary adjustment or could be the larger balance lot of a General subdivision application. The submitter does not think that a further boundary relocation of these larger lots should be a discretionary activity as it then becomes too restrictive on larger land holdings that may be relocating boundaries for legitimate reasons. Rule (a)(i) does not recognise the legitimate need to adjust rural lot boundaries to support rural land use and create a better environmental outcome. It also doesn't allow for the logical restructure of landholdings with more than two existing larger titles. It also doesn't allow for the logical restructure of landholdings with more than two existing larger titles. What if the two titles subject to the boundary relocation are less than 8000m2 to begin with?	Reject	10.5
FSI379.324	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest.	Accept	10.5

				Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.		
FS1387.1228	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.5
782.4	Jack Macdonald	Oppose	Delete the maximum number of titles from Rule 22.4.1.5 Rural Hamlet Subdivision.	The current Rural Hamlet subdivision rule will not be a wholesale provision for better restructuring existing titles on many rural properties, especially larger landholdings. The rural zone varies drastically throughout the district from open flat countryside predominantly used for dairy farming, to more undulating hilly terrain with scattered mature vegetation predominantly used for dry-stock farming. Often the most logical subdivision layout on rural properties that preserve the largest area of land for productive purposes and have the least potential for adverse effects on the surrounding environment, are influenced by the site specific characteristics such as topography, vegetation, road frontage and existing building development on that particular property. Ideally, all new lots clustered together as a hamlet styled subdivision would be great but (unlike the residential zoned land) planning ideology such as the proposed only works on a small minority of the rural zoned land in the District and provision or more desecration needs to be allowed to cater for these other landholdings. In the rural environment, especially in the upper Waikato, these physical restraints greatly restrict such a logical layout. Often it may be a far better result for that particular environment to position the existing titles around existing development on the property or at other ends of the property from each other which could be km's apart and even accessed off different public roads. Making a rural subdivision application a Non-Complying activity for creating a better overall result for that particular environment is too restrictive and needs to be at least a Discretionary activity.	Reject	11.2
782.5	Jack Macdonald	Neutral/Amended	Amend Rule 22.4.1.6 Conservation lot subdivision,	Allowing conservation lots to be created in exchange for riparian planting will incentivise farms to produce significant ecological gains for the district and increase	Accept in part	12.3

			so that this rule provides for riparian planting and clarification on enhancement planting for Significant Natural Areas.	the amount of native vegetation. The cost of planting, fencing and on-going maintenance is substantial and needs to be offset in order to incentivise ecological enhancement. The Auckland Unitary Plan has resulted in a significant drop in riparian planting and Waikato District Council should not follow this example. The rules imply that the current amount of native vegetation is adequate. A sign-off from an ecologist to certify that the riparian planting is self-sustaining would be necessary.		
782.12	Jack Macdonald	Neutral/Amend	Amend Rule 22.4.1.5 Rural Hamlet Subdivision to be a discretionary activity rather than a non-complying activity if there is non-compliance with Rule 22.4.1.5 RDI (a)(i)-(v).	The default activity status of non-complying is too restrictive and it is more appropriate for applications that breach this rule to be considered as a discretionary activity when there is logic for the final title layout.	Reject	11.2
782.13	Jack Macdonald	Oppose	Delete Rule 22.4.1.2 (v) General Subdivision regarding high class soils.	Land Use Capability Assessments are expensive and the 80%/20% requirement is difficult to understand given the objective of retaining high class soil. It would be more appropriate for the rule to refer to the actual size of the high class soils. For instance, a larger rural property that only has 10% high class soils may have significantly more of these soils than a smaller property that has 80% high class soils. The rule is open to interpretation. This rule will be difficult to administer. This rule makes compliance harder with no actual gain.	Reject	8.2
FS1387.1232	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
782.17	Jack Macdonald	Oppose	Amend Rule 22.4.9 RDI (a)(iii) Subdivision - Building platform, as follows: (a)	The proposed maximum gradient of 1:8 is too restrictive for the Rural Zone, particularly in the upper Waikato District where building sites are more likely to be on undulating topography. The objectives and policies promote the location of new lots away from high class soils and the rule	Reject	21.2

			Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that: ... (ii) Has an average gradient not steeper than 1:6;	will therefore force new lots and building sites to locate on steeper topography. A grade of 1:6 is still workable and as long as a geotechnical report supports the location.		
794.19	Middlemiss Farm Holdings Limited on behalf of	Oppose	Delete Rule 22.4.1.1 Prohibited subdivision; AND Add more enabling provisions for subdivision. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Based on the Council's own evidence there is no doubt that a significant resource management issue for the District is biodiversity loss, which continues to be at risk due to vegetation clearance, stock intrusion, animal and pest degradation, degradation of the margins for estuarine wetlands by stock. The submitter is concerned that the Proposed District Plan is largely focused on only protecting existing Significant Natural Areas and ignores restoring, linking and expanding indigenous biodiversity that does not qualify as Significant Natural Areas. There is no regulatory framework to increase indigenous vegetation and wetlands to a target vegetation cover of 30%, actively manage areas that can be considered Significant Natural Areas in the future, increase vegetation cover on steep and erosion prone land, incentivize fencing of riparian areas, incentivize the creation of new corridors, pest control, enrichment planting and restoration. No comprehensive research supports the claim that incentive-based planting in the district has resulted in sporadic, adhoc development. There appears to be no robust analysis of the success or failures of the limited amount of enhancement subdivision that has previously been undertaken in the Franklin part of the District that had these provisions. Several court decisions including Di Andre Estates Ltd v Rodney District Council, Arrigato Investments v Auckland Regional Council, Omaha Park and Cabra v Auckland Council are useful for establishing current best practice to meet the requirements of Part 2 of the RMA. Cabra v Auckland Council case law notes that the Council could not use the fact that there may be issues with weeds, or poor fencing, as a reason to oppose the inclusion of incentive provisions in the Plan, because it had the authority and responsibility to monitor consent conditions. There are a range of enforcement mechanisms available to a council, and the ability to recover costs from a consent holder, that mean managing compliance in these areas should not be onerous for a council. The court in the Cabra case has taken a far sighted and future oriented approach to the maintenance and enhancement of biodiversity. The	Reject	7.2

				Proposed District Plan does not give effect to the New Zealand Coastal Policy Statement. The Proposed District Plan does not give effect to the National Policy Statement for Freshwater Management. The Proposed District Plan does not adopt the vision of the Waikato River Settlement Act as there is not a strong emphasis in the vision on restoration. The Proposed District Plan does not give effect to the Waikato Regional Policy Statement. The submitter supports appropriate protection of high-class soils where practicable and where they are alternatives to using this land. However, sustainable land management may mean that subdivision on these soils is not always inappropriate.		
FS1328.30	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree with the submitter that subdivision on high class soils is not always inappropriate. Agree that vegetation should be increased on steep and erosion prone land. Note that steep and erosion prone land can contain high class soils and, in such cases, may not be suitable for primary production. Refer to WRPS Implementation Method 14.2.1 (e): where high class soils removal or disturbance cannot be avoided it should be used to rehabilitate the land. Conditions can be placed on subdivision consent to ensure rehabilitation of the land, potentially through the planting of vegetation in erosion prone areas.	Reject	7.2
FS1308.132	The Surveying Company	Support		We support the deletion of the Prohibited Subdivision Rule.	Reject	7.2
FS1379.327	Hamilton City Council	Oppose		HCC opposes the deletion of Rule 22.4.1.1 Prohibited subdivision, for the reasons set out in its submission.	Accept	7.2
794.20	Middlemiss Farm Holdings Limited on behalf of	Oppose	Delete Rule 22.4.1.2 General subdivision; AND Add more enabling provisions as a replacement. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	To enable appropriate subdivision.	Reject	8.2
FS1328.31	Kenneth Graham Barry	Support	Allow the submission point in full.	Agree that appropriate subdivision should be enable and consider that Rule 22.4.1.2 is unduly restrictive and places unreasonable burdens on landowners.	Reject	8.2
FS1379.328	Hamilton City Council	Oppose		HCC opposes the deletion of Rule 22.4.1.2 General Subdivision, for the reasons set out in its submission.	Accept	8.2
FS1387.1250	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate	Accept	8.2

				<p>from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
794.21	Middlemiss Farm Holdings Limited on behalf of	Oppose	Delete Rule 22.4.1.4 Boundary relocation; AND Add more enabling provisions as a replacement. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	To enable appropriate subdivision.	Reject	10.2
FS1379.329	Hamilton City Council	Oppose		HCC opposes the deletion of Rule 22.4.1.4 Boundary relocation. Subdivision in the Rural Zone should be limited and should be of a scale and nature that supports the continued use of the Rural Zone for productive rural activities.	Accept	10.2
FS1387.1251	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.2
794.22	Middlemiss Farm Holdings Limited on behalf of	Oppose	Delete Rule 22.4.1.5 Rural Hamlet Subdivision; AND Add more enabling provisions as a replacement. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the	To enable appropriate subdivision.	Reject	11.2

			submission.			
794.23	Middlemiss Farm Holdings Limited on behalf of	Oppose	Delete Rule 22.4.1.6 Conservation lot subdivision; AND Add more enabling provisions as a replacement. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	To enable appropriate subdivision.	Reject	12.4
FSI308.133	The Surveying Company	Support		We are generally supportive of the content of this submission as it relates to incentivized environmental lots as discussed elsewhere in this document.	Reject	12.4
794.24	Middlemiss Farm Holdings Limited on behalf of	Oppose	Delete Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area and Add more enabling provisions as a replacement. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	To enable appropriate subdivision.	Reject	18.2
FSI387.1252	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	18.2
794.25	Middlemiss Farm Holdings Limited on	Oppose	Delete Rule 22.4.9 Subdivision -	To enable appropriate subdivision.	Reject	21.2

	behalf of		Building platform AND Add more enabling subdivision as a replacement. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.			
794.26	Middlemiss Farm Holdings Limited on behalf of	Neutral/Amended	Add a new rule to provide for in-situ incentive subdivision for environmental enhancement. Submission suggests the Auckland Unitary Plan could be used for guidance. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	To enable appropriate subdivision. Based on the Council's own evidence there is no doubt that a significant resource management issue for the District is biodiversity loss, which continues to be at risk due to vegetation clearance, stock intrusion, animal and pest degradation, degradation of the margins for estuarine wetlands by stock. The submitter is concerned that the Proposed District Plan is largely focused on only protecting existing Significant Natural Areas and ignores restoring, linking and expanding indigenous biodiversity that does not qualify as Significant Natural Areas. There is no regulatory framework to increase indigenous vegetation and wetlands to a target vegetation cover of 30%, actively manage areas that can be considered Significant Natural Areas in the future, increase vegetation cover on steep and erosion prone land, incentivize fencing of riparian areas, incentivize the creation of new corridors, pest control, enrichment planting and restoration. No comprehensive research supports the claim that incentive-based planting in the district has resulted in sporadic, adhoc development. There appears to be no robust analysis of the success or failures of the limited amount of enhancement subdivision that has previously been undertaken in the Franklin part of the District that had these provisions. Several court decisions including Di Andre Estates Ltd v Rodney District Council, Arrigato Investments v Auckland Regional Council, Omaha Park and Cabra v Auckland Council are useful for establishing current best practice to meet the requirements of Part 2 of the RMA. Cabra v Auckland Council case law notes that the Council could not use the fact that there may be issues with weeds, or poor fencing, as a reason to oppose the inclusion of incentive provisions in the Plan, because it had the authority and responsibility to monitor consent conditions. There are a range of enforcement mechanisms available to a council, and the ability to recover costs	Accept in part	12.3

				<p>from a consent holder, that mean managing compliance in these areas should not be onerous for a council. The court in the Cabra case has taken a far sighted and future oriented approach to the maintenance and enhancement of biodiversity. The Proposed District Plan does not give effect to the New Zealand Coastal Policy Statement. The Proposed District Plan does not give effect to the National Policy Statement for Freshwater Management. The Proposed District Plan does not adopt the vision of the Waikato River Settlement Act as there is not a strong emphasis in the vision on restoration. The Proposed District Plan does not give effect to the Waikato Regional Policy Statement. The submitter supports appropriate protection of high-class soils were practicable and where they are alternatives to using this land. However, sustainable land management may mean that subdivision on these soils is not always inappropriate.</p>		
794.27	Middlemiss Farm Holdings Limited on behalf of	Neutral/Amended	<p>Add a transferable development right subdivision regime, particularly to relocate lots from elite soils that are inappropriately located. The submission suggests the Auckland Unitary Plan could be used for guidance. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>	<p>Potential inclusion of transferable development right subdivision regime, particularly to relocate small lots from elite soils that are inappropriately located. While not finally determined yet, and with spatial and temporal issues still to be finally addresses through the appeal process, the Auckland Unitary Plan provisions could be used for guidance.</p>	Reject	22.2
FS1138.3	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	<p><i>In part. This is an appropriate environmental mechanism, but it must be refined and workable.</i></p>		Reject	22.2
FS1379.330	Hamilton City Council	Oppose		<p><i>HCC opposes any changes to the plan that may result in additional subdivision in Rural Zones. Subdivision in the Rural Zone should be limited and should be of a scale and nature that supports the continued use of the Rural Zone for productive rural activities.</i></p>	Accept	22.2
794.28	Middlemiss Farm Holdings Limited on behalf of	Neutral/Amended	<p>Amend the Proposed District Plan by introducing</p>	<p>The natural and physical environments of the Auckland Region, particularly in the southern part, and the Waikato District are reasonably similar. Issues such as the</p>	Reject	12.4

			<p>provisions from the Auckland Unitary Plan, including incentivised subdivision rules for the General Rural Area for Ecological benefit.</p> <p>AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>	<p>protection of high-class soils, Significant Ecological Areas, the need for ecological enhancement, and the need to manage growth in rural areas are common in both jurisdictions. The Auckland Unitary Provisions were developed by an expert Hearings Panel with the benefit of a substantial amount of expert evidence and legal submissions. The provisions have been recently tested in several appeals to the High Court and the Environment Court and have generally been found to be robust and meet the purposes of the Resource Management Act.</p>		
794.30	Middlemiss Farm Holdings Limited on behalf of	Neutral/Amended	<p>Amend the Proposed District Plan to enable the creation of up to 2 additional lots at 95 Jericho Road, Pukekohe East for a minimum 3ha of restoration and protection of indigenous vegetation. The size of the new lots could be between 5000m² to 1.5ha. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>	<p>Incentive mechanisms are appropriate and necessary to afford the degraded stream on the property the protection it requires.</p>	Reject	12.5
794.31	Middlemiss Farm Holdings Limited on behalf of	Support	<p>No specific decision sought, but the submission supports any opportunity for 95 Jericho Road, Pukekohe East that is available under any rules in the Proposed District Plan, including for sites with older titles and larger than 20ha.</p>	<p>The submitter support further subdivision opportunities at 95 Jericho Road, Pukekohe East.</p>	Reject	8.2

			AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.			
FS1268.13	Jennie Hayman	Support	Support in part. As requested by this submitter, revisiting the issues, and correctly identifying same, is a prerequisite to developing a suite of objectives, policies and methods that are fit for purpose.	The submitter identifies the fundamental flaws in the proposed plan which fails in addressing key resource management principles, i.e. Part 2. The RMA purpose and principles are interlinked and should not be cherry-picked to suit a particular regime. An example of an outcome of this flawed approach (and which has been repeated in various regional plans) is the restriction of rural subdivision to holdings of 20ha (or 40ha if WRC and others prevail) – the illogic of this contradiction (that allowing only large blocks to be subdivided will somehow reduce fragmentation of large blocks), seems inexplicably difficult for some to accept and acknowledge – and yet it is self-evident.	Reject	8.2
FS1387.1253	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
794.32	Middlemiss Farm Holdings Limited on behalf of	Neutral/Amend	Amend the provisions within Chapter 22.4 Subdivision, to provide for incentivised subdivision rules to enable ecological benefit within the rural area as a restricted discretionary activity as follows: (b) <u>In situ opportunity in all rural zones but which are subject to overlay rules for outstanding landscapes, features etc.</u> (c) <u>Lot yields Restoration planting: I new</u>	Introduce the Auckland Unitary Plan provisions because the natural and physical environments of the Auckland Region and the Waikato District are reasonably similar and addresses issues such as the protection of high-class soils, Significant Ecological Areas, the need for ecological enhancement, and the need to manage growth in rural areas are common in both jurisdictions. Based on the Council's own evidence there is no doubt that a significant resource management issue for the District is biodiversity loss, which continues to be at risk due to vegetation clearance, stock intrusion, animal and pest degradation, degradation of the margins for estuarine wetlands by stock. The submitter is concerned that the Proposed District Plan is largely focused on only protecting existing Significant Natural Areas and ignores restoring, linking and expanding indigenous biodiversity that does not qualify as Significant Natural Areas. There is no regulatory framework to increase indigenous vegetation and wetlands to a target vegetation cover of 30%, actively	Accept in part	12.3

lot for every 2ha minimum
Retirement succession: 1 new lot for every 4ha minimum
Wetland establishment: 1 new lot for every 0.5ha establishment (excluding buffer areas)
Riparian protection: 1 new lot for every 1.5ha minimum (minimum width of 10m and an average minimum of 1.5m either side of the stream bank or wetland.
(d) the submitter considers whether a maximum cap be applied (e) lots with sizes ranging between 500m2 and 1.5ha. (f) clustering of lots is encouraged but not required as it is a design response issue and site dependent.
AND
Amend the provisions within Chapter 22.4 Subdivision for incentivise subdivision rules to enable ecological benefit within rural areas by incorporating the following Restricted Discretionary Assessment Criteria as follows: (a) Site specific design led approach to the identification of protection/enhancement areas, lot boundaries and building

manage areas that can be considered Significant Natural Areas in the future, increase vegetation cover on steep and erosion prone land, incentivize fencing of riparian areas, incentivize the creation of new corridors, pest control, enrichment planting and restoration. No comprehensive research supports the claim that incentive-based planting in the district has resulted in sporadic, adhoc development. There appears to be no robust analysis of the success or failures of the limited amount of enhancement subdivision that has previously been undertaken in the Franklin part of the District that had these provisions. Several court decisions including Di Andre Estates Ltd v Rodney District Council, Arrigato Investments v Auckland Regional Council, Omaha Park and Cabra v Auckland Council are useful for establishing current best practice to meet the requirements of Part 2 of the RMA. Cabra v Auckland Council case law notes that the Council could not use the fact that there may be issues with weeds, or poor fencing, as a reason to oppose the inclusion of incentive provisions in the Plan, because it had the authority and responsibility to monitor consent conditions. There are a range of enforcement mechanisms available to a council, and the ability to recover costs from a consent holder, that mean managing compliance in these areas should not be onerous for a council. The court in the Cabra case has taken a far sighted and future oriented approach to the maintenance and enhancement of biodiversity. The Proposed District Plan does not give effect to the New Zealand Coastal Policy Statement. The Proposed District Plan does not give effect to the National Policy Statement for Freshwater Management. The Proposed District Plan does not adopt the vision of the Waikato River Settlement Act as there is not a strong emphasis in the vision on restoration. The Proposed District Plan does not give effect to the Waikato Regional Policy Statement. The submitter supports appropriate protection of high-class soils where practicable and where they are alternatives to using this land. However, sustainable land management may mean that subdivision on these soils is not always inappropriate.

			<p>platforms; (b) <u>Priority provided for the LENZ 4 most at-risk land wetlands and streams;</u> (c) <u>Opportunity for linkages to other existing or future ecological areas;</u> (d) <u>The qualities and features of the resources to be protected/enhanced;</u> (e) <u>Locating accessways and building platforms, where practicable; off elite soils; where reverse sensitivity risk is managed; to maintain rural production (broadly defined); and to maintain and enhance rural amenity values.</u> (f) <u>The ecological and other benefits of the enhancement;</u> and (g) <u>Legal long-term protection and maintenance mechanisms.</u></p> <p>AND</p> <p>Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>			
FS1343.1	Bruce Cameron	Support	<p>Allow submission point 797.32.</p>	<p>FFNZ supports the submission. The PDP has focussed conservation lot subdivision on SNAs and is missing an opportunity to incentivise other biodiversity gains such as restoring, linking and expanding indigenous biodiversity that may not be an SNA, including manmade wetlands, and other areas which would benefit from active management such as erosion prone land or riparian margins.</p>	Accept in part	12.3
FS1342.220	Federated Farmers	Support	<p>Allow submission point 794.32.</p>	<p>FFNZ supports the submission. The PDP has focused conservation lot subdivision on SNAs and is missing an opportunity to incentivise other biodiversity gains such as restoring, linking and expanding indigenous biodiversity that may not be an SNA, including manmade wetlands, and other areas which would benefit from active</p>	Accept in part	12.3

				management such as erosion prone land or riparian margins.		
FSI379.332	Hamilton City Council	Oppose		HCC opposes any provisions that may result in additional subdivision in Rural Zones. Subdivision in the Rural Zone should be limited and should be of a scale and nature that supports the continued use of the Rural Zone for productive rural activities.	Accept in part	12.3
FSI387.1254	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	12.3
797.35	Fonterra Limited	Support	Retain Rule 22.4.1.5 (b)(iv) Rural Hamlet subdivision as notified.	Supports the inclusion of reference to reverse sensitivity as a matter reserved for discretion.	Accept in part	11.2
FSI387.1274	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	11.2
798.32	Ngati Te Ata	Neutral/Amend	Amend Rule 22.4.1.6 Conservation lot subdivision to include wetland protection in a separate box.	Assumed conservation lot can be a stream, wetland or bush covenant. A wetland over 2ha in size is rather large. With few wetlands remaining this is not considered to be an incentive to protect remaining wetlands.	Accept in part	12.3
800.4	Environmental Management Solutions Limited	Oppose	Delete all provisions regarding contaminated land from Rule 22.4.2 (Title boundaries – natural hazard area, contaminated	The submitter considers it unacceptable and nonsensical to include contaminated land in with notable trees, intensive farming and aggregate extraction areas, significant amenity landscapes etc. as is proposed. The provisions set out within the rules contradict those detailed within the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health) Regulations 2011 (NESCS)	Accept	14.2

			land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas); AND Add a new set of rules specifically relating to contaminated land that align with the Resource Management National Environmental Standard for Assessing and Managing Contaminants in Soil to protect Human Health (Regulations 2011), such as Sections 30 and 31 of Wellington City Council Plan.	which overrides any planning provision. Regulation 5(5) of the NESCS specifies subdivision as an activity to which the standards applies where an activity that can be found on the Ministry for the Environment Hazardous Activities and Industries List (HAIL) has, is or is more likely than not to have occurred on a property. The regulations have a specific pathway to follow. In many cases it is through the subdivision application that a report investigating and identifying the contamination on a property is identified. This may include several areas, large or small irrespective of proposed subdivision boundaries. For subdivision to be enabled soil contaminant standards set by the NESCS or the site has to be satisfactorily managed. It is considered most appropriate for potentially contaminated land to have a separate rule that reflects the requirements of the NESCS.		
FS1387.1293	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Reject	14.2
814.2	Jenny Goodwright for Awaroa Farm Ltd	Oppose	Amend Rule 22.4 Subdivision and 22.4.1 PR4 (a) Prohibited subdivision, to maintain the Transferable Rural Lot subdivision provisions.	The Transferable rural lot process simply reshuffles existing titles or lots created through environmental bush protection to more appropriate areas within the district. There is no increase in the number of development rights. Will end up with land locked titles that no one will be able to build on. This will not help the housing shortage.	Reject	7.2
FS1387.1300	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood	Accept	7.2

				hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
821.12	The Poultry Industry Association of New Zealand; I Brinks NZ Chicken; The Egg Producers Federation of on behalf of	Support	Retain Rule 22.4.9 RDI (a)(vi) Building platform.	It is appropriate that building platforms must be identified where they can comply with the rules for permitted buildings.	Accept in part	21.2
FS1265.75	Mainland Poultry Limited	Support	Allow.	Agree that building platforms must be identified where they can comply with the rules for permitted buildings and that it is appropriate to add corresponding matters of discretion.	Accept in part	21.2
FS1317.10	Quinn Haven Investments Limited and M & S Draper	Oppose		The effects on any type of poultry farming (free range or housed) can be significant and are not akin to traditional farming (dairy, sheep), predominantly due to the density of chickens on that land. This density can result in adverse noise, smell and dust effects on neighbouring sites, where such effects are made worse when abutting a zone that is not rural as well. All poultry farming is still an intensive use of land and should remain as being defined as intensive farming, requiring a resource consent to be established in any zone.	Reject	21.2
821.13	The Poultry Industry Association of New Zealand; I Brinks NZ Chicken; The Egg Producers Federation of on behalf of	Neutral/Amend	Add the following matters of discretion to Rule 22.4.9 Subdivision - Building platform: <u>Proximity to an intensive farming activity</u> <u>Reverse sensitivity effects</u>	No reasons provided.	Accept in part	21.2
FS1076.15	New Zealand Pork Industry Board	Support			Accept in part	21.2
FS1265.76	Mainland Poultry Limited	Support	Allow.	Agree that building platforms must be identified where they can comply with the rules for permitted buildings and that it is appropriate to add corresponding matters of discretion.	Accept in part	21.2
827.52	New Zealand Steel Holdings Ltd	Neutral/Amend	Add a new discretionary activity rule within Section 22.4 Subdivision as follows: <u>DI Subdivision of land within 200m of an Aggregate Extraction Area</u> AND Any other further or consequential	The intent of the Aggregate Extraction Area is to identify existing extractive industries, and manage reverse sensitivity issues. The subdivision rules apply only to the Aggregate Extraction Area and not to the 200m buffer area adjacent to that. The application of the Aggregate Extraction Area is not consistent with its intent. Seeks the same buffer area as that applied to the Building setback for sensitive land use.	Reject	6.2

			amendments required.			
831.33	Gabrielle Parson on behalf of Raglan Naturally	Neutral/Amended	Add more provisions about food safety to Rule 22.4.1.1 Prohibited Subdivision.	Limiting subdivision on high class soils is only part of the solution to ensuring food security. Other provisions should refer to organic food, fertiliser availability, climate change, biosecurity, transport disruption and other factors likely to affect continuity of food supplies. Raglan Naturally Environment snapshot suggests more food production on a range of scales from backyard to commercial. Raglan Naturally Education and Community Wellbeing snapshot supports community gardens. Comments about security were made at the start of consultation and seem likely to gain wider support.	Reject	7.2
FS1308.155	The Surveying Company	Oppose		<i>Protecting and managing the District's high-class soil can be achieved by robust objectives and policies, and restrictive activity status. Prohibiting subdivision as proposed, in our experience, often results in unintended consequences which inhibit subdivision that would otherwise merit approval in the context of the objectives and policies of the Plan, high order planning provisions and Part 2 of the RMA.</i>	Accept	7.2
837.2	Stuart Seath	Oppose	Delete Rule 22.4.1.2 RDI (a)(i) General Subdivision in relation to the property at 679 Whatawhata Road, Whatawhata.	The general subdivision rules are restrictive and unreasonable. The rules should enable the subdivision of uneconomic blocks. This would provide for better utilisation of the property.	Reject	8.2
FS1379.350	Hamilton City Council	Oppose		<i>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. Given the significant impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport and social infrastructure, HCC opposes more lenient subdivision provisions.</i>	Accept	8.2
FS1387.1363	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2

837.3	Stuart Seath	Oppose	Delete Rule 22.4.1.2 RDI (a)(iii) General Subdivision, in relation to the property at 679 Whatawhata Road, Whatawhata.	The general subdivision rules are restrictive and unreasonable. The rules should enable the subdivision of uneconomic blocks. This would provide for better utilisation of the property.	Reject	8.2
FS1062.108	Andrew and Christine Gore	Support	Allow submission point 837.3.	• It is important to recognise that some small blocks are uneconomic, fragmented and best use would be to develop.	Reject	8.2
FS1379.351	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. Given the significant impacts that further subdivision within the area are likely to have on the infrastructure within Hamilton, namely transport and social infrastructure, HCC opposes more lenient subdivision provisions.	Accept	8.2
FS1387.1364	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	8.2
838.9	Madsen Lawrie Consultants	Neutral/Amend	Add to Rule 22.4.1.1 PR3(c) Prohibited subdivision as follows: (c) Rule PR3 (a) does not apply to the following: ... (iii) a transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.	No reason provided.	Reject	8.2
FS1129.30	Auckland Council	Oppose			Accept	8.2
FS1387.1371	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate	Accept	8.2

				<i>from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
838.10	Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1(a)(iv) Boundary relocation to reduce the minimum lot size resulting from boundary relocation to at least 4,000m ² , if not 2,500m ² . OR Amend Rule 22.4.1.4(a)(iv) Boundary relocation to include a specific clause enabling boundary relocation for pre-existing lots smaller than 8,000m ² that have been previously created via compliance with the Franklin Section of the Operative Waikato District Plan.	Under the Operative Waikato District Plan Franklin Section, there is provision for lot size of down to 2,500m ² in the Rural Zone. By imposing a minimum lot size requirement of 8,000m ² for lots resulting from boundary relocation it would preclude lots smaller than 8,000m ² that have been created under the current Franklin section of the Operative District Plan from being able to undertake boundary relocation subdivision in the future. A minimum lot size of 8,000m ² will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. 8,000m ² is not a management sized lot and rural usage of the land will not be utilised to its full potential.	Reject	10.2
838.11	Madsen Lawrie Consultants	Support	Retain the indicated areas to be legally protected and the resultant maximum number of new records of title in Rule 22.4.1.6(a)(i) Conservation lot subdivision as notified.	The proposed contiguous area required for the production of new records of title are achievable and appropriate within the region and will serve to protect generous regions of significant natural areas.	Accept in part	12.5
838.13	Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6(a)(vi) Conservation lot subdivision to reduce the minimum lot size requirement from 8,000m ²	A minimum lot size of 8,000m ² will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. 8,000m ² is not a manageable-sized lot and rural usage of the land will not be utilised to its full potential. The Franklin region has been allowed to subdivide down to 2500m ² in the Rural Zone and this needs to be considered	Reject	12.6

			to 2,500m2 or 4,000m2.	and incorporated, especially with regard to the existing rural character. Regional Council has a 2500m2 minimum in the Rural Zone.		
838.14	Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6(a)(vii) Conservation lot subdivision to increase the maximum lot size for proposed lots (excluding the balance lot) to more than 1.6ha.	There should be the opportunity to make lots larger than 1.6ha it is appropriate for the site and will enhance rural activities or is more in character with the surrounding area.	Reject	12.6
838.15	Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.6(a)(vii) Conservation lot subdivision by removing references to "of its equivalent in a previous District Plan". The rule should instead reference any feature protected under the Proposed Plan only.	This rule appears to preclude any protection of existing unprotected qualifying or significant natural features that since the previous environmental lot subdivision qualify for protection under the proposed rules.	Reject	12.7
838.18	Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2 General subdivision to note or refer to exceptions to this rule, as in the Operative District Plan, i.e. those that are classified as Prohibited subdivision.	Specification of exceptions to this rule will ease interpretation and understanding of the rule.	Accept	8.2
<i>FS1387.1375</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	<i>Reject</i>	<i>8.2</i>

838.20	Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2(a)(i) General subdivision to match the issue of title date with the operative date of the Proposed District Plan.	The Proposed District Plan is incorporating Franklin section titles that have not had this opportunity for subdivision previously so should not be penalised by the implementation of the date restriction which is only relevant to the Waikato section of the Operative District Plan.	Reject	8.2
838.21	Madsen Lawrie Consultants	Support	Retain Rule 22.4.1.2(a)(ii) General Subdivision	This minimum title size is appropriate for the rural area and will serve to not fragment land within the district.	Accept in part	8.2
FS1130.3	James Crisp Holdings & Ryedale Farm Partnership	Support	Accept submission point and retain Rule 22.4.1.2 (a)(ii) as notified.	The 20ha minimum lot size requirement is appropriate for the Rural zoned areas of the Waikato District hence its adoption from the WDP-WS. With regards to rural fragmentation that is addressed in the notified PWDP through 22.4.1.2 (v).	Accept in part	8.2
FS1387.1377	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
838.22	Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2(a)(iii) General subdivision as follows: The proposed subdivision must create no more than one additional lot, excluding an access, <u>for every compliant parent certificate of title.</u>	As the rule reads in its current form it is not clear that subdivision must not create more than one lot per every compliant parent certificate of title. It could be interpreted that no more than one lot is created per subdivision regardless of the number of compliant parent certificate of titles that are involved.	Accept in part	8.2
FS1387.1378	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate	Accept in part	8.2

				<i>significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
838.23	Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.2(a)(iv) General subdivision to reduce the minimum lot size to 4,000m2.	A minimum lot size requirement of 4,000m2 will allow for some flexibility while still providing generous sized lots appropriate in the Rural Zone. A minimum lot size of 8,000m2 will only serve to fragment rural land and potentially designate productive land for inappropriate use in large residential lots. 8000m2 is not a manageable sized lot and rural usage of the land within many 8000m2 lots will not be utilised to its full potential. Regional council has a 2,500m2 minimum in the Rural Zone which should be considered when designating lot minimum area so as to minimise urban sprawl and best maintain the rural land resources in the district. This is particularly relevant for the Franklin area as subdivision is currently allowable to 2,500m2 and for future development to be consistent with existing development a smaller lot size than 8,000m2 would be more appropriate.	Reject	8.2
FS1387.1379	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
838.24	Madsen Lawrie Consultants	Neutral/Amended	Amend Rule 22.4.1.4(a)(i) Boundary relocation to remove specification of a date for titles undergoing the boundary relocation.	Imposing a specific date that the titles undergoing boundary relocation have to have been issued before is an excessive restriction and constraints of this level are not appropriate for boundary relocation. It is unclear as to what will be achieved by the imposition of such a date.	Accept	10.5
FS1387.1380	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River</i>	Reject	10.5

				<i>Catchment is appropriate.</i>		
872.5	Tarati Farms Limited	Support	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.	Supports inclusion of the General Subdivision rules.	Accept in part	8.2
<i>FS1387.1425</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
872.6	Tarati Farms Limited	Neutral/Amended	Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u>	General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m ² and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m ² , it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site.	Reject	8.2
<i>FS1387.1426</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use</i>	Accept	8.2

				<p>management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>		
872.7	Tarati Farms Limited	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add a new matter of discretion to Rule 22.4.1.2(b) as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>There is no analysis in the s32 regarding this relevance or practicality of this rule. The strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.</p>	Accept in part	8.2
FS1387.1427	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	8.2
872.8	Tarati Farms Limited	Oppose	<p>Retain Rule 22.4.1.2(a)(iv) General subdivision, which classifies creation of an additional lot between 8,000m2 and 1.6ha as a</p>	<p>The creation of an additional vacant lot between 8000m2 and 1.6ha is supported as a restricted discretionary activity.</p>	Accept in part	8.2

			restricted discretionary activity.			
FS1387.1428	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
872.10	Tarati Farms Limited	Oppose	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from prohibited activities to non-complying activities.	There may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. In some instances it may be unavoidable to create an additional Record of Title. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities which are viable and sustainable such as greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 228 of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. Under the Franklin Section of the District Plan there was no	Accept in part	7.2

				<p>corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.</p>		
FS1129.35	Auckland Council	Oppose			Accept in part	7.2
FS1131.41	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
872.11	Tarati Farms Limited	Oppose	Amend Rule 22.4.1.1 Prohibited subdivision, to replace the term 'lot' with 'Record of Title'.	It may be necessary to create multiple lots and hold them in one Record of Title. It may occur when stream or public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1387.1429	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
873.5	Anita Moleta & Penny Gooding	Support	Retain Rule 22.4.1.2 (a)(i), (ii) and (iii) General subdivision, as notified.	The submitters support the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1387.1432	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy	Accept in part	8.2

				<i>framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
873.6	Anita Moleta & Penny Gooding	Neutral/Amend	Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI</u>	There should be flexibility in lot size to ensure that the existing farming regime can continue. It will ensure practical boundaries and the most efficient ongoing management of the land. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access a relatively small piece of land. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies and achieving the anticipated environmental results. For lots smaller than 8000m ² , it is necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment, with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. The creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site should be provided for.	Reject	8.2
FS1387.1433	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
873.7	Anita Moleta & Penny Gooding	Oppose	Delete Rule 22.4.1.2 RDI (a)(v) General Subdivision; AND Add an additional matter of discretion to Rule 22.4.1.2 RDI (b) General	There is no analysis in the s32 regarding this relevance or practicality of this rule. The submitters agree with the intent of this rule, which is to design subdivision to avoid the fragmentation of the high-class soils. However, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout design or productivity and fragmentation of farming outcome for the site. The objectives and policies (5.1.1, 5.2) give protection to	Accept in part	8.2

			subdivision, as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u>	high-class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high-class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high-class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Land Use Capability Reporting with every subdivision application under the General Provisions to demonstrate that this exact figure is met. This additional compliance cost does not necessarily result in a better environmental outcome and becomes a box ticking exercise for Council. Council Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.		
FS1387.1434	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
873.8	Anita Moleta & Penny Gooding	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision which classifies creation of an additional lot between 8000m2 and 1.6ha as a Restricted Discretionary activity.	The creation of an additional vacant lot between 8,000m2 and 1.6ha as a Restricted Discretionary Activity is supported.	Accept in part	8.2
FS1387.1435	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land</i>	Accept in part	8.2

				<i>use and development in the Waikato River Catchment is appropriate.</i>		
873.10	Anita Moleta & Penny Gooding	Oppose	Amend the activities in Rule 22.4.1.1 Prohibited Subdivision, from Prohibited activities to Non-Complying.	<p>In PR2 and PR3, there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Not every subdivision on high-class soil would result in a significant adverse effect on the environment. Relocating consented lots within a holding, (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by covenant. The rule relies on a definition of High Class Soils. This definition may not be versatile due to a range of factors identified through case law. It is unfair and unreasonable to prohibit the creation of lots when they are of a viable, sustainable and permanent nature and it is appropriate for these to subdivide from other rural activities on the site. Rural activities do not need to be held on the same certificate of title as other rural activities, and there may be circumstances where subdivision enables more significant opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than having no other option but to dispose of the entire property, or the need to invest more capital in the operation. The prohibited activity status prevents opportunities for significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable in the long-term following its separation from other rural activities on the site. PR4 may unreasonably restrict the subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Records of Title were created (Rule 22B – Franklin Section). Under Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. In the Franklin Section of the District Plan, there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require scrutiny this should merit a Non-Complying Activity status only. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries with a neighbor without creating an outcome that may compromise the prior transferable subdivision. The Proposed Plan should be sufficiently strong</p>	Accept in part	7.2

				to ensure that the subdivision of land containing high-class soils is protected in the Rural Zone from inappropriate subdivision and development, and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.		
FSI129.36	Auckland Council	Oppose			Accept in part	7.2
FSI131.42	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
873.11	Anita Moleta & Penny Gooding	Neutral/Amend	Amend Rule 22.4.1.1 Prohibited subdivision, to change all of the references from "lot" to "Record of Title",	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur where a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FSI387.1436	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
874.5	Louise & Tony Cole	Support	Retain Rule 22.4.1.2 (a)(i), (ii) and (iii) General subdivision, as notified.	The submitters support the inclusion of the General Subdivision rules.	Accept in part	8.2
FSI387.1439	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
874.6	Louise & Tony Cole	Neutral/Amend	Add a new discretionary activity to Rule	There should be flexibility in lot size to ensure that the existing farming regime can continue. It will ensure	Reject	8.2

			<p>22.4.1.2 General subdivision, as follows: <u>DI General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI</u></p> <p><u>General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI</u></p>	<p>practical boundaries and the most efficient ongoing management of the land. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access a relatively small piece of land. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies and achieving the anticipated environmental results. For lots smaller than 8000m2, it is necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment, with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. The creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site should be provided for.</p>		
FS1387.1440	Mercury NZ Limited for Mercury D	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept	8.2
874.7	Louise & Tony Cole	Oppose	<p>Delete Rule 22.4.1.2 RDI (a)(v) General Subdivision; AND Add an additional matter of discretion to Rule 22.4.1.2 RDI (b) General subdivision, as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>There is no analysis in the s32 regarding this relevance or practicality of this rule. The submitters agree with the intent of this rule, which is to design subdivision to avoid the fragmentation of the high-class soils. However, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout design or productivity and fragmentation of farming outcome for the site. The objectives and policies (5.1.1, 5.2) give protection to high-class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high-class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with</p>	Accept in part	8.2

				expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high-class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Land Use Capability Reporting with every subdivision application under the General Provisions to demonstrate that this exact figure is met. This additional compliance cost does not necessarily result in a better environmental outcome and becomes a box ticking exercise for Council. Council Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.		
FS1387.1441	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
874.8	Louise & Tony Cole	Support	Retain Rule 22.4.1.2(a)(iv) General subdivision, which classifies creation of an additional lot between 8000m2 and 1.6ha as a restricted discretionary activity.	The creation of an additional vacant lot between 8,000m2 and 1.6ha as a restricted discretionary activity is supported.	Accept in part	8.2
FS1387.1442	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
874.10	Louise & Tony Cole	Oppose	Amend the activities in Rule 22.4.1.1 Prohibited Subdivision, from Prohibited	In PR2 and PR3, there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Not every subdivision on high-class soil would result in a significant adverse effect on	Accept in part	7.2

		activities to Non-Complying.	<p>the environment. Relocating consented lots within a holding, (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by covenant. The rule relies on a definition of High Class Soils. This definition may not be versatile due to a range of factors identified through case law. It is unfair and unreasonable to prohibit the creation of lots when they are of a viable, sustainable and permanent nature and it is appropriate for these to subdivide from other rural activities on the site. Rural activities do not need to be held on the same certificate of title as other rural activities, and there may be circumstances where subdivision enables more significant opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than having no other option but to dispose of the entire property, or the need to invest more capital in the operation. The prohibited activity status prevents opportunities for significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable in the long-term following its separation from other rural activities on the site. PR4 may unreasonably restrict the subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Records of Title were created (Rule 22B – Franklin Section). Under Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. In the Franklin Section of the District Plan, there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require scrutiny this should merit a Non-Complying Activity status only. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries with a neighbor without creating an outcome that may compromise the prior transferable subdivision. The Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high-class soils is protected in the Rural Zone from inappropriate subdivision and development, and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.</p>		
FSI 129.37	Auckland Council	Oppose		Accept in part	7.2

FS1131.43	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
874.11	Louise & Tony Cole	Neutral/Amend	Amend Rule 22.4.1.1 Prohibited subdivision, to change all of the references from "lot" to "Record of Title".	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur where a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1387.1443	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
877.19	Leigh Michael Shaw & Bradley John Hall	Oppose	Amend the activity status of Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited Subdivision, from Prohibited Activities to Non-Complying.	In PR2 and PR3, there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Not every subdivision on high-class soil would result in a significant adverse effect on the environment. Relocating consented lots within a holding, (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by covenant. The rule relies on a definition of High Class Soils. This definition may not be versatile due to a range of factors identified through case law. It is unfair and unreasonable to prohibit the creation of lots when they are of a viable, sustainable and permanent nature and it is appropriate for these to subdivide from other rural activities on the site. Rural activities do not need to be held on the same certificate of title as other rural activities, and there may be circumstances where subdivision enables more significant opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than having no other option but to dispose of the entire property, or the need to invest more capital in the operation. The prohibited activity status prevents opportunities for	Accept in part	7.2

				significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable in the long-term following its separation from other rural activities on the site. The Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high-class soils is protected in the Rural Zone from inappropriate subdivision and development, and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.		
FS1129.38	Auckland Council	Oppose			Accept in part	7.2
FS1131.44	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1387.1463	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
877.20	Leigh Michael Shaw & Bradley John Hall	Oppose	Amend Rule 22.4.1.1 Prohibited subdivision to change all of the references from "lot" to "Record of Title".	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur where a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
877.21	Leigh Michael Shaw & Bradley John Hall	Neutral/Amended	Retain Rule 22.4.1.4 Boundary relocation, except for the amendments sought below. AND Amend Rule 22.4.1.4 RD1 Boundary relocation as follows: 22.4.1.4 Boundary relocation <u>or</u> <u>Adjustment</u> (a) The boundary relocation <u>or</u>	The submitters support the inclusion of boundary relocation provisions and support flexibility to allow rural properties to rationalise large landholdings to provide a logical lot arrangement that better supports the farming activity. The rule should also recognise that land is exchanged between two Records of Title to accommodate the existing farming activity (one farmer may be leasing land from another and they wish to formalize this arrangement), or when a farmer owns multiple titles and wants to create a small rural lot for a dwelling and hold the balance of the farm together in one Record of Title Boundary relocations or adjustments typically result in positive effects through the enhancement of the productive farming	Accept in part	10.2

			<p>adjustment must: (i) Relocate a common boundary or boundaries between two or more existing Records of Title that existed prior to 18 July 2018. (ii) no additional potential for permitted activity dwellings and no additional subdivision potential is created beyond that which already existed prior to the subdivision occurring. The Records of Title must form a continuous landholding; (iii) The boundary relocation or adjustment must not result in the creation of additional titles. Not result in any additional lot; (iv) Create one lot of at least 8000m2 in area.</p>	<p>system and allows for the relocation of potential house sites to more favourable locations It may be necessary to create multiple lots and hold them in one Record of Title The use of the date is inappropriate, as this would allow for closer scrutiny and a higher activity status for no apparent benefit.</p>		
FS1379.360	Hamilton City Council	Oppose		<p>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.</p>	Accept in part	10.2
FS1387.1464	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept in part	10.2
877.22	Leigh Michael Shaw &	Neutral/Amend	Retain Rule 22.4.1.6	The submitters support the incentivising of legally and physically protecting Significant	Accept in part	12.3

Bradley John Hall

Conservation lot subdivision, except for the amendments sought below. AND Amend Rule 22.4.1.6 Conservation lot subdivision as follows: RDI (a) The subdivision must comply with all of the following conditions: (i) The lot must contain: A. a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist which meets: or B. a contiguous area to be enhanced and/or restored; in accordance with the table below: ... (ii) The area of Significant Natural Area, or area to be enhanced and/or restored, is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area or area to be restored is not already subject to a conservation-covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act legal

Natural Areas and other areas of existing biodiversity, which offers positive benefits for the Region. There is no provision for ecological enhancement and/or restoration in the Conservation Lot Rules. There are significant biodiversity and water quality benefits to gain from ecological enhancement particularly along waterways and wetland areas. Water quality is a key issue identified by the Regional Policy Statement and The Vision and strategy (which requires an improvement of water quality in the Waikato catchment, not simply maintenance). It is also recognised in the corresponding Rural Objectives and Policies which seek enhancement of surface and ground water quality and the natural characteristics of waterways. The Plan should be enabling of improving both biodiversity and water quality within the Waikato Catchment and incentivise enhancement and/or restoration of areas that meet one or more criteria in Appendix 2: Criteria for Determining Significance of Indigenous Biodiversity. Re-vegetation approximately costs \$45,000 per hectare, excluding fencing of re-vegetated areas from stock. Incentivising through subdivision would assist in offsetting this cost and encourage enhancement and/or restoration planting. The submitter seeks that provisions for ecological enhancement and/or restoration of appropriate areas be included in the Conservation Lot Subdivision rules. Appropriate features to be restored should meet one or more criteria in Appendix 2: Criteria for Determining Significance of Indigenous Biodiversity. Minimum areas for enhancement and/or restoration should be in accordance with Rule 22.4.1.6. Rule 22.4.1.6 (iii) requires the legal protection of the conservation feature. The submitter suggests that this rule require legal protection only and leave the mechanism of protection to the discretion of Council when assessing the application (e.g.

~~protection.~~ (iv) The subdivision proposes to legally protect all areas of Significant Natural Area or area to be restored by way of a conservation-covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth Natural Trust Act. (v) An ecological management plan is prepared to address the ongoing management of the ~~covenant-protected area~~ protected area to ensure that the ~~Significant Natural Area area to be protected~~ protected is a self-sustaining and that plan: A. Addresses fencing requirement for the ~~covenant protected area~~; B. Addresses ongoing pest plan and animal control; C. Identifies any enhancement and/or restoration or edge planting required within the ~~covenant-area to be protected.~~ ... (b) Council's discretion is restricted to the following matters: (i) Subdivision layout and proximity of building platforms to ~~Significant Natural Area the area to be protected~~; (ii) Matters contained in an ecological management

			<p>plan for the covenant-protected area;</p> <p>(iii) Effects of the subdivision on <u>localised</u> rural character and amenity values;</p> <p>(iv) Extent of earthworks including earthworks for the location of building platform and access ways; (v) <u>Mechanism of legal protection for the area to be protected</u></p>			
877.23	Leigh Michael Shaw & Bradley John Hall	Neutral/Amen d	<p>Add a discretionary rule to Rule 22.4.1.6 Conservation lot subdivision as follows: <u>DI (a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6 RDI (vi-vii) (b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6 RDI (vi-vii).</u></p>	<p>Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. This will ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not to meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land.</p> <p>A discretionary rule should also be provided for lots less than 8,000m² and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies and achieving the Anticipated Environmental Results. For lots smaller than 8,000m², it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate.</p>	Reject	12.6
877.24	Leigh Michael Shaw & Bradley John Hall	Neutral/Amen d	<p>Retain Rule 22.4.1.6(a)(vi) and (vii) Conservation lot subdivision which enables the creation of a vacant lot between 8000m² and 1.6ha as a</p>	<p>The creation of an additional vacant lot between 8,000m² and 1.6ha as a restricted discretionary activity is supported.</p>	Accept	12.6

			Restricted Discretionary Activity.			
922.1	John Rowe	Oppose	Amend Chapter 22.4 Subdivision by enabling transferable rural lot right subdivision as a restricted discretionary activity and discretionary activity throughout the Waikato District.	<p>The transferable Rural Lot process allows for the transfer of existing titles or consented conservation lots to more appropriate areas in the district. There is no net increase in the overall number of development rights across the district. On the whole the submitter believes that the process has been working well for many years in the Former Franklin area and is an effective mechanism for promoting development in more appropriate areas whilst protecting high quality versatile soils. To remove the provision for Transferable Rural Lot subdivisions and making it a prohibited activity is unnecessary and compromises the current and proposed objectives for the rural area. The natural outcome of the Transferable Rural Lot process is to transfer existing/consented titles from less intensively developed outlying areas to the more intensively developed central areas. It seeks to manage growth in the rural zones and to avoid the wide dispersal of lots and protection of larger rural blocks. The Transferable Rural Lot provisions of the former Franklin District Plan were designed to protect and enhance the potential use of high quality versatile soils by encouraging the transfer of surplus titles to more environmentally sustainable locations. This is consistent with the draft District Plan objectives and policies and the objectives of the Resource Management Act 1991. The fact that the former Franklin District is now administered by Waikato District Council does not remove the underlying objectives of wiser use of resources. The same resources remain in the same district. The fact that the administering authority may want a consistent set of subdivision rules across the district is not relevant. By prohibiting the transfer of lots within the District, the proposed objectives and policies may not be able to be met. In particular the removal of the process:</p> <ul style="list-style-type: none"> Will prevent the consolidation of existing titles Will not promote the protection of productive land or versatile soils within the District; Will not assist in the reorganisation of the wide dispersal of and reduction in rural titles, and will negate opportunities for the retention of land versatility and larger lot sizes in rural areas and for productive farming units to better manage the use of soils and rural land; Will not promote positive effects on the rural environment, rural character and rural amenity; Will not reduce reverse sensitivity effects when existing title rights are developed in rural production areas of the District; and Will not promote positive effects on the rural environment, 	Reject	22.2

				<p>rural character and rural amenity; Will not reduce reverse sensitivity effects when existing title rights are developed in rural production areas of the District; and Will not promote outcomes that are consistent with the rural objectives and policies.</p> <p>The majority of transferable rural lot subdivision applications in the Waikato District are removing titles for the larger productive land holdings, thus reducing or eliminating adverse effects on unplanned and scattered rural residential development in the more remote rural Waikato, and reducing the burden on infrastructure, particularly in more remote areas.</p> <p>If these rights are now restricted to where they currently are within the Waikato District, they will result in the uptake and development of latent capacity in outlying areas of the District, which is inconsistent with and contrary to the objectives and policies.</p>		
FSI129.28	Auckland Council	Oppose			Accept	22.2
FSI138.25	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support	<p><i>In part. This is an appropriate environmental mechanism, but it must be refined and workable. Both the donor and receiving mechanisms need to be evaluated so that they achieve an appropriate incentive, deliver an environmental outcome, and facilitate appropriate development opportunity.</i></p>		Reject	22.2
FSI379.361	Hamilton City Council	Oppose		<p>HCC opposes the relief sought, as would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.</p>	Accept	22.2
FSI387.1470	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</p>	Accept	22.2
922.2	John Rowe	Oppose	Amend Rule 22.4.1.2 RDI (a) (iv) General	A lot area range of 8000m ² - 1.6ha will result in a lifestyle block that is too large and will force developers to turn potentially	Reject	8.2

			<p>subdivision, as follows: RDI (a) Subdivision must comply with all of the following conditions: ... (iv) The additional lot must have a proposed area of between 8,000m2 <u>4000m2</u> and 1.6 ha;</p>	<p>productive farming paddocks into areas that will not be used for farming and become neglected. The best maintenance of open pasture (all classes of soils) is grazing animals. The lots created will be too small to be productive or grazed, yet they are too big to be easily managed as lifestyle properties. If a landowner is subdividing off an existing farm cottage, the house and curtilage area will be approximately 2000m2. This will result in at least 6000m2 of potentially productive farming land being wasted or not utilised. The high class soil rule will restrict this to some degree because an area of land is not classified as 'high class soil', it doesn't mean that it can't be used for productive purposes or add valuable support to a farming operation.</p>		
FS1387.1471	Mercury NZ Limited for Mercury D	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept	8.2
922.3	John Rowe	Oppose	<p>Delete Rule 22.4.1.4 (a)(i) Boundary relocation, OR Amend Rule 22.4.1.4 (a)(i) Boundary relocation to allow application of this rule to more than two existing Records of Title.</p>	<p>The rule needs to allow for two or more existing titles as many landholdings in the Waikato District are comprised of several titles and the proposed rule will therefore restrict logical layouts. Titles created after 18 July 2018 may be the result of a minor boundary adjustment or the balance of a general subdivision application and it is unreasonable to a discretionary activity test to apply in this instance if rural land use is to be supported and better environmental outcomes achieved. Boundary relocations are a legitimate way to adjust legal boundaries and the potential adverse effects of moving a boundary or title are generally minimal. The assumption is that the intent of Rule (a)(i) is to prevent making new conservation lots or the additional title created from the General subdivision rule, larger in size. This intent will now potentially restrict or make boundary adjustments tougher for larger rural blocks that may have a title created after 18 July 2018 for whatever reason. These newer titles could have been subject to another minor boundary adjustment or could be the larger balance lot of a General subdivision application. The submitter does not think that a further boundary relocation of these larger lots should be a discretionary activity as it then becomes too restrictive on larger land holdings that may be relocating boundaries for legitimate</p>	Reject	10.5

				<p>reasons. Rule (a)(i) does not recognise the legitimate need to adjust rural lot boundaries to support rural land use and create a better environmental outcome. It also doesn't allow for the logical restructure of landholdings with more than two existing larger titles. It also doesn't allow for the logical restructure of landholdings with more than two existing larger titles. What if the two titles subject to the boundary relocation are less than 8000m2 to begin with?</p>		
FS1387.1472	Mercury NZ Limited for Mercury D	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept	10.5
922.4	John Rowe	Oppose	Delete the maximum number of titles from Rule 22.4.1.5 Rural Hamlet Subdivision.	<p>The current Rural Hamlet subdivision rule will not be a wholesale provision for better restructuring existing titles on many rural properties, especially larger landholdings. The rural zone varies drastically throughout the district from open flat countryside predominantly used for dairy farming, to more undulating hilly terrain with scattered mature vegetation predominantly used for dry-stock farming. Often the most logical subdivision layout on rural properties that preserve the largest area of land for productive purposes and have the least potential for adverse effects on the surrounding environment, are influenced by the site specific characteristics such as topography, vegetation, road frontage and existing building development on that particular property. Ideally, all new lots clustered together as a hamlet styled subdivision would be great but (unlike the residential zoned land) planning ideology such as the proposed only works on a small minority of the rural zoned land in the District and provision or more desecration needs to be allowed to cater fro these other landholdings. In the rural environment, especially in the upper Waikato, these physical restraints greatly restrict such a logical layout. Often it may be a far better result for that particular environment to position the existing titles around existing development on the property or at other ends of the property from each other which could be km's apart and even accessed off different public roads. Making a rural subdivision application a Non-Complying activity for creating a better overall result for that particular environment is too restrictive and needs to be at least a</p>	Reject	11.2

				Discretionary activity.		
922.5	John Rowe	Neutral/Amended	Amend Rule 22.4.1.6 Conservation lot subdivision, so that this rule provides for riparian planting and clarification on enhancement planting for Significant Natural Areas.	The Conservation Lot subdivision rules are generally positive, but further allowance can still be made for additional lots through riparian planting of streams and rivers. This will provide incentive for farmers to plant the sides of their waterways which will obviously bring significant ecological gain to the district. The cost to a property owner of protecting and maintaining in perpetuity, significant stands of vegetation are substantial. The cost of appropriate bush covenant fencing alone is currently around \$30 per meter. Generally speaking, farmers are becoming more and more acceptable to riparian planting on their properties, but this significant cost will need to be offset to incentivise this ecological enhancement. The usual signoff requirements with ecologists certifying that the riparian planting is self-sustaining would obviously still be applicable.	Accept in part	12.3
922.12	John Rowe	Neutral/Amended	Amend Rule 22.4.1.5 Rural Hamlet Subdivision to be a discretionary activity rather than a non-complying activity if there is non-compliance with Rule 22.4.1.5 RDI (a)(i)-(v).	The default activity status of non-complying is too restrictive and it is more appropriate for applications that breach this rule to be considered as a discretionary activity when there is logic for the final title layout.	Reject	11.2
922.13	John Rowe	Oppose	Delete Rule 22.4.1.2 (v) General Subdivision regarding high class soils.	Land Use Capability Assessments are expensive and the 80%/20% requirement is difficult to understand given the objective of retaining high class soil. It would be more appropriate for the rule to refer to the actual size of the high class soils. For instance, a larger rural property that only has 10% high class soils may have significantly more of these soils than a smaller property that has 80% high class soils. The rule is open to interpretation. This rule will be difficult to administer. This rule makes compliance harder with no actual gain.	Reject	8.2
<i>FS1387.1475</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood</i>	<i>Accept</i>	<i>8.2</i>

				<p><i>hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>		
922.14	John Rowe	Not Stated	Delete Rural Zone - General Subdivision Rule 22.4.1.2(a)(v) regarding high class soils.	<p>Subdivision rules have to be clear and easy to understand and not open for interpretation. The submitter believes that this rule doesn't seem to make any logical or practical sense and will be far too difficult to administer or interpret correctly in the rural environment and the potential gains are negligible. The rule will trigger an expensive Landuse Capability Report for a very small amount of soil (8000m² - 1.6ha as proposed). The General Subdivision rule allows for a 2 lot subdivision of a 20 hectare sized lot, with one of the lots being 8000m² and 1.6ha. Does this rule mean that if you have a 20 hectare sized title that has 1 hectare of high class soil, 80% of that high class soil can be on the smaller lot? And 20% on the larger lot? Or is it the other way round? The objectives and policies promote the protection of high class soil which is encouraged but this rule makes compliance harder than it needs to be with no actual gains. Due to the size restrictions on the new lot created (8000m² - 1.6ha), the maximum amount of high class soil that could ever be removed from production is 8% of the overall property (based on a 20 hectare sized site) size that would never be bigger enough to be economically productive in the first place. Most titles eligible for this subdivision opportunity will be much larger than 20 hectares, so the overall potential loss of high class soil in terms of an overall percentage will be significantly less and negligible in terms of the overall scale of the rural property. Too much emphasis is put on the percentage of high class soils on a particular property. It would be more appropriate to be in terms of the actual size of the high class soils. For example a larger rural property that has only 10% high class soils may have significantly more high class soil than a smaller property that has say 80% high class soils. The percentage rule doesn't practically achieve what it intends to.</p>	Reject	8.2
FS1387.1476	Mercury NZ Limited for Mercury D	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner</i></p>	Accept	8.2

				<i>to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
922.18	John Rowe	Not Stated	Amend Rule 22.4.9 RDI (a)(iii) Subdivision - Building platform, as follows: (a) Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that: ... (ii) Has an average gradient not steeper than 1:8 1:6;	The proposed maximum gradient of 1:8 is too restrictive for the Rural Zone, particularly in the upper Waikato District where building sites are more likely to be on undulating topography. The objectives and policies promote the location of new lots away from high class soils and the rule will therefore force new lots and building sites to locate on steeper topography. A grade of 1:6 is still workable and as long as a geotechnical report supports the location.	Reject	21.2
923.156	Waikato District Health Board	Neutral/Amended	Amend Rule 22.4.1.5 (v)- Rural Hamlet Subdivision to provide for a minimum 40ha balance lot.	This is inconsistent with Policy 5.2.3 (a)- Effects of subdivision and development on soils around minimising fragmentation of productive rural land.	Accept	11.2
938.1	Neil and Linda Porritt	Oppose	Amend Rule 22.4.1.7 Subdivision, to create a reserve, as follows: RDI (a) Subdivision to create a reserve must comply with all of the following conditions: (i) The lot being subdivided must contain an area that is identified in a Waikato District Council Parks Strategy as being required for permanent public access or for reserve purposes; (ii) The area identified in the Parks Strategy as being required for permanent public access or for reserve purposes is to be vested in Council or public access is	The Reserve Lot Subdivision provisions should apply to all areas that are identified in any Waikato District Council strategy documents as being required for permanent public access or reserve purposes, not just areas identified in the Parks Strategy; ((a)(i)). The Reserve Lot Subdivision provisions should apply where land access is to be secured by way of an easement not only where it is to be vested in Council; ((a)(ii)). It should be clear that one additional Lot being subdivided ((a)(iii)). The minimum lot size for consideration as a RD activity should be 5000m ² , not 8000m ² ; ((a)(iv)). Reserve Lot Subdivision not complying with conditions (a)(ii)-(iv) should be considered as a discretionary activity, not as a non-complying activity.	Reject	13.2

			<p><u>permanently secured by way of easement;</u> (iii) No more than one additional lot is created from each lot being subdivided, excluding any land vested in Council. (iv) The proposed additional lot, excluding the reserve, has a minimum size of 8,000 5000m². (b) Council's discretion is restricted to the following matters: (i) Size and location of area for which public access or reserve is secured; (ii) Method of securing public access; (iii) Management of any land remaining in private ownership over which access rights are granted; (iv) Location of additional lot. <u>DI A reserve lot subdivision that does not comply with Rule 22.4.1.7 RDI, conditions (a)(ii)-(iv)</u> NCI A reserve lot subdivision that does not comply with Rule 22.4.1.7 RDI conditions (a)(i)</p>			
938.2	Neil and Linda Porritt	Oppose	Amend Rule 22.4.1.5 Rural Hamlet Subdivision, as follows: RDI (a) Subdivision to create a Rural Hamlet must comply with all of the following conditions: (i) It results in 3 to 56 proposed lots	Proposed Rule 22.4.1.5 will serve the relevant objectives and policies of the plan better if the conditions for Restricted Discretionary subdivision are more versatile in terms of the maximum number of clustered lots and the minimum lot size. (conditions (a)(i) and (iii)). The Rule will operate more effectively if a subdivision that does not comply with conditions RDI (a)(ii)-(vi) is considered as a Discretionary activity.	Reject	11.2

being clustered together; (ii) All existing Records of Title form one continuous landholding; (iii) Each proposed lot has a minimum area of ~~8,000~~ 5,000m². (iv) Each proposed lot has a maximum area of 1.6ha; (v) The proposed balance lot has a minimum area of 20ha; and (vi) It does not create any additional lots beyond the number of existing Records of Title. (b) Council's discretion is restricted to the following matters: (i) subdivision layout and design including dimension, shape and orientation of the proposed lots; (ii) effects on rural character and amenity values; (iii) effects on landscape values; (iv) potential for reverse sensitivity effects; (v) extent of earthworks including earthworks for the location of building platforms and access ways. D1 Rural Hamlet Subdivision that does not comply with Rule 22.4.1.5 RDI, conditions (a)(ii)-(iv) NCI Rural Hamlet Subdivision that does not comply with Rule 22.4.1.5 RDI, condition (a)(i).

FS1308.174	The Surveying Company	Oppose		No reasoning is provided as to why a 40ha requested minimum should apply. The 20ha minimum is sufficient to maintain the existing rural production activity on the balance and maintain rural character and amenity values.	Accept	11.2
FS1379.364	Hamilton City Council	Oppose		HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	11.2
943.11	McCracken Surveys Limited	Oppose	No specific decision sought, but submission states: This rule prevents, as a Restricted Discretionary activity, the common need to relocate an approved but not issued small allotment (8000m2 to 1.6ha) created by subdivision to another part of a farm and record of title that is continuous. Where for example, a farm is held in three continuous titles two of which are under 20ha and cannot be subdivided. The larger title is subdivided and consent is granted to create the small lot and the balance land. The small lot prior to issuance of a title should simultaneously be able to be relocated to the third and continuous title. The third might contain low quality soils so the parent larger lot retains the benefit of the land area (that may well be High Quality Soils) or is relocation within the land holding being better suited to a small lot such	No reason provided.	Reject	10.3

			as being remote from the centre of farm operations.			
FS1387.1566	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept	10.3
943.12	McCracken Surveys Limited	Neutral/Amended	Amend Rule 22.4.7 RDI (b) - Esplanade reserves and esplanade strips, to include RMA s230(3).	RMA s230(3) provides for the requirement for esplanade reserves to be waived through the resource consent process and hence provides the full gambit of possibilities allowed by the RMA notwithstanding identified high priority areas. Too often a presumption in plans is that reserves must be taken in all cases. This presumption is further negatively amplified by Council refusals to help the cost of fencing esplanade reserves (there is no legislation that precludes payments) or reluctance to take responsibility to manage and maintain esplanade reserves.	Reject	19.2
943.26	McCracken Surveys Limited	Oppose	Amend Rule 22.4.1.1 PRI Prohibited subdivision, as follows; Any subdivision within the Urban Expansion Area involving the creation of any additional lot record of title <u>excluding one containing a dwelling existing as at 18 July 2018.</u>	Subdivision of existing dwellings can assist with the creation of large land holdings suitable for future urban development.	Reject	7.2
FS1379.365	Hamilton City Council	Oppose		HCC opposes the relief sought, as would result in more subdivision. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	7.2
FS1387.1576	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is	Accept	7.2

				necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
943.27	McCracken Surveys Limited	Oppose	Amend Rule 22.4.1.1 PR3 (c) (i) Prohibited subdivision, as follows: (i) <u>Where the record of Title was created as a result of a boundary relocation or boundary adjustment under the former District Plan</u> , a boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rule 22.4.1.4); or	No reason provided.	Accept in part	8.2
FS1387.1577	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
943.28	McCracken Surveys Limited	Oppose	Delete Rule 22.4.1.2 RD1 (a) (v) General subdivision.	The rule is confusing, difficult to administer and complicates the consenting process.	Reject	8.2
FS1387.1578	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate	Accept	8.2

				significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
943.29	McCracken Surveys Limited	Oppose	Add clause (v) to Rule 22.4.1.1 PR3 (b) Prohibited subdivision, as follows: (b) <u>Exceptions to PR3(a) are where an additional lot is created by any of the following:</u> (i) <u>Conservation lot subdivision (Rule 22.4.1.6);</u> (ii) <u>Reserve lot subdivision (Rule 22.4.1.7);</u> (iii) <u>Access allotment or utility allotment using Rule 14.12 (Transportation);</u> (iv) <u>Subdivision of Maaori Freehold Land (Rule 22.4.1.3);</u> v) <u>Rural Hamlet (Rule 22.4.1.5)</u> AND In the event that the relief sought in relation to Rule 22.4 is not accepted, add clause (vi) to Rule 22.4.1.1 PR3 (b) Prohibited subdivision, as follows: vi) <u>Boundary Relocation (Rule 22.4.1.4)</u>	No reasons provided.	Accept in part	8.2
FS1387.1579	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
943.30	McCracken Surveys Limited	Oppose	Amend Rule 22.4.1.4 RD1 (a) (i)- Boundary	Boundary relocation between more than two Records of Title will be necessary from time to time. No reason why boundary	Accept in part	10.5

			relocation, as follows; (i) Relocate a common boundary or boundaries between two <u>or more</u> existing Records of Title that existed prior to 18 July 2018;	relocation cannot occur between Records of Title after 18 July 2018.		
943.31	McCracken Surveys Limited	Oppose	Amend Rule 22.4.1.6 RDI (a) (i) Conservation lot subdivision, as follows: (i) The lot must contain an <u>en</u> contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the table below:	Legal and physical protection of Significant Natural Areas should be encouraged regardless of being physically contiguous or not.	Accept	12.4
943.40	McCracken Surveys Limited	Oppose	Amend Rule 22.4.1.4 RDI (a)(i) - Boundary relocation as follows: (i) Relocate a common boundary or boundaries between two <u>or more</u> existing Records of Title that existed prior to 18 July 2018; ...	Boundary relocation between more than two Records of Title will be necessary. No reason why it should not occur between any number of Records of Title that are created after 18 July 2018.	Accept in part	10.5
FS1379.366	Hamilton City Council	Oppose		<i>HCC opposes the relief sought, as it would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth, in line with the Future Proof Strategy and the WRPS. The Rural Zoning also helps protect the productive nature of the land.</i>	Accept in part	10.5
943.41	McCracken Surveys Limited	Oppose	Amend Rule 22.4.1.5 (a)(i) and (iii) - Rural Hamlet Subdivision, to clarify to confirm that to	The rule appears to limit the potential multiple relocation of existing titles to 5 titles. Three to five lot clustering is not consistent with the potential number of Records of Title that can be relocated over time and eventually each contains a dwelling.	Reject	11.2

			<p>meet the proposed rule, six existing continuous Records of Title can be relocated to allow for the maximum 5 small lots between 8000m² and 1.6 Ha and one balance allotment greater than 20 Ha</p> <p>AND</p> <p>Amend the heading of Rule 22.4.1.5 - Rural Hamlet Subdivision as follows: 22.4.1.5 Rural Hamlet <u>Boundary Relocation Subdivision</u></p>			
943.50	McCracken Surveys Limited	Oppose	<p>Amend Rule 22.4.1.6 RDI (a) Conservation lot subdivision, to clarify if the table allows landowners that have at least 3.5ha of Significant Natural Areas within the 'Hamilton Basin' one lot and an additional one lot for having a Significant Natural Area between 2ha and 5ha.</p>	No reason provided.	Accept in part	12.5
943.51	McCracken Surveys Limited	Oppose	<p>Add clause (vi) to Rule 22.4.7 RDI (b) Esplanade reserves and esplanade strips, as follows: <u>(vi) costs and benefits of acquiring the land.</u></p>	To allow Council to consider the costs and benefits of land purchase.	Accept	19.2
943.52	McCracken Surveys Limited	Oppose	<p>Amend Rule 22.4.9 RDI (a) Subdivision -</p>	Wants to retain existing shape factor and building platform dimensions from the Operative District Plan which have been	Accept in part	21.2

			<p>Building platform, as follows: (a) Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that: (i) Has an area of 1,000m² exclusive of boundary setbacks; <u>A shape factor, being either: A. A circle with a diameter of at least 30m, exclusive of boundary setbacks, or B. A rectangle of at least 1000m², exclusive of setbacks, and; C. Containing a building platform being a circle with a diameter of at least 18m;</u> (ii) Has an average gradient not steeper than 1:8; (iii) Is certified by a geotechnical engineer as geotechnically stable; (iv) Has vehicular access in accordance with Rule 14.12.1 PI (Transportation) (v) Is not subject to inundation in a 2% AEP storm or flood event; (vi) a dwelling could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3.</p>	<p>proven to be effective. Certification of a building platform by a geotechnical engineer is not always necessary. Council can apply this on a case by case basis by retaining discretion over this matter under (b)(ii).</p>		
943.53	McCracken Surveys Limited	Oppose	Amend Section 22.4 Subdivision, to replace the term "Lot" with Record of Title" throughout the	=Ensures consistent use of terminology and avoids complicating any boundary relocation by way of amalgamation.	Accept in part	7.2

			section.			
FS1387.1589	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
943.68	McCracken Surveys Limited	Oppose	Amend Rule 22.4.1.5 RDI (i) and (iii) Rural Hamlet Subdivision to enable up to 8 Records of Title to be relocated to form an 8 Lot cluster and the minimum lot size reduced to 5,000m2 or less.	Up to 8 Records of Title can be relocated to form an 8 lot cluster and that the minimum lot area is reduced to 5000m2 or less (more residential than lifestyle); Has the combined effect of creating a Hamlet that can reasonable be visually integrated in the rural environment subject to landscaping as well as provide an incentive for multiple title land owners to utilise available poor quality soil to locate the hamlets without a significant degree of inconsistency with rural objectives and policy. Provides an improved incentive for landowners with multiple titles not to construct a dwelling in each existing title and create scattered dwellings in the zone. There are ongoing technological advances in farming to lower costs and improve efficiencies to help offset productivity. The fact farmers are willing to subdivide land or relocate existing titles indicates that such cadastral changes do not have adverse effects on their farming operations and by extension the district productive nature of rural farmland.	Reject	11.2
FS1379.370	Hamilton City Council	Oppose		HCC opposes the relief sought, as would result in more subdivision in the Rural Zone. It would result in unplanned growth and land fragmentation within HCC's Area of Interest. Growth should be directed to existing towns and areas identified for growth.	Accept	11.2
943.70	McCracken Surveys Limited	Oppose	Amend Rule 22.4.7 RDI (b) Esplanade reserves and esplanade strips, to include as a matter of discretion, RMA s230(3).	RMA s230(3) provides for the requirement for esplanade reserves to be waived through the resource consent process and hence provide the full gambit of possibilities allowed by the RMA notwithstanding identified high priority areas. Too often a presumption in plans is that reserves must be taken in all cases. This presumption is further negatively amplified by Council refusals to help the cost of fencing esplanade reserves (there is no legislation that precludes payments) or reluctance to take responsibility to manage and maintain esplanade reserves.	Reject	19.2
945.21	First Gas Limited	Neutral/Amended	Add a new rule to Rule 22.4.1 Subdivision as	To address reverse sensitivity effects, the submitter seeks the inclusion of a new rule under the Subdivision rules within the	Reject	6.2

			<p>follows: <u>Subdivision - Site containing a gas transmission pipeline: (a) The subdivision of land containing a gas transmission pipeline is a restricted discretionary activity. (b) Council's discretion shall be restricted to the following matters: (i) The extent to which the subdivision design avoids or mitigates conflict with the gas infrastructure and activities. (ii) The ability for maintenance and inspection of pipelines including ensuring access to the pipelines. (iii) Consent notices on titles to ensure on-going compliance with AS2885 Pipelines-Gas and Liquid Petroleum-Parts 1 to 3. (iv) The outcome of any consultation with First Gas Limited.</u> AND Any consequential amendments and other relief to give effect to the matters raised in the submission.</p>	<p>Industrial zone. The addition of a new rule would make subdivision of a site containing a gas transmission pipeline a restricted discretionary activity.</p>		
FS1062.111	Andrew and Christine Gore	Oppose	Disallow submission point 945.21.	<ul style="list-style-type: none"> • Important that the landowners amenity can be realised. • Landowner should be consulted. • Land use should not be notified or restricted. • No unrestricted access to private land. 	Accept	6.2
FS1342.257	Federated Farmers	Oppose	Disallow, in part submission point 945.21. Disallow submission relief seeking any activity status	FFNZ seeks controlled activity subdivision for boundary relocation and boundary adjustment in the Rural Zone and Country Living Zone. These are types of subdivision where no additional lots are being created and therefore there is no overall intensification of land use, and effects on the environment are less than minor	Accept	6.2

			<p>other than controlled activity, for boundary adjustment or boundary relocation subdivision where a gas transmission pipeline is within the subject property. The matters of concern can be dealt with by appropriate controlled activity standards and matters of control.</p>	<p>in the context of the wide-open spaces of the Rural and Country Living zones. It is appropriate to provide for such subdivision as a controlled activity in order to enable efficient organisation of land ownership and farm management. The submitter's concerns can be addressed with appropriate controlled activity standards and matters of control.</p>		
972.5	Mark Scobie	Neutral/Amended	<p>Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI</u></p>	<p>The creation of an additional vacant lot between 8,000m2 and 1.6 ha, and any additional lot between 8,000m2 and 1.6 ha as a restricted discretionary activity is supported. There should be flexibility in lot size to ensure that the existing farming regime can continue. It will ensure practical boundaries and the most efficient ongoing management of the land. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access a relatively small piece of land. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies and achieving the anticipated environmental results. For lots smaller than 8000m2, it is necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment, with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. The creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site should be provided for.</p>	Reject	8.2
FS1387.1610	Mercury NZ Limited for Mercury D	Oppose		<p>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy</p>	Accept	8.2

				<i>framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
972.6	Mark Scobie	Neutral/Amend	Delete Rule 22.4.1.2 RD1 (a)(v) General Subdivision; AND Add a matter of discretion to Rule 22.4.1.2 RD1 (b) General Subdivision, another clause as below: <u>(b)(vi) Effects on rural productivity and fragmentation of high class soils</u>	There is no analysis in the s32 regarding this relevance or practicality of this rule. The submitters agree with the intent of this rule, which is to design subdivision to avoid the fragmentation of the high-class soils. However, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout design or productivity and fragmentation of farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high-class soils. In addition to the objectives and policies (5.2), the submitter would like to see matters relating to the retention of high-class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high-class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Land use Capability Reporting with every subdivision application under the General Provisions to demonstrate that this exact figure is met. This additional compliance cost does not necessarily result in a better environmental outcome and becomes a box ticking exercise for Council. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.	Accept in part	8.2
<i>FS1387.1611</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
972.7	Mark Scobie	Neutral/Amend	Amend Rule 22.4.1.1 Prohibited subdivision, to change all of the references from "lot" to "Record of Title".	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur where a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
<i>FS1387.1612</i>	<i>Mercury NZ Limited for</i>	<i>Oppose</i>		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor</i>	Accept in part	7.2

	Mercury D			adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
972.8	Mark Scobie	Neutral/Amend	Retain Rule 22.4.1.2(a)(iv) General Subdivision, as notified.	The creation of an additional vacant lot between 8,000m2 and 1.6 ha, and any additional lot between 8,000m2 and 1.6 ha as a restricted discretionary activity is supported.	Accept in part	8.2
FS1387.1613	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
972.10	Mark Scobie	Neutral/Amend	Amend the activities in Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited Subdivision from Prohibited activities to Non-Complying activities.	In PR2 and PR3, there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Not every subdivision on high-class soil would result in a significant adverse effect on the environment. Relocating consented lots within a holding, (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are circumstances where it may be unavoidable to create an additional Record of Title, i.e. where a title is limited as to parcels and held together by covenant. The rule relies on a definition of High Class Soils. This definition may not be versatile due to a range of factors identified through case law. It is unfair and unreasonable to prohibit the creation of lots when they are of a viable, sustainable and permanent nature and it is appropriate for these to subdivide from other rural activities on the site. Rural activities do not need to be held on the same certificate of title as other rural activities, and there may be circumstances where subdivision enables more significant opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than	Accept in part	7.2

				<p>having no other option but to dispose of the entire property, or the need to invest more capital in the operation. The prohibited activity status prevents opportunities for significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable in the long-term following its separation from other rural activities on the site. PR4 may unreasonably restrict the subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Records of Title were created (Rule 22B – Franklin Section). Under Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. In the Franklin Section of the District Plan, there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require scrutiny this should merit a Non-Complying Activity status only. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries with a neighbor without creating an outcome that may compromise the prior transferable subdivision. The Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high-class soils is protected in the Rural Zone from inappropriate subdivision and development, and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.</p>		
FS1131.45	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1062.112	Andrew and Christine Gore	Support	Allow submission point 972.10.	<ul style="list-style-type: none"> It is important to leave flexibility to access individual circumstance in regard to high quality soils. Also important that urbanization does not undermine Rural Zone quality development. 	Accept in part	7.2
972.11	Mark Scobie	Support	Retain Rule 22.4.1.2 (a)(i-iii) General subdivision, as notified.	The submitters support the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1387.1614	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district	Accept in part	8.2

				<i>plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
982.5	Joanne & Kevin Sands	Neutral/Amended	Add a new discretionary activity (D1) to Rule 22.4.1.2 General subdivision, as follows: <u>D1 (a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u>	This rule should enable a lot to be created around an existing dwelling and curtilage so that the farming regime can continue. This will avoid redevelopment of farm tracks and fencelines for a relatively small lot. There may be situations where it is appropriate to create a new lot that is less than 8000m ² or larger than 1.6ha which is consistent with objectives and policies. For lots smaller than 8000m ² , it is only necessary to confirm that services can be provided. A farm management report may be provided that confirms productive rural capacity for any lot greater than 1.6ha and the balance lot.	Reject	8.2
FS1387.1618	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept	8.2
982.6	Joanne & Kevin Sands	Oppose	Delete Rule 22.4.1.2 (a)(v) General subdivision; AND Add a new matter of discretion to Rule 22.4.1.2 (b) General subdivision, as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u>	The section 32 analysis does not justify this rule. The 80/20 percentage requirement may not result in the best layout, design or farming outcome. Objectives and policies (5.1.1 and 5.2) and the expanded matters of discretion are sufficiently strong to avoid adverse outcomes on high class soils. The rule will mean that every subdivision application will require a land use capability report to demonstrate compliance with the 80/20 percentage requirement which is costly and this should be discretionary rather than necessary.	Accept in part	8.2
FS1387.1619	Mercury NZ Limited for Mercury D	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is</i>	Accept in part	8.2

				therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.		
982.7	Joanne & Kevin Sands	Support	Retain Rule 22.4.1.2 (a)(i-iii) General subdivision, as notified.	The submitter supports the inclusion of general subdivision provisions.	Accept in part	8.2
FS1387.1620	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
982.8	Joanne & Kevin Sands	Support	Retain Rule 22.4.1.2 (a)(iv) General subdivision, as notified.	The creation of an additional vacant lot between 8,000m2 and 1.6ha is supported. The creation of any additional lot between 8,000 and 1.6ha as a restricted discretionary activity is supported.	Accept in part	8.2
FS1387.1621	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	8.2
982.10	Joanne & Kevin Sands	Neutral/Amended	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, by changing the activity status from Prohibited to Non-Complying activities.	There may be circumstances where a subdivision of high-class soils has overall positive effects supported by objectives and policies. Relocating consented soils within a landholding may produce a better outcome from farming and landscape perspectives. Sometimes the creation of an additional Record of Title is unavoidable. For example, where a title is limited as to parcels and the land parcels are held together by a covenant. The subdivision rule relies on a definition of	Accept in part	7.2

				<p>high-class soils, which are defined in the Proposed District Plan, yet they may not be versatile due to a range of factors (not just the classification of soil). It is unfair to prohibit the creation of lots that accommodate well-established, viable and sustainable rural activities (such as greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries and commercial orchards) which are appropriate to separate from other rural activities on the site. This can result in economic wellbeing and a more efficient and effective operation of those types of activities.</p> <p>Commercial reasons could necessitate subdivision, such as selling or leasing the business, rather than having no other option but to sell the entire property or invest in more capital. PR4 may unreasonably restrict subdivision over and above what is necessary to avoid undermining the intent of Franklin Section Rule 22B in the Operative District Plan and therefore a non-complying activity status is more appropriate. For example, the land may be able to subdivide using a Significant Natural Area or the boundary relocation rule without compromising the intent of the transferable development right subdivision rule.</p> <p>Objectives and policies should be sufficiently strong to protect high class soils from inappropriate subdivision and development and not compromise future urban development in the Urban Expansion Area.</p>		
FS1131.46	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
982.11	Joanne & Kevin Sands	Neutral/Amended	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title".	It may be necessary to create multiple lots and hold them together in one Record of Title. This may occur where a stream or a public road physically separates land parcels that are held in one Record of Title.	Accept in part	7.2
FS1387.1622	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2

<p>985.6</p>	<p>Neil Crispe for Koch Farms Limited</p>	<p>Oppose</p>	<p>Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.</p>	<p>Oppose the Prohibited Activity status for rural subdivision activities under Rule 22.4.1.1. With regards to PR2 and PR3 there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective. There are some circumstances it may be unavoidable to create an additional Record of Title, i.e. where it is limited to parcels and held together by covenant. The rule relies on a definition of High Class Soils. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law. It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities are viable and sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards. Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity. Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation. Prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable following separation from other rural activities on the site. PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. It is noted that that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision. The objectives and policies of the Proposed Plan should be sufficiently</p>	<p>Accept in part</p>	<p>7.2</p>
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				strong to ensure that the subdivision of land containing high class soils is protected and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.		
FS1129.39	Auckland Council	Oppose			Accept in part	7.2
FS1131.47	The Village Church Trust	Support	Amend provision(s) as requested by submitter.	The submitter seeks to amend Rule 22.4.1.1 Prohibited subdivision, to change the activity status for PR1, PR2, PR3 and PR4 from a prohibited to a non-complying status. This is supported because the notified provision is too restrictive and does not allow for exceptional circumstances. The purpose of the RMA could be equally served with a lesser activity status.	Accept in part	7.2
FS1379.380	Hamilton City Council	Oppose		HCC opposes the relief sought to delete the prohibited activity status for subdivision under rules 22.4.1.1 PR1, PR2 and PR3. The prohibition rule of subdivision in the UEA (PR1) and the purpose of the Rural Zone with the UEA Overlay is to prevent fragmentation of land and more efficiently provide for future urbanisation of the land. Increased subdivision is contrary to the purpose of the UEA. HCC does not support a change in activity status from Prohibited for subdivision of land with high class soils (PR2 and PR3), as one of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth. Growth for non-rural purposes within the Rural Zone is contrary to the principles of the Future Proof Strategy and the WRPS.	Accept in part	7.2
FS1387.1627	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.	Accept in part	7.2
985.7	Neil Crispe for Koch Farms Limited	Not Stated	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.	It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.	Accept in part	7.2
FS1387.1628	Mercury NZ Limited for Mercury D	Oppose		At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district	Accept in part	7.2

				<i>plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
985.8	Neil Crispe for Koch Farms Limited	Support	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.	Supports the inclusion of the General Subdivision rules.	Accept in part	8.2
FS1387.1629	<i>Mercury NZ Limited for Mercury D</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
985.9	Neil Crispe for Koch Farms Limited	Not Stated	Retain Rule 22.4.1.2(a)(iv) General subdivision, which classifies creation of an additional lot between 8,000m ² and 1.6ha as a restricted discretionary activity.	The creation of an additional vacant lot between 8,000m ² and 1.6ha as a restricted discretionary activity is supported.	Accept in part	8.2
FS1387.1630	<i>Mercury NZ Limited for Mercury D</i>	Oppose		<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>	Accept in part	8.2
985.10	Neil Crispe for Koch Farms Limited	Not Stated	Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI (a) General subdivision around an existing dwelling</u>	General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue. Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not meet an arbitrary rule. A lot size	Reject	8.2

			<p><u>and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RD1. (b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RD1.</u></p>	<p>consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land. A discretionary rule should also be provided for lots less than 8,000m² and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies. For lots smaller than 8000m², it is only necessary to confirm the provision of services within the lot boundaries. Lots greater than 1.6ha may need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate. Creation of lots should be provided for that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature, and it is appropriate for these to be subdivided from other rural activities on the site.</p>		
FS1379.378	Hamilton City Council	Oppose		<p><i>HCC opposes the relief sought to change the activity status of uses within the Rural Zone from non-complying to discretionary. One of the key purposes of the Rural Zone is to protect the productive nature of the land and to ensure growth is more appropriately directed to towns and other areas identified for growth.</i></p>	Accept	8.2
FS1387.1631	Mercury NZ Limited for Mercury D	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept	8.2
985.11	Neil Crispe for Koch Farms Limited	Oppose	<p>Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add new matters of discretion to Rule 22.4.1.2(b) General subdivision, as follows: (vi).</p>	<p>There is no analysis in the s32 regarding this relevance or practicality of this rule. The submitter agrees with the intent of this rule which is to design subdivision to avoid fragmentation of the high class soils. However, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site. The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), the submitter would like to see</p>	Accept in part	8.2

			<p><u>Effects on rural productivity and fragmentation of high class soils.</u></p>	<p>matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided. The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with even subdivision application under the general provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.</p>		
FS1387.1632	Mercury NZ Limited for Mercury D	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept in part	8.2
986.91	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	Neutral/Amended	<p>Amend the matter of discretion in Rule 22.4.1.2 RD1 (b)(iv) General Subdivision as follows (or similar amendments to achieve the requested relief): (iv) potential for reverse sensitivity effects <u>including on land transport networks</u> AND Any consequential amendments to link and/or accommodate the requested changes.</p>	<ul style="list-style-type: none"> The design, location and service arrangements for new development carried out in the subdivision process cannot be separated from the future use of the subdivided sites. New buildings, including those containing sensitive or noise sensitive activities, their location and the design and location of access ways may all have an influence on the ultimate impact development has on existing and planned infrastructure. The potential for reverse sensitivity effects is therefore a relevant consideration at this point in the development process. • KiwiRail seeks the addition of matters of discretion relating to reverse sensitivity effects on land transport networks to the subdivision consent criteria in the listed zones. 	Accept in part	8.2

756.2	Simon Upton	Support	Retain Rule 22.4.1.5 Rural Hamlet Subdivision, except for the amendments sought below AND Amend Rule 22.4.1.5 Rural Hamlet Subdivision to reduce the sizes of the maximum and minimum areas.	The size of lots specified is too large. Maximum of 1.6ha is far too large and as well as the minimum 8000m ² . Since policy guiding such subdivision in 5.3.8 (d) aims to protect rural land, maintain rural character and amenity and minimise cumulative effects, the aim should be to achieve the smallest lot sizes possible in order to be compatible with requirements for sanitation, access and related infrastructure. Aim should also be to assist Rural Hamlets to be as visually unobtrusive as possible. Large lot sizes, proposed by the Plan, along with an ageing population make the possibility of minimizing the amount of land one has to care for and seek opportunities to share services and security much harder.	Reject	11.2
365.3	Delta Property Group	Neutral/Amend	Consider introducing the ability to transfer development rights to other properties where an allotment is entirely covered by Significant Natural Area Overlay	There are properties that are entirely covered by a Significant Natural Area overlay which makes subdivision a non-complying activity for splitting Significant Natural Areas through subdivision.	Reject	22.2
FS1129.79	Auckland Council	Oppose			Accept	22.2
437.2	KCH Trust	Oppose	Amend the assessment of a Significant Natural Area required by Rule 22.4.1.6(a)(ii) Conservation lot subdivision, to specifically refer to an outcome of the assessment being an increase or decrease in the boundary of the mapped Significant Natural Area as follows: The area of Significant Natural Area is assessed by a suitably-qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining	It is acknowledged that there is considerable cost in ground-truthing the Significant Natural Areas at a district scale. This provides for verification of the mapped Significant Natural Area by a suitably qualified ecologist.	Accept	12.4

			Significance of Indigenous Biodiversity, a consequence of such assessment can be that the mapped Significant Natural Area may increase or decrease; AND Any other relief or amendments to address the concerns outlined in the submission.			
441.4	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Add clarification and further description of the term "contiguous area" as used in Rule 22.4.1.6 RDI (a)(i) Conservation Lot Subdivision.	Further definition of this term will aid in the interpretation of the rule and will assist in the identification of areas eligible for subdivision under this rule.	Accept in part	12.4
444.4	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Add clarification and further description of the term 'contiguous area' in the context of Rule 22.4.1.6(a)(i) Conservation lot subdivision.	Further definition of these terms will aid in the interpretation of the rule and will assist in the identification of areas eligible for subdivision under this rule.	Accept	12.4
446.4	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend the Proposed District Plan to clarify and further describe/define "contiguous area" in the context of Rule 22.4.1.6 (a)(i) Conservation lot subdivision.	Further definition will aid in interpretation of this rule and will assist in identification of areas eligible for subdivision.	Accept	12.4

447.2	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend the Proposed District Plan to clarify and further describe a 'contiguous area' in the context of Rule 22.4.1.6 (a)(i) Conservation lot subdivision.	Further definition of the term will aid in the interpretation of the rule and will assist in the identification of areas eligible for subdivision under this rule.	Accept	12.4
449.4	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend the Proposed District Plan to clarify and further describe a 'contiguous area', as contained in Rule 22.4.1.6 (a)(i) Conservation lot subdivision.	Further definition of this term will aid in the interpretation of the rule Will assist in the identification of areas eligible for subdivision under this rule.	Accept	12.4
455.4	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend the Proposed District Plan to clarify and further describe a "contiguous area", as contained in Rule 22.4.1.6 (a)(i) Conservation lot subdivision.	Further definition of this term will aid in the interpretation of the rule. Will assist in the identification of areas eligible for subdivision under this rule.	Accept	12.4
456.4	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend the Proposed District Plan to clarify and further describe a "contiguous area" as contained in Rule 22.4.1.6 (a) (i) Conservation lot subdivision.	Further definition of this term will aid in the interpretation of the rule. Will assist in the identification of areas eligible for subdivision under this rule.	Accept	12.4

459.4	Ben Young for Madsen Lawrie Consultants	Neutral/Amend	Amend the Proposed District Plan to clarify and further describe a "contiguous area" as contained in Rule 22.4.1.6 (a) (i) Conservation lot subdivision.	Further definition of these terms will aid in the interpretation of the rule and will assist in the identification of areas eligible for subdivision under this rule.	Accept	12.4
460.4	Ben Young for Madsen Lawrie Consultants	Neutral/Amend	Amend the Proposed District Plan to clarify and further describe a "contiguous area" as contained in Rule 22.4.1.6- Conservation lot subdivision.	Further definition of this term will aid in the interpretation of the rule. Will assist in the identification of areas eligible for subdivision under this rule.	Accept	12.4
467.5	Ben Young for Madsen Lawrie Consultants	Neutral/Amend	Amend the Proposed District Plan to clarify and further describe a "contiguous area" in the context of Rule 22.4.1.6 (a) (i) Conservation lot subdivision.	Further definition of this term will aid in the interpretation of the rule and will assist in the identification of areas eligible for subdivision under this rule	Accept	12.4
FSI062.48	<i>Andrew and Christine Gore</i>	<i>Support</i>	<i>Allow submission point 467.5.</i>	<i>Definitions need to be very clear for public and council.</i>	Accept	12.4
587.9	Bruce Cameron	Neutral/Amend	Amend the Proposed District Plan to include provisions enabling one transferable title per Significant Natural Area or one transferable title per 3ha area or part	Provides the landowner an opportunity to sell the title and afford to undertake fencing to exclude stock from the Significant Natural Area. Gives the landowner an incentive to conserve the Significant Natural Areas and does not require Council to financially contribute. Just recognising Significant Natural Areas on council maps is going to achieve nothing.	Reject	22.2

			thereof.			
FS1138.12	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Oppose	<i>In part. This is an appropriate environmental mechanism, however, the yield and economics need to be considered as well as the incremental gain.</i>	No reasons provided.	Reject	22.2
330.4	Andrew and Christine Gore	Neutral/Amended	Amend the Proposed District Plan to allow subdivision where a property is planted and creates an ecological area for the future.	No reasons provided.	Accept in part	12.3
845.8	Grace M Wilcock	Oppose	Amend the Proposed District Plan to ensure that Significant Natural Area land area is included as part of land calculations for possible future subdivision.	No reasons provided.	Accept in part	12.3
441.10	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Add clarification and further description of the term "Significant Natural Area" in the context of Rule 22.4.1.6 RDI (a)(i) Conservation Lot Subdivision.	Further definition of this term will aid in the interpretation of the rule and will assist in the identification of areas eligible for subdivision under this rule.	Reject	12.4

444.13	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Add clarification and further description of the term 'Significant Natural Area' in the context of Rule 22.4.1.6(a)(i) Conservation lot subdivision.	Further definition of these terms will aid in the interpretation of the rule and will assist in the identification of areas eligible for subdivision under this rule.	Reject	12.4
446.13	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend the Proposed District Plan to clarify and describe/define 'Significant Natural Area' in the context of Rule 22.4.1.6(a)(i) Conservation lot subdivision.	Further definition will aid in interpretation of this rule and will assist in identification of areas eligible for subdivision.	Reject	12.4
447.13	Ben Young for Madsen Lawrie Consultants	Neutral/Amended	Amend the Proposed District Plan to clarify and further describe a "Significant Natural Area" in the context of Rule 22.4.1.6(a)(i) Conservation lot subdivision.	Further definition of the term will aid in the interpretation of the rule and will assist in the identification of areas eligible for subdivision under this rule.	Reject	12.4
449.13	Ben Young for Madsen Lawrie Consultants	Not Stated	Amend the Proposed District Plan to clarify and further describe a 'Significant Natural Area' in the context of Rule 22.4.1.6 (a) (i) Conservation lot subdivision.	Further definition of this term will aid in the interpretation of the rule. Will assist in the identification of areas eligible for subdivision under this rule.	Reject	12.4

455.13	Ben Young for Madsen Lawrie Consultants	Not Stated	Amend the Proposed District Plan to clarify and further describe a "Significant Natural Area" in the context of Rule 22.4.1.6 Conservation lot subdivision.	Further definition of this term will aid in the interpretation of the rule. Will assist in the identification of areas eligible for subdivision under this rule.	Reject	12.4
456.13	Ben Young for Madsen Lawrie Consultants	Not Stated	Amend the Proposed District Plan to clarify and further describe a "Significant Natural Area" in the context of Rule 22.4.1.6 Conservation lot subdivision.	Further definition of this term will aid in the interpretation of the rule. Will assist in the identification of areas eligible for subdivision under this rule.	Reject	12.4
459.13	Ben Young for Madsen Lawrie Consultants	Not Stated	Amend the Proposed District Plan to clarify and further describe a "Significant Natural Area" in the context of Rule 22.4.1.6 Conservation lot subdivision.	Further definition of these terms will aid in the interpretation of the rule. Will assist in the identification of areas eligible for subdivision under this rule.	Reject	12.4
460.13	Ben Young for Madsen Lawrie Consultants	Not Stated	Amend the Proposed District Plan to clarify and further describe a "Significant Natural Area" in the context of Rule 22.4.1.6 Conservation lot subdivision.	Further definition of this term will aid in the interpretation of the rule. Will assist in the identification of areas eligible for subdivision under this rule.	Reject	12.4
467.10	Ben Young for Madsen Lawrie	Neutral/Amended	Amend the Proposed District Plan to	Further definition of this term will aid in the interpretation of the rule and will assist in the identification of areas eligible for	Reject	12.4

	Consultants		clarify and further describe a "Significant Natural Area" in the context of Rule 22.4.1.6 (a)(i) Conservation lot subdivision.	subdivision under this rule.		
838.12	Madsen Lawrie Consultants	Not Stated	Add clarification of the term "contiguous area" and a "Significant Natural Area", as contained in Rule 22.4.1.6(a)(i) Conservation lot subdivision.	Further definition of this term will aid in the interpretation of the rule and will assist in the identification of areas eligible for subdivision under this rule.	Reject	12.4
<i>FS1387.1372</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>	<i>Null</i>	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
838.19	Madsen Lawrie Consultants	Not Stated	Add clarification of the term "Significant Natural Area" in the context of Rule 22.4.1.6(a)(i) Conservation lot subdivision.	Further definition of this term will aid in the interpretation of the rule and will assist in the identification of areas eligible for subdivision under this rule.	Reject	12.4
<i>FS1387.1376</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>	<i>Null</i>	<i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing</i>	Accept	12.4

				<i>the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i>		
746.113	The Surveying Company	Support	Retain Rule 22.4.1.7-Subdivision to create a reserve as notified.	It enhances and incentivises public access through subdivision providing a win-win for the landowner and public.	Accept in part	13.2
FS1062.106	<i>Andrew and Christine Gore</i>	<i>Support</i>	<i>Allow submission point 746.113.</i>	<i>It is important that policy reflects strong environmental consideration.</i>	<i>Accept in part</i>	<i>13.2</i>
695.98	Sharp Planning Solutions Limited	Neutral/Amended	Add to Rule 22.4.6 RDI(a)(i) Subdivision of land containing all or part of an Environmental Protection Area a reasonable setback (trigger threshold applied) e.g. where an overlay occurs in or within 100m of lots being proposed to be developed, with the exception of the balance lot; AND Amend Rule 22.4.6 RDI(a)(i) Subdivision of land containing all or part of an Environmental Protection Area, as follows: A planting and management plan is submitted to Council for the Environmental Protection Area prepared by a suitably-qualified person, <u>containing. The plan is to contain details of</u>	This blanket imposition is concerning.	Reject	18.2

			<p>exclusively indigenous species suitable to the area and conditions for <u>the purpose of planting enhancement and management where this is considered necessary after qualified ecological assessment of the Environmental Protection Area Planning Overlay on the site.</u></p>			
FS1387.332	Mercury NZ Limited	Oppose		<p><i>At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure. Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.</i></p>	Accept	18.2