

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District Plan - Stage 1

Hearing 18: Rural Subdivision

Report prepared by: Katherine Overwater

Date: 25 August 2020



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Robbie Bennett	279
Amanda and Brian Billington	517
Blue Wallace Surveyors Ltd	662
Burman Family Trust	629
Lachie Cameron and Donna Watts	391
Bruce Cameron	587
CDL Land New Zealand Ltd	612
Joy & Wayne Chapman	522
Dorothy Chipman	323
CKL	471
Steve Cochrane	14
Louise & Tony Cole	874
Counties Manukau Police	297
Counties Power Limited	405
Culverden Farm	481
CYK Limited	362
P & B Day	760
Delta Property Group	365
Terence Denton & Bernardina van Loon	352
Robert & Colleen Endicott	356
Enton Farms Limited	512
Environmental Management Solutions Limited	463, 800
EnviroWaste New Zealand Limited	302

Submitter	Submission number
<i>Auckland Council</i>	<i>FS1129</i>
<i>Kenneth Graham Barry</i>	<i>FS1328</i>
<i>Blue Wallace Surveyors Ltd</i>	<i>FS1287</i>
<i>Bowrock Properties Limited</i>	<i>FS1197</i>
<i>CDL Land New Zealand Limited</i>	<i>FS1172</i>
<i>Roger & Bronwyn Crawford on behalf of Roger & Bronwyn Crawford</i>	<i>FS1020</i>
<i>Counties Power Limited</i>	<i>FS1134</i>
<i>Department of Conservation</i>	<i>FS1293</i>
<i>Federated Farmers</i>	<i>FS1342</i>
<i>Ethan & Rachael Findlay</i>	<i>FS1311</i>
<i>Fire and Emergency New Zealand</i>	<i>FS1114</i>
<i>First Gas</i>	<i>FS1211</i>
<i>Fonterra Limited</i>	<i>FS1333</i>
<i>Fulton Hogan Limited</i>	<i>FS1334</i>
<i>Gleeson Quarries Huntly Limited</i>	<i>FS1146</i>
<i>Andrew and Christine Gore</i>	<i>FS1062</i>
<i>Hamilton City Council</i>	<i>FS1379</i>
<i>Charlie Harris</i>	<i>FS1303</i>
<i>Havelock Village Limited</i>	<i>FS1377</i>
<i>Jennie Hayman</i>	<i>FS1268</i>
<i>Heritage New Zealand Pouhere Taonga</i>	<i>FS1323</i>
<i>Horticulture New Zealand</i>	<i>FS1168</i>
<i>Hynds Pipe Systems Limited</i>	<i>FS1341</i>
<i>James Crisp Holdings & Ryedale Farm Partnership</i>	<i>FS1130</i>
<i>Lakeside Development Limited</i>	<i>FS1371</i>
<i>Lochiel Farmlands Limited</i>	<i>FS1315</i>
<i>Mainland Poultry Limited</i>	<i>FS1265</i>
<i>McPherson Resources Limited</i>	<i>FS1292</i>
<i>Mercury NZ Limited</i>	<i>FS1223</i> <i>FS1385</i> <i>FS1386</i>

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Ann-Maree Gladding	489
Glen Alvon Farms Limited	540
Anita Moleta & Penny Gooding	873
Andrew and Christine Gore	330
Colin & Rae Hedley	533
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Heritage New Zealand Lower Northern Office	559
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Holcim (New Zealand) Limited	766
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Michael Innes	364
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<i>Middlemiss Farm Holdings Limited</i>	FSI330
<i>Bhaady Miller and Simon Upton</i>	FSI170
<i>Andrew Mowbray</i>	FSI305
<i>Dermot Murphy</i>	FSI267
<i>Nesdam Trust & Fisk Madsen Trust</i>	FSI251
<i>New Zealand Health Food Park Limited</i>	FSI301
<i>New Zealand Pork Industry Board</i>	FSI076
<i>New Zealand Steel Holdings Limited</i>	FSI319
<i>New Zealand Walking Access Commission</i>	FSI307
<i>Glenn Michael Soroka and Louise Claire Meredith as Trustees of the Pakau Trust</i>	FSI138
<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>	FSI338
<i>Quinn Haven Investments Limited and M & S Draper</i>	FSI317
<i>Kelvin Russell and Joy Margaret Smith</i>	FSI028
<i>Stonehill Trustee Limited</i>	FSI188
<i>Synlait Milk</i>	FSI322
<i>Synlait Milk Limited</i>	FSI110
<i>T&G Global</i>	FSI171
<i>Pareoranga Te Kata</i>	FSI035
<i>Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)</i>	FSI108
<i>The Surveying Company</i>	FSI308
<i>The Village Church Trust</i>	FSI131
<i>Transpower New Zealand Limited</i>	FSI350
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Koch Farms Limited	985
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Lakeside Development Limited	1371
Ted and Kathryn Letford	276
Lyndendale Farms Limited	761
R & B Litchfield Limited	523
Russell Luders	273
McCracken Surveys Limited	943
Jack Macdonald	782
Madsen Lawrie Consultants	420 434 440 441 444 446 447 449 453 455 456 459 460 467 838
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McPherson Resources Limited	691
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Peter & Janette Middlemiss	354
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Reid Crawford Farms Limited	686
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Grant Ryan	424
Joanne & Kevin Sands	532, 982
Mark Scobie	527, 972
Stuart Seath	837
Sharp Planning Solutions Ltd	695
Leigh Michael Shaw & Bradley John Hall	877
Paramjit & Taranpal Singh	690
Harpal Singh-Sandhu	311
Kelvin & Joy Smith	537
Gwyneth & Barrie Smith	332
Lucy Stallworthy	69
Ben Stallworthy	70
Steven & Theresa Stark	701
KR & BC Summerville	544
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The Poultry Industry Association of New Zealand; Inghams Enterprises (NZ) Limited; Brinks NZ Chicken; Organisation: The Egg Producers Federation of New	821

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Anthony Viner	61
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Waikato Regional Council	81
Carolyn Watson	683
Whitford Farms Limited	507
Grace M Wilcock	845
Wilcox Properties Limited	529
Denise and Harold Williams	509
Roy & Lesley Wright	526
Tara Wrigley	62

Please refer to Appendix I to see where each submission point is addressed within this report.

I Introduction

I.1 Qualifications and experience

1. My name is Katherine Elizabeth Overwater. I am employed by the Waikato District Council as a Senior Policy Planner.
2. My qualifications include a conjoint Bachelor of Social Sciences majoring in Resources and Environmental Planning and Law (BSocSc(REP)/LLB). I have also been admitted to the High Court of New Zealand as a Barrister/Solicitor however do not hold a current practicing certificate.
3. I am a Full Member of the New Zealand Planning Institute (NZPI) and am also a member of the Resource Management Law Association (RMLA).
4. I have been working as a professional planner for the past 15 years in Local Government. I have been employed by the Waikato District Council for the past 9 years as a Consents Planner (4 years) and Policy Planner (5 years).
5. As a consents planner I have processed a number of complex subdivision and land use consents and been involved in Environment Court appeals. I have prepared S42A reports and evidence for presentation at a number of hearings (both consents and policy).
6. I have been in the Senior Policy Planner role for the past 4 years and have been involved in the development of the Proposed District Plan from its early phases. I have prepared issues and options papers for Councillor workshops for the hazardous substances topic, solid waste, GMOs and rural subdivision. I have also assisted in drafting subdivision rules for the various zones in the District Plan along with the objectives and policies for the Rural Zone, which were notified in Proposed District Plan. With the technical assistance of Norbert Schaffoener from Resources Consulting, I also prepared the objectives, policies, rules and supporting section 32 report for the hazardous substances topic.
7. Upon notification of the Proposed District Plan, I was the lead planner on the Council submission working with teams across the Council and assisting Councillors through workshops prior to the final approval of the submission. Following the Council submission, I summarised both original and further submissions on the Proposed District Plan.
8. In my role I have recently been involved in pre-consultation workshops with the Ministry for the Environment on the proposed National Policy Statement on Highly Productive Land and have prepared Council's submission on the proposed National Policy Statement (August 2019).
9. In the District Plan hearings to date I have been the reporting planner on the hazardous substances and contaminated land topic and am yet to be involved in the re-zoning hearings.

I.2 Code of Conduct

10. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is

within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

11. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

1.3 Conflict of Interest

12. I confirm that I have no real or perceived conflict of interest.

1.4 Preparation of this report

13. My role in preparing this report has been to evaluate all original and further submissions received in relation to rural subdivision.
14. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
15. In preparing this report I rely on expert advice sought from Reece Hill from Landsystems in respect to soil science matters; Professor Frank Scrimgeour from Waikato University in respect to agri-economic matters and Doug Fairgray from Market Economics in respect to economic matters; John Turner from WSP in respect to ecological matters.
16. I have also sought legal advice from Bridget Parham and Marianne Mackintosh from Tompkins Wake.

2 Scope of Report

2.1 Matters addressed by this report

17. This report is prepared in accordance with section 42A of the RMA. This report considers submissions that were received by the Council in relation to the provisions on the management of Rural Subdivision within the Waikato Proposed District Plan and is to be read in conjunction with the s42A report prepared by Jonathan Clease on the Rural Objectives and Policies and Landuse provisions.

2.2 The Story of Rural Subdivision in the Waikato District

18. Like many District Plans across New Zealand, the subdivision provisions in the Waikato District Operative District Plan (Franklin and Waikato Sections) have legacy issues that need to be addressed at the start of this hearing report to provide a summary of where the rural subdivision provisions have come from before the report recommends where the proposed district plan provisions should head.
19. This next section of the report provides an overview of subdivision that has already occurred within the rural zone, outlines the key differences between the two subdivision frameworks and highlights the complexities in terms of bringing the two regimes together into one approach for the Waikato District.

2.3 Overview of Rural Waikato Titles

20. Currently there are **16,679** titles in the rural zone¹. **4,734** of these are in the former Franklin portion of the District, while **11,945** titles are within the Waikato portion of the District. Table I below shows the distribution of titles by their size and by land area.

Title size (ha)	Number of titles	% of titles in Rural zone	Land area (ha)	% land area in Rural zone
0-10	11,647	69.8%	23,636.5336	7.6%
10-20	1,393	8.4%	20,412.8828	6.6%
20-30	847	5.1%	20,406.7353	6.6%
30-40	556	3.3%	19,479.5209	6.3%
40-50	501	3.0%	22,158.0308	7.1%
50-60	326	2.0%	17,855.7301	5.7%
60-70	272	1.6%	17,632.0819	5.7%
70-80	167	1.0%	12,530.9407	4.0%
80-90	149	0.9%	12,595.6854	4.1%
90-100	129	0.8%	12,256.5729	3.9%
100+	692	4.1%	131,850.7018	42.4%
TOTAL	16,679	100.0%	310,815.4162	100.0%

Table I – Rural titles by size class

21. Subdivision within the Waikato District has provided many opportunities for landowners to undertake subdivision to date which is reflected in **Figures 1, 2 and 3** below which illustrate the distribution of rural titles across the Waikato District and show the high proportion of titles that are less than 4ha.

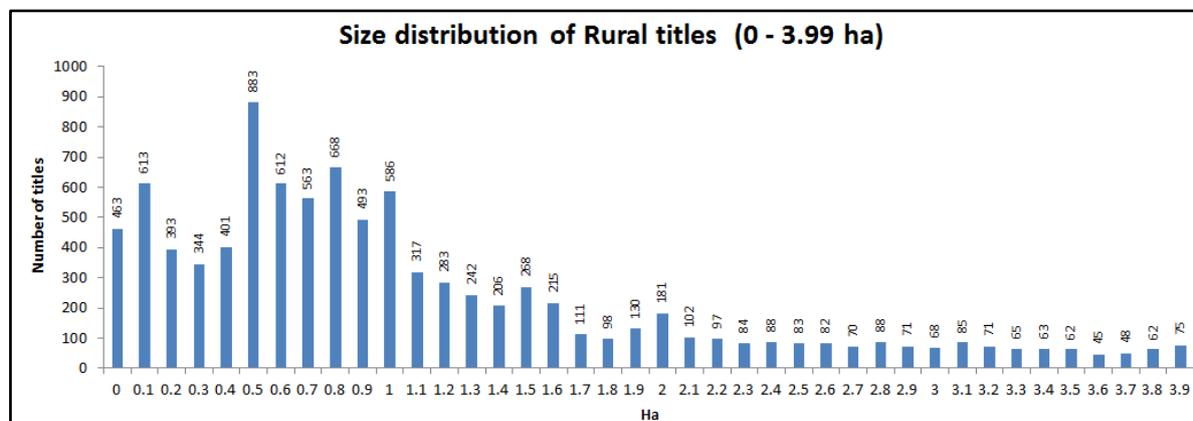


Figure 1. Distribution of titles in the rural zone less than 4 hectares in area.

¹ - Excludes the following :

- Where Title estate description is Minerals, Coal or Clay
- Where Title type is Records Embodied in the Register, Supplementary Record Sheet, Gazette Notice, Life Estate or Unit
- Where Title type is cross lease and estate description does not contain a flat or house
- DOC land (Reserve_DOC)
- Maaori land (Parcel_Maori_prog)
- Where Title owners are Her Majesty the Queen, Council, or Land Information
- Where Title type is leasehold and owners are BT Mining Limited, Genesis Energy Limited, Housing New Zealand limited, Spark New Zealand Trading Limited, Telecom Mobile Limited, Transpower New Zealand Limited or Vodafone New Zealand Limited.
- This is a snapshot of titles as at August 2019

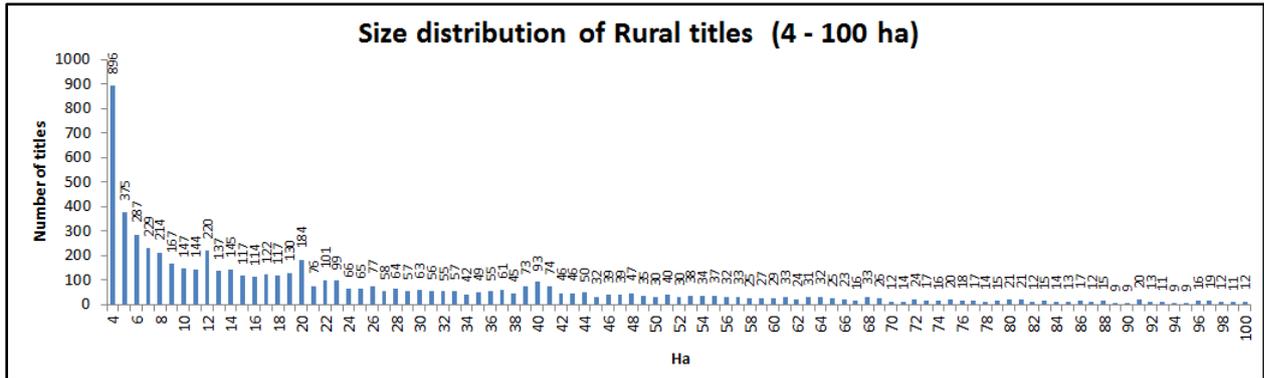


Figure 2. Distribution of titles in the rural zone between 4 – 100 hectares.

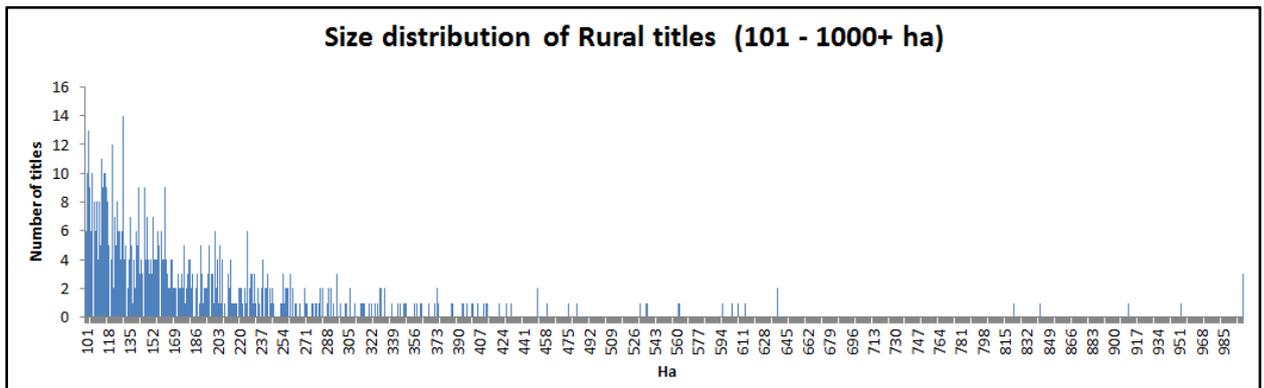


Figure 3. Distribution of titles in the rural zone 100 hectares and greater.

22. Vacant titles also have their role to play in terms of the District's current capacity for dwellings to be developed on existing titles. As Table 2 below shows, there are in fact already a high proportion of vacant titles that are rural-residential in size (ranging from 0 – 10ha).

Title size (ha)	Number of titles
0-0.5	452
0.5-1	504
1-2	418
2-5	420
5-10	232
10-20	252
20-30	75
30-40	36
40-50	48
50-60	26
60-70	24
70-80	15
80-90	10
90-100	9
100+	43
TOTAL	2,564

Table 2 – Number of vacant rural titles

23. **Figure 4** below represents spatially where lots less than 10ha are located across the Waikato District, which represents rural residential development across the District. It is evident that most development is located close to the periphery of both the Auckland and Hamilton city boundaries, as well as scattered throughout the rural zone, in many areas comprising high class soils (i.e. Land Use Capability 1 – 3), which will be discussed further in this report.

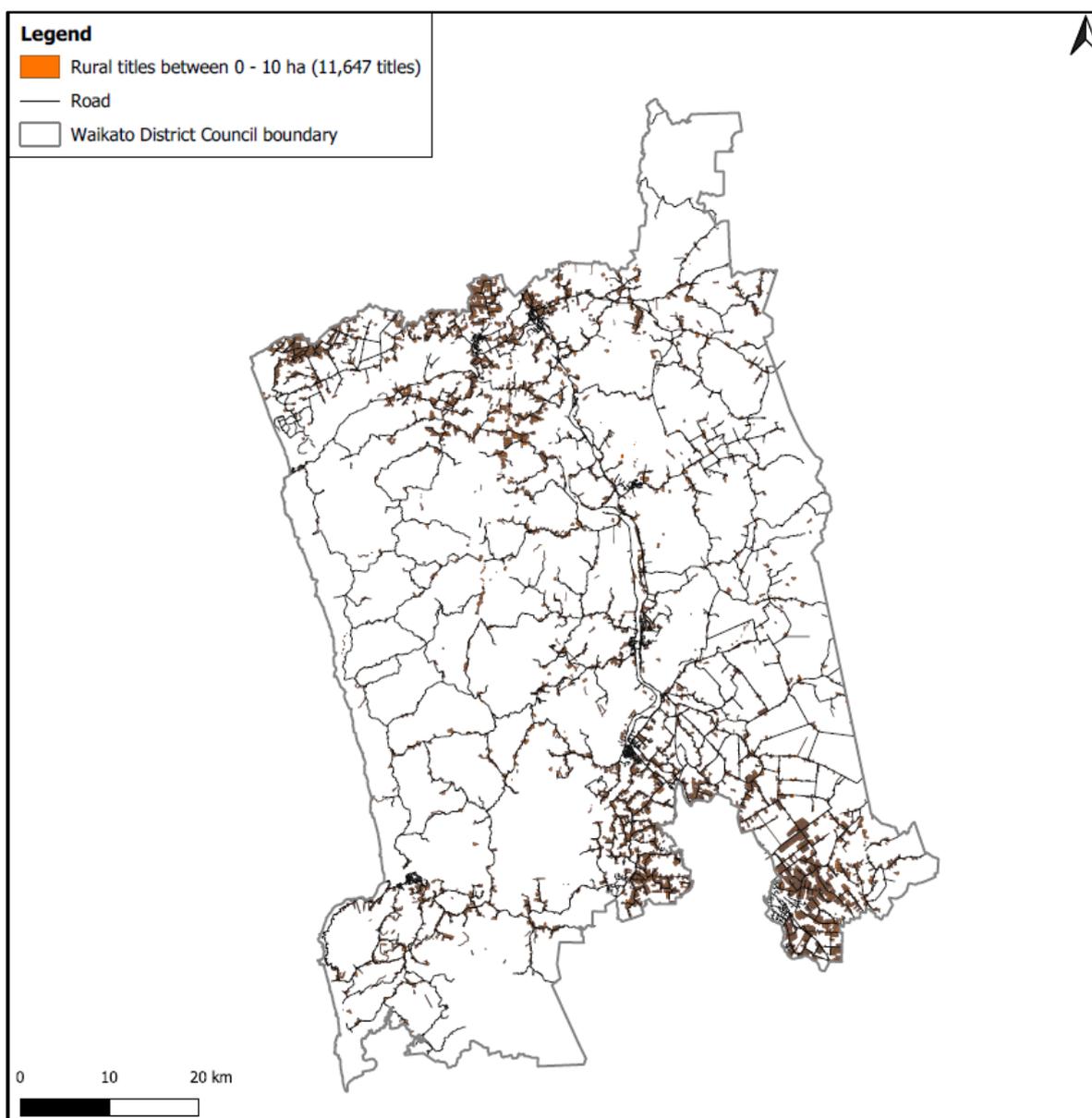


Figure 4 – Distribution of titles in the Rural Zone between 0 – 10 hectares.

24. One of the issues highlighted in this hearing report, is that if the Waikato District Council continues to enable the creation of rural-residential lifestyle lots to the same extent as it has previously, there will be irreversible consequences in respect to the loss of productivity, further fragmentation of rural land, loss of high class soils, increased reverse sensitivity effects from rural lifestyle development and degradation of rural character and amenity.

2.4 Legacy Rural Subdivision Provisions within the Waikato District

25. The Operative Waikato District Plan (Waikato Section) provides a subdivision regime that enables a package of subdivision provisions. These provisions have a long history which span back several plan changes ago where they were developed as part of Plan Change 7 (Rural subdivision), which was notified on 6 May 2000 and became fully Operative in February 2005. This introduced the title date of 6 December 1997 (which was the date of the previous plan).
26. In 2004 a District Plan review rolled over existing provisions from the 1997 plan review with very little change and effectively introduced the new Waikato District Plan format. The Plan was made Operative in Part in July 2011.
27. Plan Change 2/Variation 16 Rural Subdivision changed the then current District Plan, which aimed to slow down subdivision in the District. The Plan change changed the minimum lot size from 5,000m² and average of 1.3ha to a parent of 6ha and all lots having a new site area of at least 1.6ha with only one lot of 4ha or more. The Waikato District Plan became Operative in 2013, which also introduced Chapter 1A into the Plan (Strategic Objectives and Policies).
28. The Operative Waikato Section enables the following subdivision opportunities, subject to other controls, including provisions for prohibited subdivision on high class soils:
- Subdivision generally (Rule 25.70A)
 - Boundary adjustment (Rule 25.71)
 - Boundary relocation (Rule 25.71A)
 - Conservation house allotment (Rule 25.73)
 - Reserve allotment (Rule 25.73B)
29. The Proposed District Plan provisions are largely reflective of the Waikato provisions, as the direction of Council at the time of plan preparation was to reflect a status quo position.

2.5 Legacy Rural Subdivision Provisions - Former Franklin District Plan

30. The Franklin Section of the Waikato District Plan has a relatively complex subdivision regime, which instead of having a general subdivision provision, similar to the Waikato Section, provides for transferable subdivision options, which enable existing titles (without a dwelling) to be amalgamated and relocated to another area of the Former Franklin District. There are incentivised provisions for an area called the Environmental Enhancement Overlay Area (EEOA), which is a spatial area identified directly to the north of Tuakau, as shown below in **Figure 5**.

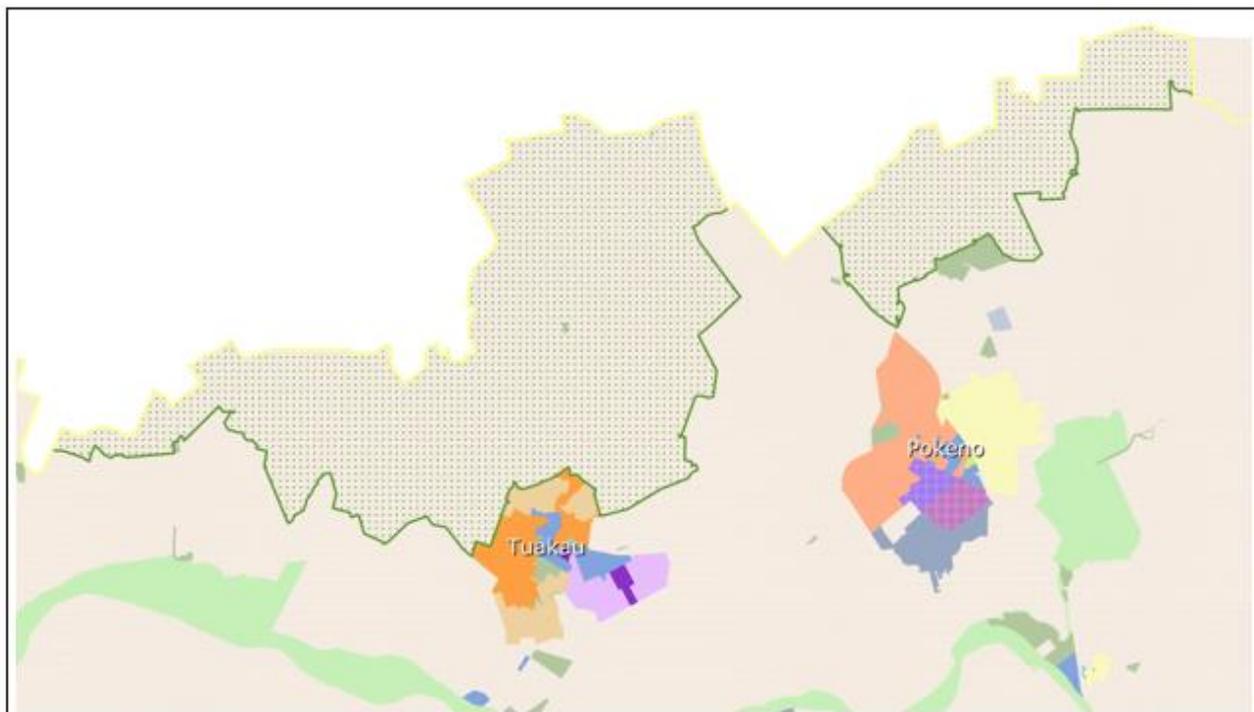


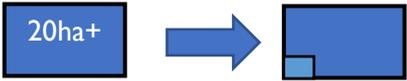
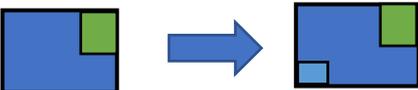
Figure 5. Map of Environmental Enhancement Overlay Area (EEOA).

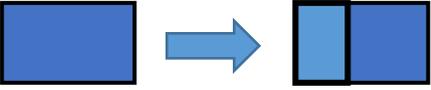
31. The Franklin District Plan was made operative on 29 February 2000 and provided for general purpose lots of 1ha from a 40ha title. It also provided for conservation lot subdivision, boundary adjustments and boundary relocations.
32. Plan Change 14 (PC14) was a key plan change to the Rural Subdivision provisions, which saw the introduction of the transferable development rights (TDRs), in replacement of the general purpose lot rule. A decision version of these provisions was released on 11 July 2006. During the appeals phase, a “top down” approach was taken which saw the objective and policy framework decided first by the Environment Court and eventually the Version 7A rules were endorsed by the Court and made operative on 21 October 2013.
33. Just prior to the rules becoming operative, both Waikato District Council and Auckland Council notified in July 2012 Variation 13 to Plan Change 14, which amended the provisions for transferable subdivision to prohibit the transfer of lots between the jurisdictional boundaries.
34. Part 22A provides the subdivision provisions in the Franklin Section of the Plan and includes three subdivision pathways as follows:
 - a. Environmental Lots both within and outside of the EEOA (Rules 22B.9.2, 22B.9.3, 22B.11.1, 22B.11.1.2)
 - b. Transferable Rural Lot Right (22B.9.4, 22B.12.1, 22B.12, 22B.12.2, 22B.12.3A, 22B.12.4A)
 - c. Lots for existing Intensive Rural Activities (22B.10)
 - d. Lots for Road Severances (Rule 22B.14)
 - e. Boundary Relocation or Adjustment (Rule 22B.15.1)
35. These provisions have enabled both the transfer of existing rural titles with no existing dwellings, and consented lots which include consented environmental lots.

36. The notified version of the Proposed District Plan does not include provisions for transferable subdivision. This was a deliberate political decision by the Waikato District Council, as there have been poor planning outcomes of this subdivision regime, which has resulted in “ad hoc” growth pressures in unplanned areas of the former Franklin area which has consequently undermined the growth hierarchy. I will provide further discussion on transferable subdivision in section 22 of my report in consideration of submissions seeking to re-instate provisions for transferable subdivision into the District Plan.

2.6 Rural Subdivision in the Notified District Plan

37. The notified version of the Proposed District Plan includes a package of subdivision pathways including the following:

<p>Prohibited Subdivision</p>	<p>Rule 22.4.1.1 - Prohibited subdivision Restricts subdivision within the Urban Expansion Area (PR1); titles issued before 6 December 1997 having <u>more than one additional lot</u> being located on high class soils (PR2); titles issued after 6 December 1997 having <u>any additional lots</u> being located on high class soils (PR3); and any subdivision where a lot has already utilised the transferable subdivision provisions by way of either amalgamation or re-survey of the title (PR4).</p>	<p>No application for resource consent can be made.</p>
<p>Creation of additional titles</p>	<p>Pathway 1 General Subdivision – Rule 22.4.1.2 Provides for one additional lot to be created where the landowner has a title issued prior to 6 December 1997 and a parent title size of 20ha, provided the additional lot being created does not land on high class soils and creates an 8,000m² – 1.6ha child lot.</p>	
	<p>Pathway 2 Conservation Lot – Rule 22.4.1.6 An incentive provision that provides landowners with the opportunity to physically and legally protect Significant Natural Areas (SNA) to therefore qualify for subdivision. There are different criteria to meet depending on whether the SNA to be protected is located within the Hamilton Ecological Basin Area, as shown on the planning maps. This rule requires lots to be a minimum area of 8,000m² and a maximum area of 1.6ha.</p>	
	<p>Pathway 3 Reserve Lot incentive – Rule 22.4.1.7 An incentive provision to provide landowners who have land identified in the Waikato District Council Parks Strategy</p>	

	for public access or reserve purposes. This rule provides for a minimum area of 8,000m ² , but no maximum area.	
	Pathway 4 Subdivision of Maaori Freehold land – Rule 22.4.1.3 Provides for a full partition of Maaori Freehold land under the Te Ture Whenua Maori Act 1993.	
Changes to existing titles	Pathway 5 Boundary Relocation – Rule 22.4.1.4 Provides for the boundaries of existing titles to be adjusted to create a large balance lot and small lifestyle lots between 0.8-1.6ha.	
	Pathway 6 Rural Hamlet – Rule 22.4.1.5 Provides for multiple boundaries to be adjusted to create a cluster of up to 4 lifestyle lots and one balance lot.	

Note: **Rules 22.4.2 – 22.4.9** provide other controls which apply to the above subdivision

pathways.

2.7 Terminology used in this report

38. There are number of terms used throughout this report, which I need to address upfront to avoid confusion. These terms include:
- “Lot” or “allotment”** – The term “allotment” is technically the correct term. However often it is shortened to ‘lot’ in reference to either the land being subdivided (also called the parent title) or the number of allotments (also called the child lots) that can be achieved through the subdivision of land. I note that the term allotment has been included in the National Planning Standards and has the same meaning as in section 218 of the Resource Management Act. This was discussed in Hearing 5 – Definitions.
 - “Record of Title”** or previously referred to as **“Certificate of Title”** – This term is defined in the Proposed District Plan and in the s42A recommendation in Hearing 5 was amended to mean *“a record of title issued under section 12 of the Land Transfer Act 2017, and includes concurrent records of title issued for the same parcel of land (for example for a lease, or undivided share in the land) as if only one record of title has been issued.”*
39. You will read throughout this s42A report and the accompanying technical reports that the terms “child lot”, “additional lot” and “proposed lot” are commonly used. I note that these are not defined terms, but are used in reference to the allotment being proposed by the subdivision.
40. I have sought legal advice in respect to the terminology that should be used in the provisions and have applied the correct terminology where relevant in the recommended amendments.

2.8 Data used to determine consequences of subdivision

41. This hearing report uses data from Council’s Land Capacity Model dataset. It is important to note that several exclusions have been applied to the dataset, including the following:

- Where Title estate description is *Minerals, Coal or Clay*;
- Where Title type is *Records Embodied in the Register, Supplementary Record Sheet, Gazette Notice, Life Estate or Unit*;
- Where Title type is *cross lease* and estate description *does not contain a flat or house*;
- DOC land (Reserve_DOC);
- Maaori land (Parcel_Maori_prog);
- Where Title owners are *Her Majesty the Queen, Council, or Land Information*;
- Where Title type is *leasehold* and owners are *BT Mining Limited, Genesis Energy Limited, Housing New Zealand limited, Spark New Zealand Trading Limited, Telecom Mobile Limited, Transpower New Zealand Limited or Vodaphone New Zealand Limited*.

42. It should be noted that this information is a snapshot of titles as at August 2019 and the data from the the SNA database does not account for areas which are already protected by a legal covenant, therefore it is an approximation only. Council do hold databases for conservation covenants, however this information is taken from multiple sources and therefore is not completely reliable in terms of an accuracy.

3 Statutory Requirements

43. The statutory considerations that are relevant to the content of this report are largely set out in the opening legal submissions by counsel for Council (23 September 2019) and the opening planning submissions for Council (23 September 2019, paragraphs 18-32.) The opening planning submissions from the Council also detail the relevant iwi management plans (paragraphs 35-40) and other relevant plans and strategies (paragraphs 41-45). The following sections identify statutory documents with particular relevance to this report.
44. Both sections 11 and 218 of the RMA are the key legislative requirements that guides the subdivision of land within New Zealand. It is also worth noting that there are several other sections within Part 10 which are relevant to subdivision, some of which will be discussed in this hearing report.

Section 11 - Restrictions on subdivision of land

11 Restrictions on subdivision of land

- (1) No person may subdivide land, within the meaning of [section 218](#), unless the subdivision is—
- (a) first, expressly allowed by a national environmental standard, a rule in a district plan as well as a rule in a proposed district plan for the same district (if there is one), or a resource consent; and second, is shown on one of the following:
 - (i) a survey plan, as defined in paragraph (a)(i) of the definition of survey plan in [section 2\(1\)](#), deposited under [Part 10](#) by the Registrar-General of Land; or
 - (ii) a survey plan, as defined in paragraph (a)(ii) of the definition of survey plan in [section 2\(1\)](#), approved as described in [section 228](#) by the Chief Surveyor; or
 - (iii) a survey plan, as defined in paragraph (b) of the definition of survey plan in [section 2\(1\)](#), deposited under [Part 10](#) by the Registrar-General of Land; or
 - (b) effected by the acquisition, taking, transfer, or disposal of part of an allotment under the [Public Works Act 1981](#) (except that, in the case of the disposition of land under the [Public Works Act 1981](#), each existing separate parcel of land shall, unless otherwise provided by that Act, be disposed of without further division of that parcel of land); or
 - (c) effected by the establishment, change, or cancellation of a reserve under [section 338](#) of [Te Ture Whenua Maori Act 1993](#); or
 - (ca) effected by a transfer under [section 23](#) of the [State-Owned Enterprises Act 1986](#) or a resumption under [section 27D](#) of that Act; or
 - (cb) effected by any vesting in or transfer or gift of any land to the Crown or any local authority or administering body (as defined in [section 2](#) of the [Reserves Act 1977](#)) for the purposes (other than administrative purposes) of the [Conservation Act 1987](#) or any other Act specified in [Schedule 1](#) of that Act; or
 - (cc) effected by transfer or gift of any land to [Heritage New Zealand Pouhere Taonga](#) or the [Queen Elizabeth the Second National Trust](#) for the purposes of the [Heritage New Zealand Pouhere Taonga Act 2014](#) or the [Queen Elizabeth the Second National Trust Act 1977](#); or
 - (d) effected by any transfer, exchange, or other disposition of land made by an order under [subpart 3](#) of [Part 6](#) of the [Property Law Act 2007](#) (which relates to the granting of access to landlocked land).
- (1A) *[Repealed]*
- (2) Subsection (1) does not apply in respect of Maori land within the meaning of [Te Ture Whenua Maori Act 1993](#) unless that Act otherwise provides.

Section 218 – Meaning of subdivision of land

218 Meaning of subdivision of land

- (1) In this Act, the term **subdivision of land** means—
- (a) the division of an allotment—
 - (i) by an application to the Registrar-General of Land for the issue of a separate record of title for any part of the allotment; or
 - (ii) by the disposition by way of sale or offer for sale of the fee simple to part of the allotment; or
 - (iii) by a lease of part of the allotment which, including renewals, is or could be for a term of more than 35 years; or
 - (iv) by the grant of a company lease or cross lease in respect of any part of the allotment; or
 - (v) by the deposit of a unit plan, or an application to the Registrar-General of Land for the issue of a separate record of title for any part of a unit on a unit plan; or
 - (b) an application to the Registrar-General of Land for the issue of a separate record of title in circumstances where the issue of that record of title is prohibited by [section 226](#),—
and the term **subdivide land** has a corresponding meaning.
- (2) In this Act, the term **allotment** means—
- (a) any parcel of land under the [Land Transfer Act 2017](#) that is a continuous area and whose boundaries are shown separately on a survey plan, whether or not—
 - (i) the subdivision shown on the survey plan has been allowed, or subdivision approval has been granted, under another Act; or
 - (ii) a subdivision consent for the subdivision shown on the survey plan has been granted under this Act; or
 - (b) any parcel of land or building or part of a building that is shown or identified separately—
 - (i) on a survey plan; or
 - (ii) on a licence within the meaning of [subpart 6 of Part 3](#) of the Land Transfer Act 2017; or
 - (c) any unit on a unit plan; or
 - (d) any parcel of land not subject to the [Land Transfer Act 2017](#).
- (3) For the purposes of subsection (2), an allotment that is—
- (a) subject to the [Land Transfer Act 2017](#) and is comprised in 1 record of title or for which 1 record of title could be issued under that Act; or
 - (b) not subject to that Act and was acquired by its owner under 1 instrument of conveyance—
shall be deemed to be a continuous area of land notwithstanding that part of it is physically separated from any other part by a road or in any other manner whatsoever, unless the division of the allotment into such parts has been allowed by a subdivision consent granted under this Act or by a subdivisional approval under any former enactment relating to the subdivision of land.
- (4) For the purposes of subsection (2), the balance of any land from which any allotment is being or has been subdivided is deemed to be an allotment.

45. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules or other methods) of the proposal to be examined for their efficiency, effectiveness and risk. Section 32 reports were published when the Proposed Waikato District Plan (PWDP) was notified in 2018. This report updates that earlier analysis in “section 42AA evaluations” where material changes to the plan are recommended.

3.1 National Policy Statements

3.1.1 New Zealand Coastal Policy Statement 2010 (NZCPS)

46. Many parts of the Waikato Rural Zone, particularly on the western boundaries of the District and a very small pocket of land that touches the eastern coast line at Miranda are included within the coastal environment. For this reasons I consider the NZCPS to apply. However there are some cross-overs with the Landscapes and SNA hearing topics which will be discussed in Hearings 21A and 21B.
47. I consider the following policies to apply to the rural subdivision topic:

- a. **Policy 1 – Extent and characteristics of the coastal environment**
- b. **Policy 11 – Indigenous biological diversity (biodiversity)** in the coastal environment. Policy 11 is particularly relevant to Conservation Lot subdivision provisions, which will be discussed in further detail in this hearing report.
- c. **Policy 13 – Preservation of natural character**, specifically clause (1) is about protecting it from inappropriate subdivision, use and development.
- d. **Policy 14 - Restoration of natural character**, which relates to the restoration or rehabilitation of the natural character of the coastal environment. This is also particularly relevant to the Conservation Lot subdivision provisions.
- e. **Policy 15 – Natural features and natural landscapes**, although this does cross-over with the landscapes hearing topic. The key is in relation to the protection of natural features and natural landscapes (including seascapes) from inappropriate subdivision.
- f. **Policy 22 - Sedimentation**, clause (2) requires that subdivision, use or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.
- g. **Policy 25 – Subdivision, use, and development in areas of coastal hazard risk**, which relates to areas potentially affected by coastal hazards over the next 100 years. This policy will also have some cross over with Stage 2 of the Proposed District Plan, which identifies areas of risk.

3.1.2 National Policy Statement for Freshwater Management 2017

48. This Policy Statement is soon to be replaced by the upcoming NPS in 2020. However until then the NPS for Freshwater Management 2017 remains in effect. While subdivision does not directly affect freshwater, it can have the potential to have adverse impacts on freshwater management if the effects of subdivision are not appropriately managed or mitigated at the time of subdivision.

3.1.3 National Policy Statement on Urban Development Capacity (NPS-UD)

49. While the NPS on Urban Development Capacity does not specifically focus on Rural Subdivision, it is still important in respect to the strategic growth hierarchy, which Mr Cleese has discussed in his response to the Objective and Policy framework for the Rural Environment.

3.2 Proposed National Policy Statements

3.2.1 Proposed National Policy Statement for Urban Development (NPS-UD)

50. While this NPS is not necessarily directly relevant to the rural subdivision provisions, it does consider Rural Residential development in the context of urban growth and development and regard must be had to this higher order document in terms of the strategic growth hierarchy, which is to ensure growth occurs within appropriate zoning, where infrastructure and services are available to support the population and communities.

51. The NPS-UD has recently been gazetted on 23 July 2020 and has effect from 20 August 2020.

3.2.2 Proposed National Policy Statement for Highly Productive Land (NPS-HPL)

52. The NPS-HPL seeks to better protect high class soils across New Zealand by identifying areas of highly productive land, which is generally focused on land defined as Land Use Capability 1, 2 and 3 as mapped by the New Zealand Land Resource Inventory or by more detailed site mapping².
53. The NPS will introduce a high level objective and policy framework and will require regional and territorial authorities to map land identified as “highly productive land” to introduce a rule framework which ensures the protection of highly productive land, and reduce fragmentation.
54. This NPS will be relevant to rural subdivision. However given that the NPS does not yet have any legal weight, the recommendations in my S42A report only consider the higher order documents, such as the Waikato Regional Policy Statement (VRPS), which requires Council to give effect to it. However in saying this, Dr Hill has provided more detail on the proposed NPS in his report.
55. Work on the NPS-HPL by the Ministry for the Environment (MFE) and Ministry of Primary Industries (MPI) is still underway. In February 2020 I was involved in a workshop with other territorial authorities, MFE and MPI which looked at some of the details of the draft objective and policy framework for the proposed NPS.
56. The latest update that I have received from Tom Corser at MPI is that they were working towards having final advice in mid-2020. However the feedback from submissions to further develop the policy has been affected by the government’s need to focus on the response to Covid-19 and ongoing recovery. They now expect to provide the final advice to Ministers in the first half of 2021.

3.2.3 Proposed National Policy Statement for Freshwater Management and National Standards for Freshwater Management

57. While the National Policy Statement for Freshwater Management and National Standards for Freshwater Management are not directly relevant to rural subdivision, these two higher order documents will have a significant impact in the Rural Zone generally. The regulations take effect on 3 September 2020.

3.2.4 Proposed National Policy Statement for Indigenous Biodiversity

58. The Proposed National Policy Statement for Indigenous Biodiversity is directly relevant to Conservation Lot subdivision. However given that it is more relevant in the context of Significant Natural Areas, I will not provide detail here given that it will be covered in hearing 21A.

² Valuing highly productive land, A discussion document on a proposed national policy statement for highly productive land.

3.3 National Planning Standards

59. The National Planning Standards seek to provide a standard format for district plans across New Zealand. The Hearings Panel has indicated that it wishes to adopt National Planning Standards approaches where possible during the current hearings. This report relies on the National Planning Standards defined terms (14 – Definitions) that were recommended for adoption in Hearing 5.
60. The National Planning Standards provide several options for Rural Zones and includes the following:
- a. General rural zone
 - b. Rural production zone
 - c. Rural lifestyle zone
 - d. Settlement zone
61. I note that the Rural lifestyle zone and settlement zones have already been discussed previously in regards to the hearings for Country Living Zone (Hearing 12) and Village Zone (Hearing 6).
62. It is proposed to only have one zone for the Waikato District and it makes sense to use the “General rural zone” from the National Planning Standards.

3.4 National Environmental Standards

63. There are no National Environmental Standards (NES) directly relevant to rural subdivision. However I note that the NES for Assessing and Managing Contaminants in Soil to Protect Human Health do apply to subdivision applications to ensure that land being subdivided is not affected by contaminants in soil. This matter has been covered off in the hearing on hazardous substances.

3.5 Waikato Regional Policy Statement

64. There are several provisions within the Waikato Regional Policy Statement (WRPS) that are relevant to Rural Subdivision. They are as follows:

Chapter 6 - Built environment

Policy 6.1 Planned and co-ordinated subdivision, use and development

Subdivision use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:

- a) *Has regard to the principles in section 6A;*
- b) *Recognises and addresses potential cumulative effects of subdivision, use and development;*
- c) *Is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and*
- d) *Has regard to the existing built environment.*

Policy 6.1.2

- e) *Local authorities should have particular regard to the potential for reverse sensitivity when assessing resource consent applications, preparing, reviewing or changing district or regional plans and development planning mechanisms such as structure plans and growth strategies. In particular, consideration should be given to discouraging new sensitive activities, locating near existing and planned land uses or activities that could be subject to effects including the discharge of substances, odour, smoke, noise, light spill, or dust which could affect the health of people and / or lower the amenity values of the surrounding area.*

6.1.10 Economic instruments

Territorial authorities should investigate and implement as appropriate, economic instruments which could help to direct rural-residential development to locations identified in the district plan for rural-residential development.

Chapter 6A – Development principles

New development should:

- a) *support existing urban areas in preference to creating new ones;*
- b) *occur in a manner that provides clear delineation between urban areas and rural areas;*
- c) *make use of opportunities for urban intensification and redevelopment to minimise the need for urban development in greenfield areas;*
- d) *not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where these can be anticipated;*
- e) *connect well with existing and planned development and infrastructure;*
- f) *identify water requirements necessary to support development and ensure the availability of the volumes required;*
- g) *be planned and designed to achieve the efficient use of water;*
- h) *be directed away from identified significant mineral resources and their access routes, natural hazard areas, energy and transmission corridors, locations identified as likely renewable energy generation sites and their associated energy resources, regionally significant industry, high class soils, and primary production activities on those high class soils;*
- i) *promote compact urban form, design and location to:*
 - i) *minimise energy and carbon use;*
 - ii) *minimise the need for private motor vehicle use;*
 - iii) *maximise opportunities to support and take advantage of public transport in particular by encouraging employment activities in locations that are or can in the future be served efficiently by public transport;*
 - iv) *encourage walking, cycling and multi-modal transport connections; and*
 - v) *maximise opportunities for people to live, work and play within their local area;*
- j) *maintain or enhance landscape values and provide for the protection of historic and cultural heritage;*
- k) *promote positive indigenous biodiversity outcomes and protect significant indigenous vegetation and significant habitats of indigenous fauna. Development which can enhance ecological integrity,*

such as by improving the maintenance, enhancement or development of ecological corridors, should be encouraged;

- l) maintain and enhance public access to and along the coastal marine area, lakes, and rivers;
- m) avoid as far as practicable adverse effects on natural hydrological characteristics and processes (including aquifer recharge and flooding patterns), soil stability, water quality and aquatic ecosystems including through methods such as low impact urban design and development (LIUDD);
- n) adopt sustainable design technologies, such as the incorporation of energy efficient (including passive solar) design, low-energy street lighting, rain gardens, renewable energy technologies, rainwater harvesting and grey water recycling techniques where appropriate;
- o) not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects), such as industry, rural activities and existing or planned infrastructure;
- p) be appropriate with respect to projected effects of climate change and be designed to allow adaptation to these changes;
- q) consider effects on the unique tāngata whenua relationships, values, aspirations, roles and responsibilities with respect to an area. Where appropriate, opportunities to visually recognise tāngata whenua connections within an area should be considered;
- r) support the Vision and Strategy for the Waikato River in the Waikato River catchment;
- s) encourage waste minimisation and efficient use of resources (such as through resource-efficient design and construction methods); and
- t) recognise and maintain or enhance ecosystem services.

Principles specific to rural-residential development

As well as being subject to the general development principles, new rural-residential development should:

- a) be more strongly controlled where demand is high;
- b) not conflict with foreseeable long-term needs for expansion of existing urban centres;
- c) avoid open landscapes largely free of urban and rural-residential development;
- d) avoid ribbon development and, where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes;
- e) recognise the advantages of reducing fuel consumption by locating near employment centres or near current or likely future public transport routes;
- f) minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping;
- g) be capable of being serviced by onsite water and wastewater services unless services are to be reticulated; and
- h) be recognised as a potential method for protecting sensitive areas such as small water bodies, gully-systems and areas of indigenous biodiversity.

Policy 6.17 Rural-residential development in Future Proof area

Management of rural-residential development in the Future Proof area will recognise the particular pressure from, and address the adverse effects of, rural-residential development in parts of the sub-region, and particularly in areas within easy commuting distance of Hamilton and:

- a) the potential adverse effects (including cumulative effects) from the high demand for rural-residential development;

- b) *the high potential for conflicts between rural-residential development and existing and planned infrastructure and land use activities;*
- c) *the additional demand for servicing and infrastructure created by rural-residential development;*
- d) *the potential for cross-territorial boundary effects with respect to rural-residential development; and*
- e) *has regard to the principles in section 6A.*

65. High Class Soils are addressed in Objective 3.26 which states:

*The value of **high class soils** for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.*

66. Policy 14.2 is the key policy relevant to territorial authorities, which states:

Policy 14.2 High Class Soils

Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.

67. In the implementation methods which accompany Policy 14.2, the direction is clear that District Plans need to give priority to productive uses of high class soils over non-productive uses such as:

- a. *restricting urban and rural-residential development on high class soils;*
- b. *restricting the level of impermeable surfaces allowable on high class soils;*
- c. *facilitating the return or continued availability of high class soils to primary production activities, for example through amalgamation of small titles;*
- d. *directing urban and rural-residential development onto soils of lesser versatility where there is an option to do so;*
- e. *accepting that where high class soil removal or disturbance cannot be avoided, the soil should be used to rehabilitate the land or enhance soils elsewhere in the region in order to retain soil versatility and productive capacity; and*
- f. *the development of growth strategies*

68. The above direction from the Waikato Regional Policy Statement is a significant driver in terms of restricting subdivision to ensure the fragmentation of rural land does not compromise primary production activities, particularly on high class soils.

69. The development principles contained in Chapter 6A are also clear in respect to the management of rural-residential development and seek to control the adverse effects of development to ensure there is a clear distinction between rural and urban zoning. While this higher order policy direction does not provide detail as to how territorial authorities achieve this fine balance, there are some clear directives in terms of the outcomes being sought, such as incentivising the protection of significant indigenous vegetation and the protection of high class soils.

3.6 Vision and Strategy for the Waikato River

70. Given that many rural zoned properties fall within the Waikato Rivers catchment, it is important to consider the impact of subdivision on the Vision and Strategy. While subdivision itself, being the shifting of lines on a map, may not have a significant effect, the

subsequent land uses will. For this reason I consider any adverse impacts on the catchment of Waikato River to be relevant in respect to the Vision and Strategy.

3.7 Future Proof Strategy

71. The Future Proof Strategy provides regional and sub-regional guidance in respect to planning for growth. There are several references to the impacts of rural subdivision and promotion of good planning outcomes. While this document is more relevant in terms of the objectives and policies for the Rural Environment, which is discussed in greater detail in Mr Cleese's s42A report, I consider the proposed rural subdivision must be aligned and give effect to this higher order strategic planning document.

3.8 Waikato Regional Plan

72. While there are no specific provisions of the Waikato Regional Plan that are of direct relevance to rural subdivision provisions, I have turned my mind to the rules that will apply in respect to land use development as a result of subdivision occurring, such as the provisions for wastewater disposal requirements.

3.9 Procedural matters

73. There are no procedural matters to report and no pre-hearing meetings have been held for this hearing topic.

4 Consideration of submissions received

4.1 Overview of submissions

74. 683 original submissions were received on this topic with 867 further submissions. There are submissions relating to almost each individual rule in the rural subdivision chapter (Chapter 22). The biggest numbers of submissions were received on the general subdivision, conservation lot rules and prohibited subdivision.

4.2 Further submissions

75. I address the further submissions together with the primary submissions they relate to.
76. Numerous Mercury Energy [FSI386, FSI387, FSI388] further submissions oppose original submissions on the grounds that it is not clear how effects from flooding would be managed. I recommend all these be rejected, because I consider them irrelevant to the matters considered in this report. These further submissions are recorded under the relevant points and my recommendations on them are recorded in Appendix I, but there is no further discussion of the Mercury further submissions in this report. The submissions are as below:

At the time of lodging this further submission, neither natural hazard flood provisions nor adequate flood maps were available, and it is therefore not clear from a land use management perspective, either how effects from a significant flood event will be managed, or whether the land use zone is appropriate from a risk exposure.

Mercury considers it is necessary to analyse the results of the flood hazard assessment prior to designing the district plan policy framework. This is because the policy framework is intended to include management controls to avoid, remedy and mitigate significant flood risk in an appropriate manner to ensure the level of risk exposure for all land use and development in the Waikato River Catchment is appropriate.

77. There are a small number of Mercury Energy's further submissions which support the provision, but the submission states the same.

4.3 Structure of this report

78. I have structured this report to reflect the submissions received, and considers submissions on the rules in Chapter 22 in the order that they appear in the PWDP.

79. The report contains these sections:

- Objectives and Policies
- All of Chapter submissions
- Rule 22.4.1.1 – Prohibited Subdivision
- Rule 22.4.1.2 – General Subdivision
- Rule 22.4.1.3 – Subdivision of Maaori Freehold Land
- Rule 22.4.1.4 – Boundary Relocation
- Rule 22.4.1.5 – Rural Hamlet Subdivision
- Rule 22.4.1.6 – Conservation Lot Subdivision
- Rule 22.4.1.7 – Subdivision to create a reserve
- Rule 22.4.2 – Title Boundaries (natural hazard area, contaminated land, significant amenity landscape, notable trees, intensive farming and aggregate extraction areas)
- Rule 22.4.3 – Title Boundaries, SNA's heritage items
- Rule 22.4.4 – Road frontage
- Rule 22.4.6 – Subdivision of land containing all or part of an Environmental Protection Area
- Rule 22.4.7 – Esplanade Reserve and Esplanade strips
- Rule 22.4.9 – Subdivision – building platform
- Transferable Subdivision
- Individual Subdivision Requests
- Conclusion

Appendix 1: Table of submission points

Appendix 2: Recommended amendments

Appendix 3: Provisions cascade

Appendix 4: Technical report from Douglas Fairgray – Economic Aspects of Rural Subdivision
Appendix 5: Technical report from Professor Frank Scrimgeour – Rural Subdivision in the Waikato District

Appendix 6: Technical report from Dr Reece Hill from Landsystems – A review of high class soils in the Waikato District

4.4 Amendments to plan text

80. Where amendments to plan text are recommended, the relevant text is presented after the recommendations with new text in red underlined, and deleted text in ~~red struck through~~. All recommended amendments are brought together in Appendix 2.

5 Objective and Policy Framework

81. The objectives and policies proposed in the notified version of the Proposed District Plan to support the rural subdivision rules are comprised in Chapter 5: Rural Environment, with

Objective 5.1.1 being the key strategic objective for the rural environment, which seeks to protect high class soils for productive rural activities; support productive rural activities, while maintaining or enhancing the rural environment; and avoiding urban subdivision, use and development. This is supported by several policies which are addressed in The Rural Hearing Part A report by Jonathan Cleave. During the preparation of this report, I have conferred with Mr Cleave to discuss additional objectives and policies that may be required to address the outcomes sought by each subdivision pathway in addition to those already notified in the Proposed District Plan.

82. Mr Cleave and I both agree that scope is limited in terms of recommending additional objectives and policies; however it could be argued in respect to general submissions on density requirements, such as those submissions received from the Waikato Regional Council and Hamilton City Council. Alternatively I am mindful that the National Planning Standards divorce subdivision objectives, policies and rules from those of the zone more generally.
83. Should the Panel be minded that there is sufficient scope Mr Cleave and I recommend the following provisions to address density requirements for the Rural Zone:

84. It is recommended that Policy 5.3.8 be deleted and replaced with a new policy as follows:

~~Policy 5.3.8—Effects on rural character and amenity from rural subdivision~~

- ~~(a) Protect productive rural areas by directing urban forms of subdivision, use, and development to within the boundaries of towns and villages.~~
- ~~(b) Ensure development does not compromise the predominant open space, character and amenity of rural areas.~~
- ~~(c) Ensure subdivision, use and development minimise the effects of ribbon development.~~
- ~~(d) Rural hamlet subdivision and boundary relocations ensure the following:~~
- ~~(i) — Protection of rural land for productive purposes;~~
 - ~~(ii) — Maintenance of the rural character and amenity of the surrounding rural environment;~~
 - ~~(iii) — Minimisation of cumulative effects.~~
- ~~(e) Subdivision, use and development opportunities ensure that rural character and amenity values are maintained.~~
- ~~(f) Subdivision, use and development ensures the effects on public infrastructure are minimised.~~

Policy 5.3.8 – Rural Subdivision

- (a) Protect the productive potential of rural areas; and
- (b) Maintain an open and spacious rural character; and
- (c) Minimise adverse effects on the safe and efficient operation of infrastructure;

Through:

- (i) Enabling subdivision that supports farming and rural primary production activities;

- (ii) Avoiding subdivision that creates lots smaller than 0.8ha to maintain a clear distinction between rural areas and the more urban Country Living Zones;
 - (iii) Avoiding the creation of new lots that are wholly located on high class soils. For sites that are partially covered in high class soils, new lots are to be located primarily on that part of the site that does not include high class soils;
 - (iv) Mitigating potential reverse sensitivity effects on lawfully established productive rural activities, intensive farming, rural industry, infrastructure, or extractive activities, through ensuring new lots are designed to provide adequate setbacks for future sensitive activities.
 - (v) Ensuring that the subdivision design and layout does not adversely affect public access to rivers and water bodies or the quality of these environments.
- (d) Make limited provision for small rural lifestyle lots, where in addition to the matters set out in (a), (b), and (c) the subdivision:
- (i) Includes the physical and legal protection of a Significant Natural Area; or
 - (ii) Includes the provision of public parks and reserves where these are located in accordance with a Council Parks Strategy; or
 - (iii) Provides a large balance lot greater than 40ha so that an overall spacious rural character is maintained; or
 - (iv) Involves a boundary relocation to create a large balance lot greater than 40ha and a limited number of small rural lifestyle lots that are clustered to form a hamlet; and
 - (v) For (d)(iii) and (iv) avoids ribbon development and the cumulative effects of multiple small rural residential lots locating on the same road frontage.

6 Rule 22.4. – All of Chapter

6.1 Introduction

85. 78. The following submissions are non-specific to the individual rules for subdivision, but instead address subdivision in the rural zone more generally.

6.2 Submissions

86. 17 original submission points and 31 further submissions points were received relating to all of chapter 22.4.

87. The following submissions were made:

Submission point	Submitter	Decision requested
330.141	Andrew and Christine Gore	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
FS1277.75	Waikato Regional Council	Opposes 330.141
FS1379.81	Hamilton City Council	Opposes 330.141

FSI386.407	Mercury NZ Limited	Opposes 330.141
575.22	Fulton Hogan Limited	<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> 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.</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>
FSI292.73	McPherson Resources Limited	Supports 575.22
FSI319.11	New Zealand Steel Holdings Limited	Supports 575.22
FSI332.36	Winstone Aggregates	Supports 575.22
691.24	McPherson Resources Limited	<p>Add an allotment boundary rule for mineral and aggregate extraction activities as follows (or words to similar effect):</p> <p><u>ALLOTMENT BOUNDARY - MINERAL AND AGGREGATE EXTRACTION ACTIVITIES</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</p> <p>AND Any consequential amendments or alternative relief to address the matters raised in the submission.</p>
FSI146.2	Gleeson Quarries Huntly Limited	Supports 691.24
330.155	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4 Subdivision.
FSI386.414	Mercury NZ Limited	Opposes 330.155.
394.27	Gwenith Sophie Francis	No specific decision sought, but submission seeks the addition of new definitions and to amend definitions in Chapter 13 Definitions to give effect to the submission.
FSI388.125	Mercury NZ Limited	Opposes 394.27.
697.820	Waikato District Council	Amend Rule 22.4 Subdivision, as follows: <u>22.4 Subdivision - Rules</u>
697.821	Waikato District Council	<p>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></p> <p>AND</p> <p>Amend consequential renumbering</p> <p>AND</p> <p>Add a new rule after Rule 22.4.8 as follows: <u>22.4.8A Subdivision within the National Grid Corridor</u> <u>RDI</u> <u>(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p>

		<p><i>(i) All allotments intended to contain a sensitive land use must provide a 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</i></p> <p><i>(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.</i></p> <p><i>(b) Council's discretion is restricted to the following matters:</i></p> <p><i>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</i></p> <p><i>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</i></p> <p><i>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</i></p> <p><i>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</i></p> <p><u>NCI</u></p> <p><i>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 RD I.</i></p>
FSI 342.193	Federated Farmers	Opposes 697.821:
FSI 350.128	Transpower New Zealand Limited	Opposes 697.821
FSI 387.696	Mercury NZ Limited	Opposes 697.821.
746.115	The Surveying Company	<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</u></p> <p><u>RD I</u></p> <p><i>(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></p> <p><i>(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);</i></p> <p><i>(ii)The walkway/trail/cycleway is generally in accordance with the walkway/trail/cycleway route shown on the planning maps;</i></p> <p><i>(iii)The walkway/trail/cycleway is shown on the plan of subdivision and vested in the Council.</i></p> <p><i>(b)Council's discretion shall be restricted to the following matters:</i></p> <p><i>(i)Alignment of the walkway/trail/cycleway;</i></p> <p><i>(ii)Drainage in relation to the walkway/trail/cycleway;</i></p> <p><i>(iii)Standard of design and construction of the walkway/trail/cycleway;</i></p> <p><i>(iv)Land stability;</i></p> <p><i>(v)Amenity matters including batter slopes; and</i></p> <p><i>(vi)Connection to reserves.</i></p> <p><u>DI</u></p> <p><i>A subdivision that does not comply with the above Rule.</i></p>
FSI 307.5	New Zealand Walking Access Commission	Supports 746.114:
FSI 342.205	Federated Farmers	Opposes 746.114
FSI 387.974	Mercury NZ Limited	Opposes 746.114:
827.52	New Zealand Steel Holdings Ltd	<p>Add a new discretionary activity rule within Section 22.4 Subdivision as follows:</p> <p><u>DI</u></p> <p><u>Subdivision of land within 200m of an Aggregate Extraction Area</u></p> <p><u>AND</u></p>

		Any other further or consequential amendments required.
943.53	McCracken Surveys Limited	Amend Section 22.4 Subdivision, to replace the term "Lot" with Record of Title" throughout the section.
FS1387.1589	Mercury NZ Limited	Opposes 943.53.
945.21	First Gas Limited	Add a new rule to Rule 22.4.1 Subdivision as follows: <u>Subdivision - Site containing a gas transmission pipeline:</u> <i>(a) The subdivision of land containing a gas transmission pipeline is a restricted discretionary activity.</i> <i>(b) Council's discretion shall be restricted to the following matters:</i> <i>(i) The extent to which the subdivision design avoids or mitigates conflict with the gas infrastructure and activities.</i> <i>(ii) The ability for maintenance and inspection of pipelines including ensuring access to the pipelines.</i> <i>(iii) Consent notices on titles to ensure on-going compliance with AS2885 Pipelines-Gas and Liquid Petroleum-Parts 1 to 3.</i> <i>(iv) The outcome of any consultation with First Gas Limited.</i> AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FS1062.111	Andrew and Christine Gore	Opposes 945.21
FS1342.257	Federated Farmers	Opposes 945.21
761.10	Lyndendale Farms Limited	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 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	Opposes 761.10
FS1387.1116	Mercury NZ Limited	Opposes 761.10
761.11	Lyndendale Farms Limited	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 22.4.1.2 RD1 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	Opposes 761.11
FS1387.1117	Mercury NZ Limited	Opposes 761.11
471.13	CKL	Amend Rule 22.4 Subdivision, by replacing the term "lot" with "Record of Title".

		AND Any consequential amendments necessary.
FS1388.444	Mercury NZ Limited	Opposes 471.13
751.56	Chanel Hargrave and Travis Miller	Add a new rule within Rule 22.4 Subdivision as follows: <u>Subdivisions of land containing mapped off-road walkways/trails/cycleways</u> <u>RD1</u> <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> <u>(i) The walkway/trail/cycleway 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> <u>(ii) The walkway/trail/cycleway is generally in accordance with the walkway/trail/cycleway route shown on the planning maps;</u> <u>(iii) The walkway/trail/cycleway is shown on the plan of subdivision and vested in the Council.</u> <u>(b) Council's discretion shall be restricted to the following matters:</u> <u>(i) Alignment of the walkway/trail/cycleway;</u> <u>(ii) Drainage in relation to the walkway/trail/cycleway;</u> <u>(iii) Standard of design and construction of the walkway/trail/cycleway;</u> <u>(iv) Land stability;</u> <u>(v) Amenity matters including batter slopes; and</u> <u>(vi) Connection to reserves.</u> <u>DI</u> <u>A subdivision that does not comply with the above Rule.</u>
FS1387.1097	Mercury NZ Limited	Opposes 751.56
14.1	Steve Cochrane	Amend Section 22.4 Subdivision to provide for 2500m2 lot sizes in Matangi.
FS1379.2	Hamilton City Council	Opposes 14.1
FS1277.70	Waikato Regional Council	Opposes 14.1:
FS1311.1	Ethan & Rachael Findlay	Supports 14.1:
FS1305.25	Andrew Mowbray	Supports 14.1:
FS1386.10	Mercury NZ Limited	Opposes 14.1
724.15	Tamahere Community Committee	Amend the various rules for subdivision in the Rural Zone to reduce the specified minimum lot size from 8000m2 to 50002.
FS1287.35	Blue Wallace Surveyors Ltd	Support
FS1379.279	Hamilton City Council	Oppose

6.3 Analysis

No decision sought in submissions

88. A submission has been received from Andrew and Christine Gore [330.155] that does not provide any details of relief sought, but refers to Rule 22.4. This point is opposed by a further submission from Mercury NZ Limited [FS1386.414]. Similarly Gwenith Francis [394.27] does not provide for any specific relief but the submission refers to new definitions and to amend definitions in Chapter 13. This point is also opposed by Mercury NZ Limited [FS1388.125]. Given that both points are unclear as to their relief, I can only recommend rejecting them.

Amendments to Rule Heading

89. A submission from Waikato District Council [697.820] seeks to amend the title to Chapter 22.4 to be clear that it is Subdivision Rules. I agree with this point, as it provides consistency with other parts of the plan and therefore recommend the following amendment:

22.4 Subdivision - Rules

New rule for National Grid Corridor

90. A submission from Waikato District Council [697.821] seeks the addition of a new rule "22.4.8A" to provide for assessment of subdivision within the National Grid Corridor as a Restricted Discretionary Activity rule. The wider District Plan structure of each zone having its own self-contained set of subdivision rules means that the new rule is sought to ensure that consideration of the National Grid is appropriately undertaken. This point is opposed by further submissions from Federated Farmers [FS/342.193] and Transpower New Zealand Limited [FS/350.128] and Mercury NZ Limited [FS/387.696], who are instead seeking that the Proposed Plan be structured such that all provisions relating to the National Grid are located in the same section. This matter has been raised in many of the zone hearings previously, specifically I refer to the analysis undertaken by Mr Clease in paragraphs 273 – 276 of the S42 report for the Village Zone and therefore recommend a similar amendment as follows:

Add new Rule 22.4.8A – Subdivision within the National Grid Corridor

<u>RDI</u>	<p><u>(a) The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p> <p><u>(i) All allotments intended to contain a sensitive land use must provide a 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</u></p> <p><u>(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.</u></p> <p><u>(b) Council's discretion is restricted to the following matters:</u></p> <p><u>(i) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p><u>(ii) The ability to provide a complying building platform outside of the National Grid Yard;</u></p> <p><u>(iii) The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u></p> <p><u>(iv) The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u></p>
<u>NCI</u>	<p><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></p>

Reduction in minimum lot size for various subdivision rules

91. A submission received from the Tamahere Community Committee [724.15] seeks to reduce the minimum lot size from 8,000m² to 5,000m². This point is supported by a further

submission point from Blue Wallace Surveyors Ltd [FS/287.35] and opposed by Hamilton City Council [FS/379.279]. Given the conclusions that I have reached in respect to multiple pathways for subdivision and recommend maintaining an 8,000m² minimum lot size, I recommend rejecting this submission point.

Subdivision of land containing mapped off-road walkways/trails/cycleways

92. A submission point received from the Surveying Company [746.115] and Chanel Hargrave and Travis Miller [751.56] seeks to add a new rule to section 22.4 for subdivisions where land contains mapped off-road walkways/trails/cycleways as a restricted discretionary activity. This point is supported by a further submission from the New Zealand Walking Access Commission [FS/307.5], but opposed by Federated Farmers [FS/342.205] and Mercury NZ Limited [FS/387.974], [FS/387.1097]. While I agree with the intent of this rule, similar to the Federated Farmers further submission, I agree that walkways, trails and cycleways can be considered as part of the existing subdivision provisions without the need for a new rule. Further, Rule 22.4.1.7 provides incentivised provisions for land to be subdivided where land is identified in a Waikato District Council Parks Strategy. I therefore recommend rejecting this submission point.

New discretionary activity rule for land within 200m of an Aggregate Extraction Area

93. Three submitters seek to add a new discretionary rule within section 22.4 where subdivision of land occurs within 200m of an Aggregated Extraction Area. While I agree with the intent of this submission, I have considered how aggregate extraction activities are currently being managed in respect to subdivision. Rules 22.4.2 (Title boundaries) and 22.4.5 (Subdivision within identified areas) address any subdivision that falls within an aggregate extraction area and Rule 22.4.9 RDI(b)(iii) requires consideration of likely location of future buildings and their potential effects on the environment. Given these provisions are already included in the Proposed Plan, I am unsure whether these rules address the concerns being raised by New Zealand Steel Holdings Ltd. Given that all of the subdivision pathways are restricted discretionary activities and include matters of discretion relating to reverse sensitivity effects, it is my view that any effects from existing operations will be considered at the time of subdivision application. Therefore having an additional rule in my view seems unnecessary and I therefore recommend rejecting this submission point.

Replacement of the term “lot” with “record of title”

94. Submissions received from McCracken Surveys Limited [943.53] and CKL [471.13] seeks to replace the term “lot” with “record of title”. Both points are opposed by Mercury NZ Limited [FS/387.1589], [FS/388.444]. While I agree in some instances that the term “record of title” makes the rule clearer in reference to certificates of title, my advice from Tompkins Wake is that the term “allotment” is more appropriate and this term is also discussed in Hearing 5 in respect to the Planning Standards which refer to S218 of the RMA. I therefore accept this submission in part and will use the term “record of title” where it makes sense to do so.

New rule for sites containing a gas transmission pipeline

95. A submission received from First Gas Limited [945.21] seeks to add a new rule providing for subdivision where a site contains a gas transmission pipeline as a restricted discretionary activity. While I agree with the intent of this submission point, I consider that a matter of discretion would provide a better way of assessing the effects on the gas pipeline as one of many types of infrastructure that may exist on rural properties. Further, while I have not

undertaken a calculation of the number of properties affected by the pipeline, given that the pipeline traverses through rural farmland, I anticipate that the rule would affect many properties. I also understand that the gas pipelines are either covered by a designation or an easement which restricts activities near the corridor. Is therefore my view that First gas Limited are responsible for ensuring that any effects are managed through the designation or easement process. For these reasons I recommend the panel reject the submission from First Gas.

Provisions for a Retirement Village at 180 Horsham Downs Road

96. A submission received from Lyndendale Farms Limited [761.10] seeks to amend Rule 22.14 to allow for subdivision associated with the proposed Retirement Village at 180 Horsham Downs Road, Horsham Downs, including to separate the village from the balance of rural land. The submission also seeks to amend the prohibited subdivision rules to exclude subdivision associated with a retirement village activity. A further point from this submitter [761.11] seeks to allow for subdivision associated with the retirement village activities at 180 Horsham Downs Road as a Restricted Discretionary Activity and to add a rule to provide for this.
97. My understanding of the submitter's situation is that a landuse consent has been lodged with Council and is still being processed for the retirement village. My view is that provision should not be made for this individual activity, because there are no unique reasons why the land should be subdivided to provided for a retirement village which is still pending resource consent. I note that both points are opposed by Hamilton City Council [FS1379.303], [FS1379.304].
98. In discussions with Mr Cleese, who has also considered submissions in respect to retirement villages in the rural zone, we both agree that the rural zone is not an appropriate zone for new retirement villages to establish and such proposals do not align with the strategic growth direction included in either the WRPS or the Future Proof Strategy, which is direct urban development, such as a retirement village would be into towns and villages. For these reasons I reject both of these point.

Reduction in lot sizes in Matangi

99. A submission point received from Steve Cochrane [14.1] seeks to amend Chapter 22.4 to provide for 2,500m² lot sizes in Matangi. This point opposed by Hamilton City Council [FS1379.2], Waikato Regional Council [FS1277.70]
100. Given my responses to the various subdivision pathways, as outlined later in this report, I do not consider that 2,500m² lot sizes should be provided in the rural zone, as this does not complement the District's Growth Strategy and does not align with the minimum lot sizes of other zones such as Country Living or Village zones. I would suggest that re-zoning may be a more preferable option if the land is suitable for more intensive development. However the provisions that are being recommended in this hearing report will apply to the entire rural zone, not just Matangi. I therefore recommend rejecting this submission point.

6.4 Recommendations

101. For the reasons above I recommend that the Hearings Panel:

- a. **Reject** the submission from Andrew and Christine Gore [330.141]. **Therefore, accepting** further submissions from Waikato Regional Council [FS1277.75], Hamilton City Council [FS1379.81] and Mercury NZ Limited [FS1386.407].
- b. **Reject** Andrew and Christine Gore [330.155]. **Therefore accepting** the further submission from Mercury NZ [FS1386.414].
- c. **Reject** Gwenith Francis [394.27]. **Therefore accepting** the further submission from Mercury NZ [FS1388.125].
- d. **Accept** Waikato District Council [697.820] and [697.821]. **Therefore rejecting** further submissions from Federated Farmers [FS1342.193], Transpower New Zealand Limited [FS1350.128], Mercury NZ Limited [FS1387.696].
- e. **Reject** The Surveying Company [746.115] and Chanel Hargrave and Travis Miller [751.56]. **Therefore rejecting** further submissions from New Zealand Walking Access Commission [FS1307.5] and **accepting** the further submissions from Federated Farmers [FS1342.205] and Mercury NZ Limited [FS1387.974] and [FS1387.1097].
- f. **Reject** New Zealand Steel Holdings [827.52].
- g. **Reject** the submission from Fulton Hogan Limited [575.22]. Therefore, **rejecting** the further submissions from McPhersons Resources Limited [FS1292.73], New Zealand Steel Holdings Limited [FS1319.11] and Winstone Aggregates [FS1332.36].
- h. **Reject** the submission from McPherson Resources Limited [691.24]. Therefore, **rejecting** the further submission from Gleeson Quarries Huntly Limited [FS1146.2].
- i. **Accept in part** McCracken Surveys Limited [943.53]. **Therefore accepting** in part further submission from Mercury NZ Limited [FS1387.1589].
- j. **Reject** First Gas Limited [945.21]. Therefore accepting further submission from Andrew and Christine Gore [FS1062.111].
- k. **Reject** Lyndenale Farms Limited [761.10] and [761.11]. **Therefore accepting** further submissions from Hamilton City Council [FS1379.304] and Mercury NZ Limited [FS1387.117].
- l. **Accept in part** CKL [471.13]. **Therefore rejecting** further submission from Mercury NZ Limited [FS1388.444].
- m. **Reject** Steve Cochrane [14.1]. **Therefore rejecting** further submissions from Ethan and Rachael Findlay [FS1311.1], Andrew Mowbray [FS1305.25] and **accepting** further submissions from Hamilton City Council [FS1379.2], Waikato Regional Council [FS1277.70] and Mercury NZ Limited [FS1386.10].
- n. **Reject** Tamahere Community Committee [724.15]. **Therefore rejecting** further submissions from Blue Wallace Surveyors Ltd [FS1287.35] and **accepting** further submission from Hamilton City Council [FS1379.279].

6.5 Recommended amendments

102. The following amendments are recommended:
103. That the existing heading in Chapter 22.4 be replaced with the following wording:

22.4 Subdivision - Rules
104. That the word 'lot' be replaced with 'record of title' where appropriate throughout the chapter.
105. That a new rule be inserted into the provisions, as follows:

22.4.8A Subdivision within the National Grid Corridor

<u>RDI</u>	<p>(b) <u>The subdivision of land within the National Grid Corridor must comply with all of the following conditions:</u></p> <p>(iii) <u>All allotments intended to contain a sensitive land use must provide a 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</u></p> <p>(iv) <u>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.</u></p> <p><u>(b) Council’s discretion is restricted to the following matters:</u></p> <p>(v) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of the National Grid;</u></p> <p>(vi) <u>The ability to provide a complying building platform outside of the National Grid Yard;</u></p> <p>(vii) <u>The risk of electrical hazards affecting public or individual safety, and the risk of property damage;</u> <u>The nature and location of any vegetation to be planted in the vicinity of National Grid transmission lines.</u></p>
<u>NCI</u>	<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>

6.6 Section 32AA evaluation

106. Only three amendments have been recommended from the above general submissions. Neither the amendments to the rule wording from Waikato District Council or the proposed use of the term ‘record of title’ from CKL and McCracken Surveys does not require s32AA evaluation, given the minor nature of these changes.
107. The role and importance of the National Grid is recognised in the Proposed Plan’s objectives and policies and gives effect to the National Policy Statement for Electricity Transmission. The proposed amendments are to provide a consistent approach to the National Grid across the various subdivision sections of the relevant zones and does not constitute a material change to the rule other than its location in the Plan. Accordingly, no s32AA evaluation is required.

7 Rule 22.4.1.1 – Prohibited Subdivision

7.1 Introduction

108. Rule 22.4.1.1 is the key rule in the Rural Subdivision chapter which prohibits some types of subdivision. The following activities are prohibited activities. No application for resource consent can be made for a prohibited activity and no resource consent can be granted:

<u>PRI</u>	<u>Any subdivision within the Urban Expansion Area involving the creation of any additional lot.</u>
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PR2	<p>(a) Subdivision of a Record of Title issued prior to 6 December 1997, which results in more than one additional lot being located on high class soil.</p> <p>(b) Exceptions to PR2(a) are where an additional lot is created by any of the following rules:</p> <ul style="list-style-type: none"> (i) The conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maori Freehold Land (Rule 22.4.1.3).
PR3	<p>(a) Subdivision of a Record of Title issued after 6 December 1997, which results in any additional lot being located on high class soil.</p> <p>(b) Exceptions to PR3(a) are where an additional lot is created by any of the following:</p> <ul style="list-style-type: none"> (i) Conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maori Freehold land (Rule 22.4.1.3); <p>(c) Rule PR3(a) does not apply to the following:</p> <ul style="list-style-type: none"> (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 under the Resource Management Act 1991.
PR4	<p>(a) Any subdivision where a lot has been created for the purpose of a transferable rural lot subdivision under the provisions of the previous Operative Waikato District Plan – Franklin Section by either:</p> <ul style="list-style-type: none"> (i) Amalgamation; or (ii) Re-survey

7.2 Submissions

109. 125 original submission points and 267 further submission points were received on the prohibited rules. The main themes were:

- Retaining all of the prohibited rules or only some of them;
- Deleting all of the prohibited rules or only some of them;
- Amending the activity status from prohibited to non-complying;
- The Urban Expansion Area;
- The restrictions of the title date both before and after 6 December 1997;
- The exemptions applying to transferable subdivision;

Prohibited activity status		
81.166	Waikato Regional Council	Retain Rule 22.4.1.1 Prohibited Subdivision
FS1287.4	Blue Wallace Surveyors Ltd	Oppose
FS1328.2	Kenneth Graham Barry	Oppose
FS1062.12	Andrew and Christine Gore	Oppose
FS1223.37	Mercury NZ Limited	Support
FS1330.12	Middlemiss Farm Holdings Limited	Oppose
372.19	Steve van Kampen for Auckland Council	Retain Rule 22.4.1.1 Prohibited subdivision.
FS1287.14	Blue Wallace Surveyors Limited	Oppose
FS1328.14	Kenneth Graham Barry	Oppose

FSI308.179	The Surveying Company	Oppose
FSI308.26	The Surveying Company	Oppose
FSI330.20	Middlemiss Farm Holdings Limited	Oppose
FSI388.6	Mercury NZ Limited	Oppose
276.8	Ted and Kathryn Letford	Delete the Prohibited Activity Status from Rural subdivision rules (Rule 22.4.1.1 Prohibited Subdivision).
FSI328.5	Kenneth Graham Barry	Support
FSI386.285	Mercury NZ Limited	Oppose
302.30	EnviroWaste New Zealand Limited	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.
FSI308.12	The Surveying Company	Support
FSI328.7	Kenneth Graham Barry	Support
FSI386.347	Mercury NZ Limited	Oppose
766.54	Nicky Hogarth for Holcim (New Zealand) Limited	Delete Rule 22.4.1.1 Prohibited Subdivision. AND Any additional or consequential relief to give effect to the matters raised in the submission.
FSI328.29	Kenneth Graham Barry	Support.
FSI387.1159	Mercury NZ Limited	Oppose
394.16	Gwenith Sophie Francis	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 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.
FSI328.16	Kenneth Graham Barry	Support
FSI379.111	Hamilton City Council	Opposes
FSI388.117	Mercury NZ Limited	Oppose
794.19	Middlemiss Farm Holdings Limited	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.
FSI328.30	Kenneth Graham Barry	Supports
FSI379.327	Hamilton City Council	Opposes

FS1308.132	The Surveying Company	Supports
312.2	Brian Putt for Metro Planning Limited	Amend Rule 22.4.1.1 Prohibited subdivision, by deleting all references to a prohibited activity.
FS1131.8	The Village Church Trust	Support
FS1308.17	The Surveying Company	Support
FS1287.12	Blue Wallace Surveyors Limited	Support
FS1328.8	Kenneth Graham Barry	Support
332.9	Gwyneth & Barrie Smith	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".
FS1129.43	Auckland Council	Oppose
FS1287.13	Blue Wallace Surveyors Limited	Support
FS1131.9	The Village Church Trust	Support
FS1386.460	Mercury NZ Limited	Oppose
355.11	Scott & Tina Ferguson	Amend Rule 22.4.1.1 Prohibited subdivision to replace "lot" with "Record of Title".
FS1386.519	Mercury NZ Limited	Oppose 355.11
362.13	CYK Limited	Amend Rule 22.4.1.1 Prohibited subdivision, to replace references to "lot" with "Record of Title".
FS1386.528	Mercury NZ Limited	Oppose 362.13
364.11	Michael Innes	Amend Rule 22.4.1.1 Prohibited subdivision, to replace reference to "lot" with "Record of Title".
FS1386.542	Mercury NZ Limited	Oppose 364.11
507.11	Whitford Farms Limited	Amend Rule 22.4.1.1 Prohibited Subdivision, to replace 'lot' with 'Record of Title'.
FS1388.520	Mercury NZ Limited	Oppose 507.11
509.11	Denise and Harold Williams	Amend Rule 22.4.1.1 Prohibited Subdivision, to replace 'lot' with 'Record of Title'.
512.7	Enton Farms Limited	Amend Rule 22.4.1.1 Prohibited Subdivision, to replace 'lot' with 'Record of Title'.
FS1388.535	Mercury NZ Limited	Oppose 512.7
513.11	Vanoo Limited	Amend Rule 22.4.1.1 Prohibited Subdivision, to replace 'lot' with 'Record of Title'.
FS1062.64	Andrew and Christine Gore	Support 513.11
FS1388.546	Mercury NZ Limited	Oppose 513.11

514.13	DP & LJ Ramsey Limited	Amend Rule 22.4.1.1 Prohibited Subdivision to replace references to 'lot' with 'Record of Title'
FS1388.553	Mercury NZ Limited for Mercury E	Oppose 514.3
516.11	Anthony and Maureen Vazey	Amend Rule 22.4.1.1 Prohibited Subdivision to replace references to 'lot' with 'Record of Title'
FS1388.564	Mercury NZ Limited	Oppose 516.11
517.11	Amanda and Brian Billington	Amend Rule 22.4.1.1 Prohibited Subdivision to replace references to 'lot' with 'Record of Title'
FS1388.572	Mercury NZ Limited for Mercury E	Oppose 517.11
519.11	B and N Balle Limited	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.
FS1388.580	Mercury NZ Limited	Oppose 519.11
520.11	Finlayson Farms Limited	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.
FS1388.589	Mercury NZ Limited for Mercury E	Oppose 520.11
521.11	Max and Denise Irwin for A Irwin & Son Limited	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.
FS1388.598	Mercury NZ Limited	Oppose 521.11
522.11	Joy & Wayne Chapman	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.
FS1388.606	Mercury NZ Limited	Oppose 522.11
523.11	R & B Litchfield Limited	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.
FS1388.614	Mercury NZ Limited	Oppose 523.11
526.11	Roy & Lesley Wright	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.
FS1388.641	Mercury NZ Limited	Oppose 526.11
527.11	Mark Scobie	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.
FS1388.649	Mercury NZ Limited	Oppose 527.11
529.13	Wilcox Properties Limited	Amend Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.
FS1388.655	Mercury NZ Limited	Oppose 529.13
530.11	John Van Lieshout	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title".
FS1388.665	Mercury NZ Limited	Oppose 530.11

532.11	Joanne & Kevin Sands	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title".
FS1388.673	Mercury NZ Limited	Oppose 532.11
533.11	Colin & Rae Hedley	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title".
FS1388.681	Mercury NZ Limited	Oppose 533.11
536.11	LJ & TM McWatt Limited	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title".
FS1388.728	Mercury NZ Limited	Oppose 536.11
539.11	Garyowen Properties (2008) Limited	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title".
FS1388.737	Mercury NZ Limited for Mercury E	Oppose 539.11
540.14	Glen Alvon Farms Limited	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title."
FS1388.744	Mercury NZ Limited	Oppose 540.14
544.8	KR & BC Summerville	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title."
FS1388.760	Mercury NZ Limited	Oppose 544.8
686.12	Reid Crawford Farms Limited	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title."
FS1387.264	Mercury NZ Limited	Oppose 686.12
690.1	Paramjit & Taranpal Singh	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title."
FS1387.299	Mercury NZ Limited	Oppose 690.1
746.87	The Surveying Company	Amend Rule 22.4.1.1- Prohibited subdivision to change all references of "lot" to "Record of Title".
FS1387.958	Mercury NZ Limited	Oppose 746.87
751.60	Chanel Hargrave and Travis Miller	Amend Rule 22.4.1.1 Prohibited Activity to change the references of 'lot' to 'Record of Title'.
872.11	Tarati Farms Limited	Amend Rule 22.4.1.1 Prohibited subdivision, to replace the term 'lot' with 'Record of Title'.
FS1387.1429	Mercury NZ Limited for Mercury D	Oppose 872.11
873.11	Anita Moleta & Penny Gooding	Amend Rule 22.4.1.1 Prohibited subdivision, to change all of the references from "lot" to "Record of Title",
FS1387.1436	Mercury NZ Limited	Oppose 873.11
874.11	Louise & Tony Cole	Amend Rule 22.4.1.1 Prohibited subdivision, to change all of the references from "lot" to "Record of Title",

FS1387.1443	Mercury NZ Limited	Oppose 874.11
877.20	Leigh Michael Shaw & Bradley John Hall	Amend Rule 22.4.1.1 Prohibited subdivision, to change all of the references from "lot" to "Record of Title",
943.53	McCracken Surveys Limited	Amend Rule 22.4.1.1 Prohibited subdivision, to change all of the references from "lot" to "Record of Title",
FS1387.1589	Mercury NZ Limited	Oppose 943.53
972.7	Mark Scobie	Amend Rule 22.4.1.1 Prohibited subdivision, to change all of the references from "lot" to "Record of Title".
FS1387.1612	Mercury NZ Limited	Oppose 972.7
982.11	Joanne & Kevin Sands	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title".
FS1387.1622	Mercury NZ Limited	Oppose 982.11
985.7	Neil Crispe for Koch Farms Limited	Amend Rule 22.4.1.1 Prohibited subdivision, by replacing the term "lot" with "Record of Title".
FS1387.1628	Mercury NZ Limited	Oppose 985.7
355.10	Scott & Tina Ferguson	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from Prohibited to Non-Complying Activities.
FS1131.10	The Village Church Trust	Supports
FS1386.518	Mercury NZ Limited	Opposes 355.10
362.9	CYK Limited	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited Subdivision, from Prohibited to Non Complying activities.
FS1062.31	Andrew and Christine Gore	Support
FS1131.11	The Village Church Trust	Support
FS1386.526	Mercury NZ Limited	Oppose
364.10	Michael Innes	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from Prohibited to Non-Complying Activities.
FS1129.44	Auckland Council	Oppose
FS1062.33	Andrew and Christine Gore	Support
FS1131.12	The Village Church Trust	Support
FS1386.541	Mercury NZ Limited	Oppose
507.10	Whitford Farms Limited	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3, PR4 Prohibited subdivision, from Prohibited to Non-Complying Activities.
FS1131.14	The Village Church Trust	Support
FS1062.50	Andrew and Christine Gore	Support
FS1129.47	Auckland Council	Oppose

FS1388.519	Mercury NZ Limited	Oppose
509.10	Denise and Harold Williams	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from Prohibited to Non-Complying Activities.
FS1062.52	Andrew and Christine Gore	Support
FS1129.48	Auckland Council	Oppose
FS1388.528	Mercury NZ Limited	Oppose
512.10	Enton Farms Limited	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from Prohibited to Non-Complying Activities.
FS1131.15	The Village Church Trust	Support
FS1129.49	Auckland Council	Oppose
FS1388.537	Mercury NZ Limited	Oppose
513.10	Vanoo Limited	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3, PR4 Prohibited subdivision from Prohibited to Non-Complying Activities.
FS1062.63	Andrew and Christine Gore	Oppose
FS1129.50	Auckland Council	Oppose
FS1131.16	The Village Church Trust	Support
FS1388.545	Mercury NZ Limited	Oppose
514.9	DP & LJ Ramsey Limited	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3, PR4 (Prohibited subdivision) from Prohibited to Non-Complying Activities.
FS1129.51	Auckland Council	Oppose
FS1062.66	Andrew and Christine Gore	Support
FS1131.17	The Village Church Trust	Support
FS1388.550	Mercury NZ Limited	Oppose
516.10	Anthony and Maureen Vazey	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.
FS1129.52	Auckland Council	Oppose
FS1131.18	The Village Church Trust	Support
FS1388.563	Mercury NZ Limited	Oppose
517.10	Amanda and Brian Billington	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.
FS1131.19	The Village Church Trust	Support
FS1129.53	Auckland Council	Oppose
FS1388.571	Mercury NZ Limited	Oppose
519.10	B and N Balle Limited	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to

		non-complying activities.
FS1131.20	The Village Church Trust	Support
FS1129.54	Auckland Council	Oppose
FS1388.579	Mercury NZ Limited	Oppose
520.10	Finlayson Farms Limited	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.
FS1131.21	The Village Church Trust	Support
FS1129.55	Auckland Council	Oppose
FS1388.588	Mercury NZ Limited	Oppose
521.10	Max and Denise Irwin for A Irwin & Son Limited	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.
FS1129.56	Auckland Council	Oppose
FS1131.22	The Village Church Trust	Support
FS1388.597	Mercury NZ Limited	Oppose
522.10	Joy & Wayne Chapman	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.
FS1129.57	Auckland Council	Oppose
FS1131.23	The Village Church Trust	Support
FS1388.605	Mercury NZ Limited	Oppose
523.10	R & B Litchfield Limited	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.
FS1131.24	The Village Church Trust	Support
FS1129.58	Auckland Council	Oppose
FS1388.613	Mercury NZ Limited	Oppose
526.10	Roy & Lesley Wright	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from prohibited activities to non-complying activities.
FS1131.25	The Village Church Trust	Support
FS1129.59	Auckland Council	Oppose
527.10	Mark Scobie	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from prohibited activities to non-complying activities.
FS1062.69	Andrew and Christine Gore	Support
FS1131.26	The Village Church Trust	Support
FS1129.60	Auckland Council	Oppose
FS1388.648	Mercury NZ Limited	Oppose
529.9	Wilcox Properties Limited	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3, PR4 Prohibited subdivision, from prohibited to non-complying activities.

FS1131.27	The Village Church Trust	Support
FS1388.653	Mercury NZ Limited	Oppose
530.10	John Van Lieshout	Amend the activity status of Rule 22.4.1.1 Prohibited subdivision PR1, PR2, PR3 and PR4, from prohibited activities to non-complying activities.
FS1129.61	Auckland Council	Oppose
FS1131.28	The Village Church Trust	Support
FS1388.664	Mercury NZ Limited	Oppose
532.10	Joanne & Kevin Sands	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from Prohibited to non-complying activities.
FS1131.29	The Village Church Trust	Support
FS1129.62	Auckland Council	Oppose
FS1388.672	Mercury NZ Limited	Oppose
831.33	Gabrielle Parson on behalf of Raglan Naturally	Add more provisions about food safety to Rule 22.4.1.1 Prohibited Subdivision.
FS1308.155	The Surveying Company	Oppose 831.33
877.20	Leigh Michael Shaw & Bradley John Hall	Amend Rule 22.4.1.1 Prohibited subdivision to change all of the references from "lot" to "Record of Title".
Urban Expansion Area		
697.822	Waikato District Council	Amend Rule 22.4.1.1 Prohibited subdivision, as follows: Any subdivision within the Urban Expansion Area involving the creation of any additional lot <u>record of title</u> .
FS1333.17	Fonterra Limited	Support 697.822
FS1387.697	Mercury NZ Limited for Mercury D	Oppose 697.822
662.15	Blue Wallace Surveyors Limited	Delete Rule 22.4.1.1 PR1 Prohibited subdivision AND Add a cascading objective, policy and rule set 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.
FS1379.221	Hamilton City Council	Oppose
FS1387.104	Mercury NZ Limited	Oppose
330.138	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.1.1 Prohibited subdivision.
FS1386.415	Mercury NZ Limited	Oppose
330.138	Andrew and Christine Gore	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 expressway development.
FS1379.78	Hamilton City Council	Oppose
FS1386.405	Mercury NZ Limited	Oppose

943.26	McCracken Surveys Limited	Amend Rule 22.4.1.1 PRI Prohibited subdivision, as follows; <i>Any subdivision within the Urban Expansion Area involving the creation of any additional lot record of title excluding one containing a dwelling existing as at 18 July 2018.</i>
FS1379.365	Hamilton City Council	Oppose
FS1387.1576	Mercury NZ Limited	Oppose
471.14	Andrew Wood for CKL	Amend Rule 22.4.1.1 PRI Prohibited Subdivision, as follows: <i>Any subdivision within the Urban Expansion Area involving the creation of any additional lot record of title excluding one containing a dwelling existing as at 18 July 2018.</i> AND Any consequential amendments necessary.
FS1379.189	Hamilton City Council	Oppose
FS1388.445	Mercury NZ Limited	Oppose
612.1	CDL Land New Zealand Limited	Amend Rule 22.4.1.1 PRI Prohibited Subdivision, to change the activity status for subdivision in the Urban Expansion Area to Discretionary; AND Add the following standards: <i>Subdivision within the Urban Expansion Area must comply with the following conditions:</i> (a) <i>The Record of Title to be subdivided must have been issued prior to 18 July 2018.</i> (b) <i>(b) The Record of Title to be subdivided must be at least 1.6ha.</i> (c) <i>The proposed subdivision must create no more than 1 additional record of title.</i> (d) <i>The additional Record of Title must contain a lawfully established dwelling existing as at 18 July 2018.</i> (e) <i>The additional Record of Title must have a net area between 3000m² and 1ha.</i> <i>A consent notice must be registered on the Record of Title for the balance lot advising that no additional dwellings are permitted under Rules 22.3.1 and 22.3.2.</i>
FS1379.212	Hamilton City Council	Oppose
FS1062.88	Andrew and Christine Gore	Support
FS1387.5	Mercury NZ Limited	Oppose
311.4	Harpal Singh-Sandhu	Amend Rule 22.4.1.1 PRI Prohibited subdivision, to be a non-complying activity.
FS1062.23	Andrew and Christine Gore	Support
FS1129.41	Auckland Council	Oppose
FS1308.15	The Surveying Company	Support
FS1131.7	The Village Church Trust	Support
FS1386.374	Mercury NZ Limited	Oppose
535.72	Lance Vervoort for Hamilton City Council	Retain the prohibited activity status for Rule 22.4.1.1 PRI Prohibited Subdivision.

		<p>AND</p> <p>Add a clause to Rule 22.4.1.1 PI Prohibited subdivision as follows:</p> <p><i>Any boundary relocation or rural hamlet subdivision.</i></p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>
FS1062.82	Andrew and Christine Gore	Oppose
FS1131.48	The Village Church Trust	Oppose
FS1333.16	Fonterra Limited	Support
FS1287.23	Blue Wallace Surveyors Limited	Oppose
FS1172.1	CDL Land New Zealand Limited	Oppose
FS1388.710	Mercury NZ Limited	Oppose
Subdivision prior to 6 December 1997		
419.36	Lucy Deverall for Horticulture New Zealand	<p>Delete Rule 22.4.1.1 PR2 Prohibited subdivision.</p> <p>AND</p> <p>Add a replacement non-complying activity to Rule 22.4 Subdivision, as follows:</p> <p><u>NCX</u></p> <p><i>(a) Subdivision which results in any additional lot being located on high class soil</i></p> <p><i>(b) Exceptions to NCX are where an additional lot is created by either of the following:</i></p> <p><i>(i) Access allotment or utility allotment</i></p> <p><i>(ii) Subdivision of Maaori Freehold Land</i></p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>
FS1129.45	Auckland Council	Oppose
FS1330.27	Middlemiss Farm Holdings Limited	Support
FS1308.35	The Surveying Company	Support
FS1328.18	Kenneth Graham Barry	Support
FS1388.193	Mercury NZ Limited	Oppose
662.16	Blue Wallace Surveyors Limited	Amend Rule 22.4.1.1 PR2 Prohibited subdivision from a Prohibited activity to a Non-Complying activity.
FS1308.92	The Surveying Company	Support
FS1131.34	The Village Church Trust	Support
FS1387.105	Mercury NZ Limited	Oppose
471.15	Andrew Wood for CKL	<p>Add the following exception to Rule 22.4.1.1 PR2 (b) Prohibited subdivision:</p> <p><i>(v) Rural Hamlet (Rule 22.4.1.5)</i></p>

		<p>AND</p> <p>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:</p> <p><i>(vi) Boundary Relocation (Rule 22.4.1.4).</i></p> <p>AND</p> <p>Any consequential amendments necessary.</p>
FS1308.61	The Surveying Company	Oppose
FS1388.446	Mercury NZ Limited	Oppose
697.823	Waikato District Council	<p>Amend Rule 22.4.1.1 PR2 Prohibited subdivision, as follows:</p> <p><i>(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.</i></p> <p><i>(b) Exceptions to PR2 (a) are where an additional lot record of title is created by any of the following rules:</i></p> <p><i>(i) ...</i></p>
FS1387.698	Mercury NZ Limited	Oppose
106.3	Bruce and Dorothy Chipman	Amend the activity status of Rule 22.4.1.1 PR2 Prohibited subdivision, from Prohibited to a Non-Complying Activity.
FS1062.18	Andrew and Christine Gore	Support
FS1129.40	Auckland Council	Oppose
FS1386.80	Mercury NZ Limited	Oppose
Subdivision after 6 December 1997		
398.3	Ian Thomas	<p>If the rezoning sought in submission points 398.1, 398.2 and 398.5 is not supported, Delete Rural Zone Prohibited Subdivision (PR3) Rule 22.4.1.1.</p> <p>OR</p> <p>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.</p>
FS1311.14	Ethan & Rachael Findlay	Support
FS1328.17	Kenneth Graham Barry	Support
419.37	Lucy Deverall for Horticulture New Zealand	<p>Delete Rule 22.4.1.1 PR3 Prohibited subdivision</p> <p>AND</p> <p>Add a replacement new non-complying activity to Rule 22.4 Subdivision, as follows:</p> <p><u>NCX</u></p> <p><i>(a) Subdivision which results in any additional lot being located on high class soil</i></p> <p><i>(b) Exceptions to NCX are where an additional lot is created by either of the following:</i></p> <p><i>(i) Access allotment or utility allotment</i></p> <p><i>(ii) Subdivision of Maaori freehold land</i></p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>

FSI330.28	Middlemiss Farm Holdings Limited	Support
FSI308.36	The Surveying Company	Support
FSI328.19	Kenneth Graham Barry	Support
FSI388.194	Mercury NZ Limited	Oppose
662.17	Blue Wallace Surveyors Limited	Amend Rule 22.4.1.1 PR3(a) Prohibited subdivision from a Prohibited activity to a Non-Complying activity.
FSI308.93	The Surveying Company	Support
FSI387.106	Mercury NZ Limited	Oppose
434.2	Ben Young for Madsen Lawrie Consultants Limited	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.
FSI308.43	The Surveying Company	Oppose
FSI388.257	Mercury NZ Limited	Oppose
441.5	Ben Young for Madsen Lawrie Consultants	Add to Rule 22.4.1.1 PR3 (c) Prohibited subdivision the following: <i>a transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</i>
FSI388.275	Mercury NZ Limited	Oppose
444.5	Ben Young for Madsen Lawrie Consultants	Add the following to Rule 22.4.1.1 PR3 (c) Prohibited subdivision: <i>(c) A transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</i>
FSI308.44	The Surveying Company	Oppose
FSI388.283	Mercury NZ Limited	Oppose
446.5	Ben Young for Madsen Lawrie Consultants	Add the following to Rule 22.4.1.1 PR3 (iii) Prohibited subdivision, as follows: <i>(c) PR3(a) does not apply to the following:</i> ... <i>(iii) A transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</i>
FSI388.302	Mercury NZ Limited	Oppose
449.5	Ben Young for Madsen Lawrie Consultants	Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited Subdivision, by adding the following: <i>(c) A transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</i>
FSI308.46	The Surveying Company	Oppose
453.1	Ben Young for Madsen Lawrie Consultants	Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited Subdivision, as follows: <i>(c) A transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</i>

FSI 308.47	The Surveying Company	Oppose
FSI 388.324	Mercury NZ Limited	Oppose
455.5	Ben Young for Madsen Lawrie Consultants	Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited subdivision, as follows: <i><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></i>
FSI 308.48	The Surveying Company	Oppose
FSI 388.334	Mercury NZ Limited	Oppose
456.5	Ben Young for Madsen Lawrie Consultants	Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited Subdivision, by adding the following: <i><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></i>
FSI 308.49	The Surveying Company	Oppose
FSI 388.343	Mercury NZ Limited	Oppose
459.5	Ben Young for Madsen Lawrie Consultants	Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited Subdivision, as follows: <i><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></i>
FSI 308.50	The Surveying Company	Oppose
FSI 388.354	Mercury NZ Limited	Oppose
460.5	Ben Young for Madsen Lawrie Consultants	Add a new clause to Rule 22.4.1.1 PR3 (c) Prohibited subdivision, as follows: <i><u>A transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</u></i>
FSI 308.51	The Surveying Company	Opposes 460.5: For the same reasons provided in submission point 420.1, we oppose the inclusion of any rule prohibiting any form of subdivision.
FSI 388.363	Mercury NZ Limited	Oppose
838.9	Madsen Lawrie Consultants	Add to Rule 22.4.1.1 PR3(c) Prohibited subdivision as follows: <i>(c) Rule PR3(a) does not apply to the following:</i> ... <i><u>(iii) a transferable title subdivision in the former Franklin District on a parent Certificate of Title that existed prior to 6 December 1997.</u></i>
FSI 129.30	Auckland Council	Oppose
FSI 387.1371	Mercury NZ Limited	Oppose
471.16	Andrew Wood for CKL	Add the following exception to Rule 22.4.1.1 PR3 (b) Prohibited subdivision: <i><u>(v) Rural Hamlet (Rule 22.4.1.5)</u></i> 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: <i><u>(vi) Boundary Relocation (Rule 22.4.1.4).</u></i>

		AND Any consequential amendments necessary.
FS1308.62	The Surveying Company	Support
FS1388.447	Mercury NZ Limited	Oppose
471.17	Andrew Wood for CKL	Amend Rule 22.4.1.1 PR3 (c)(i) Prohibited subdivision, as follows: <i>(c) Rule PR3(a) does not apply to the following:</i> <i>(i) a boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997 (refer to Rule 22.4.1.4)</i> <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></i> <i>or</i> AND Any consequential amendments necessary.
FS1308.63	The Surveying Company	Oppose
FS1388.448	Mercury NZ Limited	Oppose
943.27	McCracken Surveys Limited	Amend Rule 22.4.1.1 PR3 (c) (i) Prohibited subdivision, as follows: <i>(i) <u>Where the record of Title was created as a result of a boundary relocation or boundary adjustment under the former District Plan, a boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rule 22.4.1.4); or</u></i>
FS1387.1577	Mercury NZ Limited	Oppose
943.29	McCracken Surveys Limited	Add clause (v) to Rule 22.4.1.1 PR3 (b) Prohibited subdivision, as follows: <i><u>(b) Exceptions to PR3(a) are where an additional lot is created by any of the following:</u></i> <i><u>(i) Conservation lot subdivision (Rule 22.4.1.6);</u></i> <i><u>(ii) Reserve lot subdivision (Rule 22.4.1.7);</u></i> <i><u>(iii) Access allotment or utility allotment using Rule 14.12 (Transportation);</u></i> <i><u>(iv) Subdivision of Maaori Freehold Land (Rule 22.4.1.3);</u></i> <i><u>(v) Rural Hamlet (Rule 22.4.1.5)</u></i> 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: <i><u>(vi) Boundary Relocation (Rule 22.4.1.4)</u></i>
FS1387.1579	Mercury NZ Limited	Oppose
612.2	CDL Land New Zealand Limited	Amend Rule 22.4.1.1 PR3 (b) Prohibited Subdivision, to include the following provisions: <i><u>(v) Subdivision within the Urban Expansion Area (Rule number TBC).</u></i> <i><u>(vi) Boundary Relocation (Rule 22.4.1.4).</u></i> <i><u>(vii) Rural Hamlet Subdivision (Rule 22.4.1.5).</u></i>
FS1387.6	Mercury NZ Limited	Oppose
697.824	Waikato District Council	Amend Rule 22.4.1.1 PR3 Prohibited subdivision, as follows:

		<p>(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 high class soil</u>.</p> <p>(b) Exceptions to PR3(a) are where an additional lot <u>record of title</u> is created by any of the following:</p> <p>(i) Conservation lot subdivision (Rule 22.4.1.6);</p> <p>(ii) Reserve lot subdivision (Rule 22.4.1.7);</p> <p>(iii) Access allotment or utility allotment using Rule 14.12 (Transportation);</p> <p>(iv) Subdivision of Maori Freehold land (Rule 22.4.1.3);</p> <p><u>(v) A boundary relocation (Rule 22.4.1.4)</u></p> <p>(c) Rule PR3(a) does not apply to <u>any records of title that were created by the following</u>:</p> <p>(i) a boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rule 22.4.1.4);</p> <p>or</p> <p>(ii) a process other than subdivision under the Resource Management Act 1991.</p>
FS1387.699	Mercury NZ Limited	Oppose
420.1	Ben Young for Madsen Lawrie Consultants Limited	<p>Add a new clause (iii) to Rule 22.4.1.1 PR3 (c) Prohibited subdivision as follows:</p> <p><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></p> <p>AND</p> <p>Amend Rule 22.4.1.1 Prohibited Subdivision to remove references to the 6th December 1997.</p>
FS1308.40	The Surveying Company	Oppose
FS1388.236	Mercury NZ Limited	Oppose
Prohibited subdivision both before and after 6 December 1997		
46.1	Marc ter Beek	Amend Rule 22.4.1.1 PR2 and PR3 Prohibited Subdivision to have Discretionary activity status rather than Prohibited activity status.
FS1062.2	Andrew and Christine Gore	Support
FS1328.1	Kenneth Graham Barry	Support
FS1268.5	Jennie Hayman	Support
695.92	Sharp Planning Solutions Limited	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.
FS1308.107	The Surveying Company	Supports 695.92: 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.
FS1387.328	Mercury NZ Limited	Oppose
421.1	Tracy Hayson for Wasley Knell	<p>Add a new clause to Rule 22.4.1.1 PR2 Prohibited subdivision as follows:</p> <p><i>(c) PR2(a) does not apply to the following:</i></p> <p><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></p> <p>AND</p> <p>Add a new clause to Rule 22.4.1.1 PR3(c) Prohibited subdivision as follows:</p> <p><i>(c)(iii) 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.</i></p>
FS1308.41	The Surveying Company	Oppose
FS1388.244	Mercury NZ Limited	Oppose
466.23	Brendan Balle for Balle Bros Group Limited	Delete Rule 22.4.1.1 PR2 and PR3 Prohibited subdivision and replace with a new non-complying rule.
FS1129.46	Auckland Council	Oppose
FS1308.57	The Surveying Company	Support
FS1131.13	The Village Church Trust	Support
FS1388.412	Mercury NZ Limited	Oppose
Transferable Lot Titles PR4		
695.93	Sharp Planning Solutions Limited	Delete Rule 22.4.1.1 PR4(a) Prohibited Subdivision; OR Amend Rule 22.4.1.1 PR4(a) Prohibited Subdivision, to be an exemption (if this is the intent).
FS1308.108	The Surveying Company	Support
FS1138.27	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support
FS1387.329	Mercury NZ Limited	Oppose
697.825	Waikato District Council	<p>Amend Rule 22.4.1.1 PR4 Prohibited subdivision, as follows:</p> <p><i>(a) Notwithstanding rule PR3(c)(ii), aAny 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 right subdivision under the provisions of the previous Operative Waikato District Plan – Franklin Section, irrespective of how the donor record of title was created, by either:</i></p> <p><i>(i) Amalgamation; or</i></p> <p><i>(ii) Re-survey</i></p>
FS1138.4	Glenn Michael Soroka and Louise Claire Mered as	Oppose

	Trustees of the Pakau Trust	
FSI 387.700	Mercury NZ Limited	Oppose
814.2	Awaroa Farm Limited	Amend Rule 22.4 Subdivision and 22.4.1 PR4 (a) Prohibited subdivision, to maintain the Transferable Rural Lot subdivision provisions.
FSI 387.1300	Mercury NZ Limited	Oppose
311.5	Harpal Singh-Sandhu	Amend Rule 22.4.1.1 PR4 Prohibited subdivision to be a non-complying activity.
FSI 129.42	Auckland Council	Oppose
FSI 308.16	The Surveying Company	Support
FSI 386.375	Mercury NZ Limited	Oppose
345.1	Brent Trail	<p>Amend Rule 22.4.1.1 PR4 Prohibited subdivision, by replacing with the following:</p> <p><i>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.</i></p> <p><i><u>Except where an additional lot is created by any of the following rules:</u></i></p> <p><i><u>(i) The conservation lot subdivision (Rule 22.4.1.6);</u></i></p> <p><i><u>(ii) Reserve lot subdivision (Rule 22.4.1.7);</u></i></p> <p><i><u>(iii) Access allotment or utility allotment using Rule 14.12 (Transportation).</u></i></p> <p>AND</p> <p>Delete Rule 22.4.1.1 PR4 Prohibited subdivision.</p>
FSI 308.19	The Surveying Company	Oppose
FSI 386.481	Mercury NZ Limited	Oppose
345.1	Brent Trail	<p>Amend Rule 22.4.1.1 PR4 Prohibited subdivision, by replacing with the following:</p> <p><i>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.</i></p> <p><i><u>Except where an additional lot is created by any of the following rules:</u></i></p> <p><i><u>(i) The conservation lot subdivision (Rule 22.4.1.6);</u></i></p> <p><i><u>(ii) Reserve lot subdivision (Rule 22.4.1.7);</u></i></p> <p><i><u>(iii) Access allotment or utility allotment using Rule 14.12 (Transportation).</u></i></p> <p>AND</p> <p>Delete Rule 22.4.1.1 PR4 Prohibited subdivision.</p>
FSI 308.19	The Surveying Company	Oppose
FSI 386.481	Mercury NZ Limited	Oppose

7.3 Analysis

110. Many of the submissions were opposed to the prohibited activity status on all four rules and thus I have grouped them together, although I address each one of the rules individually below.

7.3.1 PRI - Urban Expansion Area

PRI	Any subdivision within the Urban Expansion Area involving the creation of any additional lot.
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111. PRI proposes to prohibit the creation of any additional lots within the Urban Expansion Area.
112. The Urban Expansion Area is an overlay subject to a strategic agreement between Waikato District Council and Hamilton City Council for Hamilton City's boundaries to the north, east and west to expand into this area from 2045. This area also relates to the Country Living Zone and has already been discussed in Hearing 12.
113. The overlay applies to the following areas which are identified as areas HT1, R2, R1a and WA:

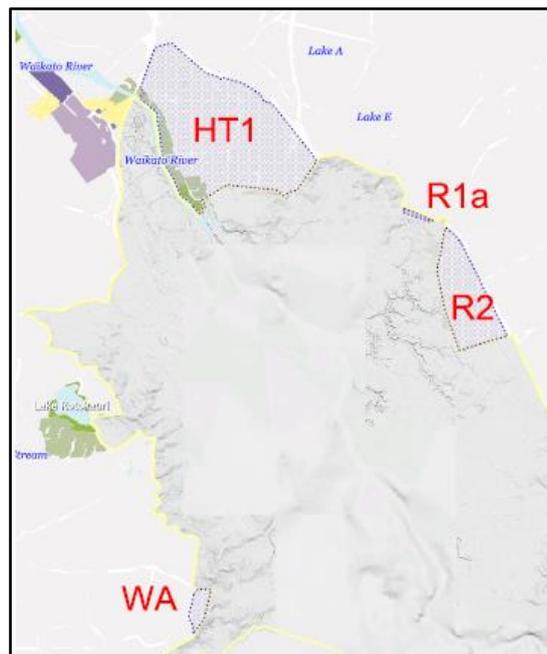


Figure 6. – Urban Expansion Area

114. Rule 22.4.1.1 prohibits the creation of any additional lots in the Urban Expansion Area and prohibits a number of different landuse activities, which are addressed by Mr Cleese in his landuse report.
115. The prohibited activity status for rural subdivision within the UEA is a significant change from the activity status in the Operative Waikato District Plan provisions in Chapter 25.5, which only prohibit subdivision of lots less than 5,000m² or an allotment average below 1.3ha (as set out below in clause (f) of Rule 25.5).

- (f) The following apply only in the Urban Expansion Policy Area
- (i) disposal or storage of solid waste (excluding contaminated land remediation under Rule 25.30)
 - (ii) hazardous waste storage, reprocessing or disposal (excluding contaminated land remediation under Rule 25.30)
 - (iii) educational, training or correctional facilities involving more than 10 people
 - (iv) extractive industries
 - (v) commercial activities (excluding a produce stall)
 - (vi) industrial activities
 - (vii) traveller's accommodation for more than 5 people,
 - (viii) motorised recreation facilities
 - (ix) new roads, except in compliance with indicative roads on the planning maps, and excluding upgrading and widening of established roads
 - (x) buildings over 2,000 m² gross floor area
 - (xi) subdivision of allotments less than 5000 m², or an allotment average below 1.3 ha.

116. Given that the notified rule prohibits subdivision creating an additional lot of any size within the Urban Expansion Area it is important to understand the consequences of this rule before determining whether a prohibited activity status is the most appropriate rule, as sought by some submitters, to achieve the objectives and policies in Chapter 5.5.1 (relating to both the rural and Country Living zones).

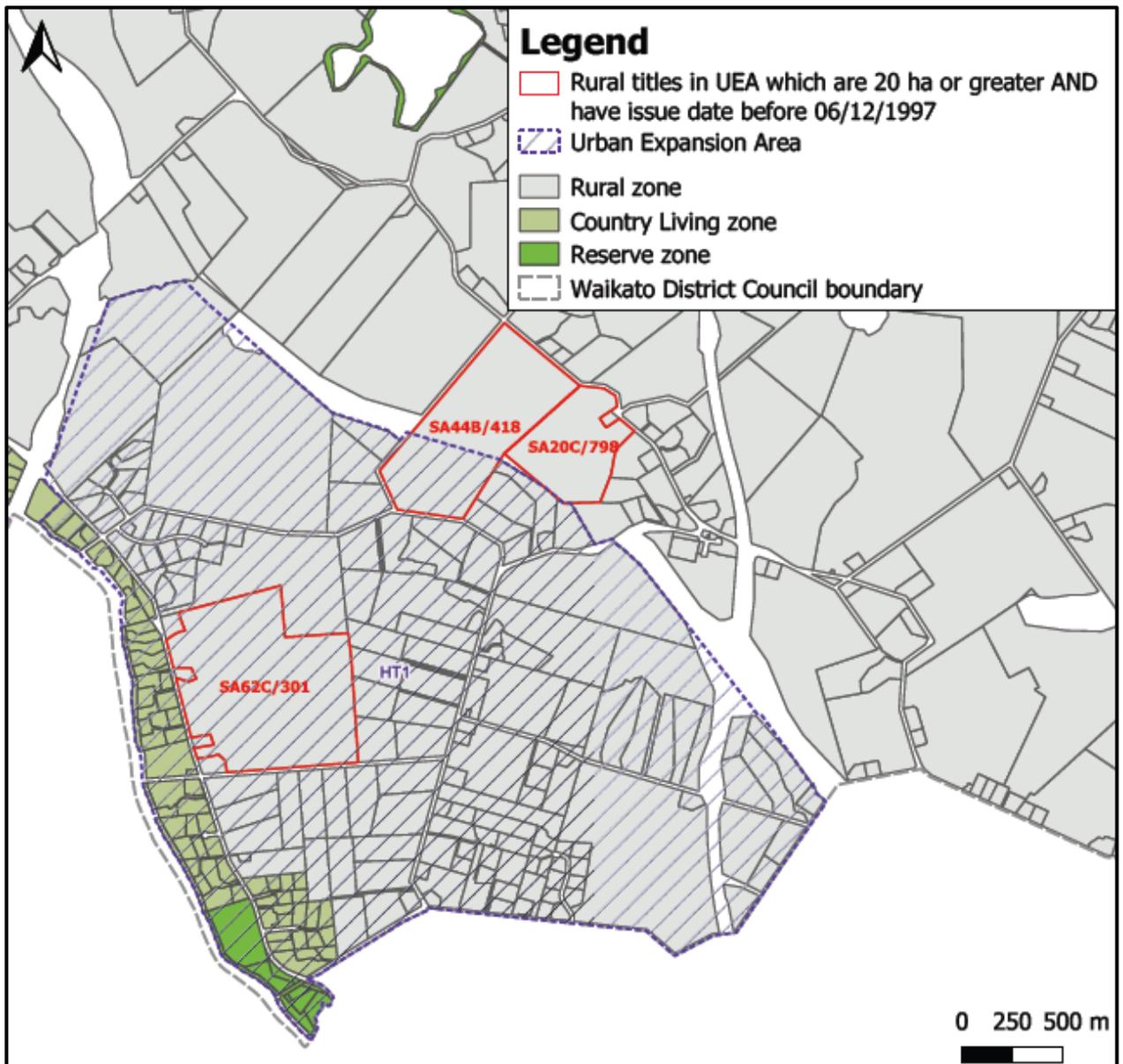


Figure 7. Map showing titles within the Urban Expansion Area

117. Analysis of the Urban Expansion Area identifies 230 rural titles affected by the overlay area. As shown in **Figure 7** above, in the absence of the prohibited rules, only two properties, which are both over 40ha in area would be eligible for subdivision based on the title date and size restrictions in the notified General Subdivision rule (Rule 22.4.1.2). These properties could create one additional lot each but for the prohibited rule. A third property just touches the boundary of the UEA, but is not within the area.
118. Despite there being limited numbers of potential rural subdivision in the UEA, there would still be the option of using existing titles through boundary relocations or rural hamlets on the remaining titles, thus increasing the subdivision potential in the UEA. Currently, as the proposed prohibited rule is drafted, these types of subdivision would not be precluded and landowners could apply in accordance with proposed Rules 22.4.1.4 (Boundary Relocation) and Rule 22.4.1.5 (Rural Hamlet), without being subject to the prohibited activity status. If anything, I consider that the omission of control around these subdivision pathways has the potential to undermine the intent of the UEA, particularly given that rural hamlets could form a cluster of 3-4 titles, having a similar impact to a Country Living Zone.

119. Hamilton City Council [535.72] seeks to retain the prohibited activity status for PRI and to add an additional clause prohibiting boundary relocations or rural hamlet subdivision in the UEA. Given only two titles affected by the prohibited rule could, in the absence of that rule, apply for a general subdivision, I recommended changing the activity status from Prohibited to Non-Complying for all subdivision and take on board HCC's point to include restrictions on boundary relocations and rural hamlets, as the opportunity for these subdivision pathways are more likely to occur than general subdivision, as set out above.
120. It is important to emphasise the objectives and policies for the Urban Expansion Area included in Chapter 5 which apply to both the Country Living Zone and the Rural Zone as follows:
- 5.5.1 Objective – Hamilton's Urban Expansion Area*
- (a) Protect land within Hamilton's Urban Expansion Area for future urban development.*
- 5.5.2 Policy – Activities within Hamilton's Urban Expansion Area*
- (a) Manage subdivision, use and development within Hamilton's Urban Expansion Area to ensure that future urban development is not compromised.*
121. There is a significant difference between what this objective and policy framework means for the Country Living Zone and Rural Zone. Generally as the CLZ has already been subdivided down to smaller lot sizes of 5,000m², it is a legitimate zone in itself and acts as a transition between the rural and residential zones (often referred to as peri-urban). However this is not to say that the CLZ will be subdivided down further to become urban in the future. For this reason, it is always easier to urbanise rural land into residential, because it does not generally present the same challenges.
122. The term in the objective "protect" is a strong directive that land must be kept 'untouched' to ensure that future urban development can occur. Despite there only being two properties that could subdivide, for example the risk is that these properties could impact future plans for infrastructure, such as the roading network. Further if existing titles are re-configured by way of boundary relocation, this pathway also provides a risk that the land could impact future urbanisation.
123. Given that the policy seeks to 'manage' subdivision to ensure that future development is not compromised, I consider that a non-complying status can adequately address the impacts on future urban development through the s104D test. While a prohibited status would mean that no applications can be submitted to Council for subdivision thereby ensuring absolute protection, the benefit of using a non-complying activity pathway pursuant to S104D to assess an application is that it would still provide a rigorous assessment of both the effects of the proposal and objectives and policies and determine a balanced approach based on the merits of the proposal. For example a non-complying activity status, provides the applicant with an opportunity to demonstrate how the subdivision will not impact future urban development of the urban expansion area and in most cases if the developer could show that the resulting lot size (8,000m² – 1.6ha) could be further subdivided down to an urban density, without challenges transitioning into urban in the future this may be an acceptable application. Conversely, if there are likely to be challenges with a proposed development, Council can decline the application.

124. The submission from Andrew and Christine Gore [330.138] seeks to amend Rule 22.4.1.1 PR1 to not apply to land that is fragmented by projects which the Council supports (e.g. The Expressway). Based on the above analysis, I do not agree that specific exceptions should apply to specific projects. Instead, I consider that the non-complying activity status would address any proposals that have merit, and would ensure that the objective and policy frameworks are being met.
125. Therefore, having considered all of the points raised above in respect to the UEA, I consider that a non-complying activity status is a more appropriate level of regulation for subdivision within this area earmarked for future urban development. However, I do agree with Hamilton City Council that the rule needs to include any boundary relocation or rural hamlet subdivision and recommend deleting PR1 from the prohibited rules and including new non-complying provisions in Rules 22.4.1.2 (General Sbudivision), 22.4.1.4 (Boundary Relocation), and 22.4.1.5 Rural Hamlet.

Recommendation:

126. Delete rule 22.4.1.1 PR1

PR1	Any subdivision within the Urban Expansion Area involving the creation of any additional lot.
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127. Add new rule 22.4.1.2 (General Subdivision)

NC2	<u>Any subdivision within the Urban Expansion Area involving the creation of any additional lot.</u>
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128. Add new rule 22.4.1.4 (Boundary Relocation)

NC1	<u>A boundary relocation within the Urban Expansion Area.</u>
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129. Add new rule 22.4.1.4 (Rural Hamlet Subdivision)

NC2	<u>A rural hamlet subdivision within the Urban Expansion Area.</u>
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7.3.2 Rules PR2 and PR3 – Subdivision on High Class Soils

PR2	<p>(a) Subdivision of a Record of Title issued prior to 6 December 1997, which results in more than one additional lot being located on high class soil.</p> <p>(b) Exceptions to PR2(a) are where an additional lot is created by any of the following rules:</p> <ul style="list-style-type: none"> (i) The conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maaori Freehold Land (Rule 22.4.1.3).
PR3	<p>(a) Subdivision of a Record of Title issued after 6 December 1997, which results in any additional lot being located on high class soil.</p> <p>(b) Exceptions to PR3(a) are where an additional lot is created by any of the following:</p> <ul style="list-style-type: none"> (i) Conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maori Freehold land (Rule 22.4.1.3); <p>(c) Rule PR3(a) does not apply to the following:</p> <ul style="list-style-type: none"> (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 under the Resource Management Act 1991.

Purpose of PR2 and PR3 to protect high class soils

130. The purpose of Rule PR2 is to prohibit more than one additional lot landing on high class soils from titles which existed prior to 6 December 1997. It is important to note that PR2 works in tandem with the General Subdivision provisions in Rule 22.4.1.2. That is, if an applicant seeks more than one additional lot as a Non-Complying Activity under Rule 22.4.1.2, PR2 ensures that none of those additional lots (beyond one lot) can land on high class soils. The purpose of Rule PR3 is to prevent any further subdivision landing on high class soils from titles created after 6 December 1997. Both rules currently exist in the Waikato Operative provisions and were agreed to as part of the Plan Change 2 appeals in order to “draw a line in the sand” and prevent any additional subdivision, not already anticipated by the rule framework to occur on high class soils and to effectively stop “doubling dipping”, where a land owner has already undertaken subdivision and then comes back for another opportunity.

Submissions Received

131. Many of the submissions above seek to amend PR2 and PR3 to change the activity status from a prohibited activity rule to either a non-complying or discretionary activity rule, which I do not consider gives effect to Policy 14.2 of the Waikato Regional Policy statement which strongly directs that Council must “avoid a decline in availability of high class soils”. The Supreme Court in the King Salmon decision held that “avoid” means “prevent the occurrence of”.
132. Some submitters have sought amendments or exemptions to apply to the rule, including for boundary relocations, rural hamlet boundary relocations or transferable subdivision. I have considered this and sought advice from the Council’s Resource Consents team, who have advised that while the boundary relocation or rural hamlet rules do not create any additional titles and only relate to existing titles, technically they do often create an additional new allotment from relocating a boundary into the area within one of the original records of title. Therefore the team has advised that an exemption is I considered necessary because the prohibited rule is directed at the creation of “additional titles” landing on high class soils and the rule needs to be. I therefore recommend the following provision to be included in both PR2 and PR3.
- (v) A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional allotments created overall as a result of the subdivision.
133. There are some requests for minor changes to the rules, including the terminology used for “lot” and “record of title”, which I have amended to reflect advice sought from Tompkins Wake that suggests the term “allotment” is the correct one to reference in the rule and to refer to “the land for which a Record of Title was issued”.

High Class Soils

134. In order to understand the extent of what PR2 and PR3 are attempting to address in terms of limiting the adverse effects on high class soils, it is important to understand the amount of high class soils in the rural zone and the distribution of high class soils across the district.

135. As discussed in Dr Hill's report, the Waikato District contains a high percentage of high class soils both regionally and nationally.

	Number of titles	Percentage
Rural titles fully covered in HCS	2,056	12%
Rural titles partially covered in HCS	6,012	36%
Rural titles with no HCS	8,588	51%
Rural titles with gross area of Oha	23	0%
Total	16,679	100%

Table 3 – Rural Titles affected by high class soil

136. As shown above in Table 3 there is almost a 50/50 split of titles which contain high class soils and those that do not. Map x below shows the distribution of these titles, which clearly highlights that large areas of the high class soils are located on the periphery of the Hamilton and Auckland boundaries and around existing towns and villages. This is a unique dilemma in itself given the strategic framework that Mr Clease discusses in his report in relation to the objectives and policies and attempting to direct rural-residential lifestyle development closer to the towns and villages. As shown in Figure 8. high class soils are located in and around all of the key growth nodes. However, as will be discussed in terms of general subdivision provisions, many of the titles within these areas do not meet the minimum parent title size, which balances out some of this concern.

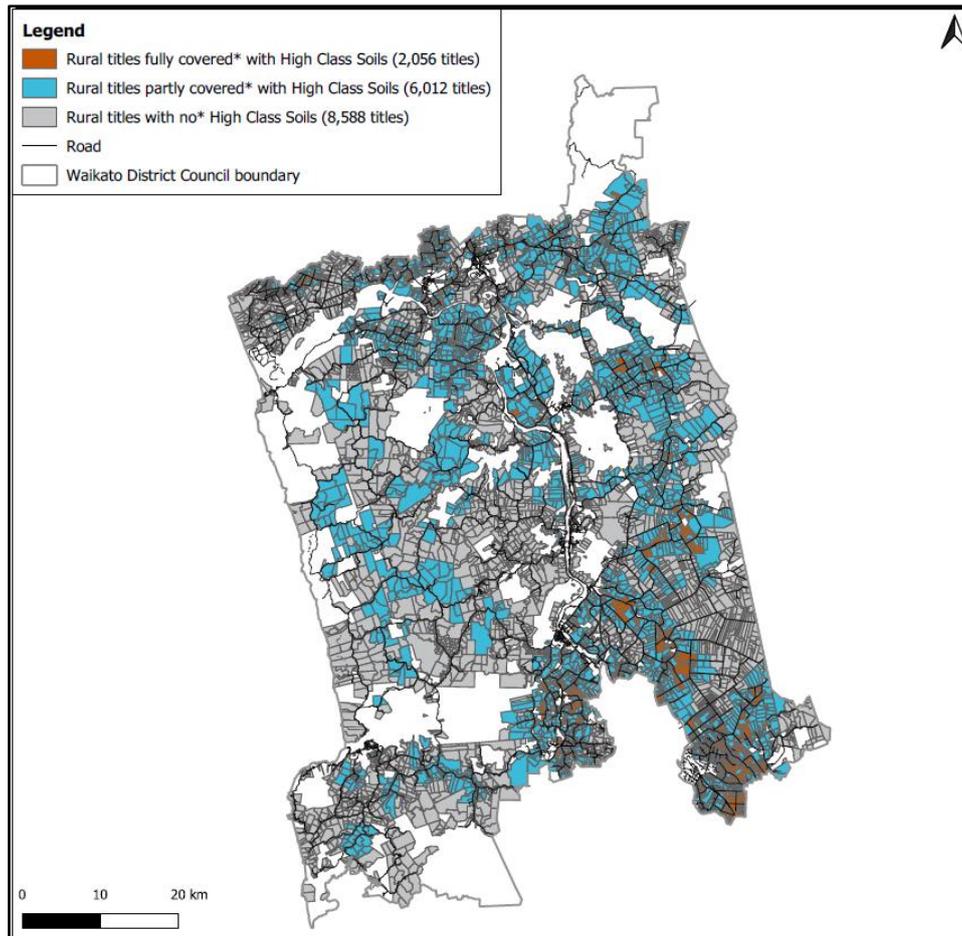


Figure 8. – Rural titles showing High Class Soil coverage

Interpretation of the Prohibited Rule

137. There have been some interpretation issues in the past with this rule as to how it is to be practically applied and further when an application is non-complying versus a prohibited activity (where no application can be made). The Lovegrove decision³ highlights that it was unclear in the drafting as to whether the prohibited rule was triggered by a small percentage of high class soils on the property undertaking the subdivision or whether the entire site must consist of high quality soils in order to be a prohibited activity.
138. In preparation of this hearing report, Council engaged soil scientist Dr Reece Hill to consider what was an acceptable level of regulation and to ensure that the rule was in fact clear and workable in practice. Both Dr Hill and I consider the wording of both PR2 and PR3 makes it clear that additional subdivision in both PR2 and PR3 cannot be located on high class soils. However, to make the rule even more absolute, we agree the word “any” could be used in front of high class soil.
139. In reliance on Dr Hill’s recommendations included in his technical report in Appendix 6 the consequences of not preventing subdivision from occurring will lead to significant loss of primary production that relies on the high class soils. Dr Hill agrees that this rule is too

³ NJ & GL Lovegrove v Waikato District Council [2007]

important to “back down on”, otherwise the consequences will be irreversible for the district’s economy.

140. It is important to highlight also that the proposed National Policy Statement on Highly Productive Land, while still only in its draft stages, will provide a similarly strong policy framework to that of the Waikato Regional Policy Statement and therefore once gazetted Council must meet the directives contained within the NPS (which have been provided in Mr Hill’s report).

Title Date

141. **Table 4** demonstrates that the number of titles issued after 6 December 1997 are 9,006 out of 16,679 titles, when compared to 7,637 which were issued prior to 6 December.

DATE	Franklin Rural titles	Waikato Rural titles	TOTAL
Before 6Dec1997	2,405	5,232	7,637
After 6Dec1997	2,320	6,686	9,006
No title date	9	27	36
TOTAL	4,734	11,945	16,679

Table 4. Number of titles across the rural zone by issue date based on 6 Dec 1997

142. While the title date is used in this rule as a way of determining which applications are prohibited or not, it is also used as a mechanism for controlling subdivision in the General Subdivision rule, which will be discussed in further detail later in this report, where these numbers reduce again based on adding the eligible parent title sizes.
143. The title date, although from a previous Waikato Section provision, has proved to be very effective at controlling the effects of subdivision in the Waikato Section of the District, as highlighted in Table 4. While I acknowledge the date has no relevance to the former Franklin District, the numbers of titles in the Waikato section are more than double those in Franklin. Therefore, I consider the date remains a key mechanism to managing subdivision in the District.
144. I did consider the submissions which sought to amend the title date to a more recent date, including a future Operative date for the plan; the date the plan was notified (18 July 2018); or the date at which the former Franklin District was amalgamated with the Waikato District Council (1 November 2010). If either of the first two dates were applied, the gains from Plan Change 2 which utilised the 1997 date would be at risk and subject to significant subdivision. In terms of the 2010 date, the table below shows that **13,271** out of **16,679** titles would be eligible for subdivision across both Franklin and Waikato (not taking into account the proposed lot size). We did not run an analysis on the 18 July 2018 date, however we know that it would include closer to the total number of titles (16,679) in the District. Given this result, I am not persuaded to amend the title date to a more recent date.

DATE	Franklin Rural titles	Waikato Rural titles	TOTAL
Before 1Nov2010	3,529	9,742	13,271
After 1Nov2010	1,196	2,176	3,372
No title date	9	27	36
TOTAL	4,734	11,945	16,679

Table 5. Number of titles across the rural zone by issue date being 1 Nov 2010

145. Despite the much smaller number of titles affected in the Franklin area of the District when compared to the Waikato, it is important to note that the Proposed District Plan is attempting to bring together the two subdivision regimes and as will be shown in respect to general subdivision provisions, there are both “winners” and “losers” in terms of this change. The same can be applied in respect to PR2 and PR3, but the key environmental issue that is being addressed through these rules is the protection of high class soils in order to give effect to Policy 14.2 of the Waikato Regional Policy Statement which provides very clear directive to “avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development”. A prohibited activity status best supports Council to meet this requirement and any future National Policy Statement on Highly Productive Land. Therefore, in my opinion both PR2 and PR3 must not be watered down to a non-complying or discretionary activity status and must be retained.

Recommended changes to PR2 and PR3

PR2	<p>(a) Subdivision of <u>land for which</u> a Record of Title <u>was</u> issued prior to 6 December 1997, which results in <u>the land comprised in</u> more than one additional <u>Record of Title lot allotment</u> being located on <u>any</u> high class soil.</p> <p>(b) Exceptions to PR2(a) are where an additional <u>lot allotment</u> is created by any of the following rules:</p> <ul style="list-style-type: none"> (i) The conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maori Freehold Land (Rule 22.4.1.3). <p><u>(v) A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional allotments created overall as a result of the subdivision.</u></p>
PR3	<p>(a) Subdivision of <u>land for which</u> a Record of Title <u>was</u> issued after 6 December 1997, which results in <u>the land comprised in</u> any additional <u>lot allotment</u> being located on <u>any</u> high class soil.</p> <p>(b) Exceptions to PR3(a) are where an additional <u>lot allotment</u> is created by any of the following:</p> <ul style="list-style-type: none"> (i) Conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maori Freehold land (Rule 22.4.1.3); <p><u>(v) A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional allotments created overall as a result of the subdivision.</u></p> <p>(c) Rule PR3(a) does not apply to the following:</p> <ul style="list-style-type: none"> (iii) a boundary relocation or adjustment between Records of Title that existed prior to 6 December 1997; (refer to Rule 22.4.1.4); or (iv) a process other than subdivision under the Resource Management Act 1991.

7.3.3 PR4 - Transferable Rural Lot Titles

PR4	(a) Any subdivision where a lot has been created for the purpose of a transferable rural lot subdivision under the provisions of the previous Operative Waikato District Plan – Franklin Section by either: (i) Amalgamation; or (ii) Re-survey
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Purpose of PR4

146. This provision only applies in the former Franklin section of the district where transferable subdivision has occurred. PR4 is aimed at restricting subdivision where a transferable rural lot subdivision has already been undertaken at a donor property. Similar to PR2 and PR3 it prevents landowners from “double-dipping” on a title where they have already transferred a lot to a donor property. Without this provision, subdivision at the donor property would be able to be undertaken again utilising the general subdivision provisions of the plan. I note that this rule does not apply if the landowner has undertaken an Environmental Lot subdivision and has transferred any titles achieved through this subdivision pathway. It is directed at the gap which exists between PR2 and PR3 where a landowner’s Franklin property may now (as a result of the PDP rules) be eligible for subdivision again, despite having already undertaken a transferable rural lot subdivision from that same property.

Submissions

147. Submissions seek to either delete or amend PR4 or seek to amend the activity status from prohibited to non-complying. Some submissions, similar to PR2 and PR3, seek to exclude other subdivision types from the rules. A submission from Waikato District Council suggests some amendments to the wording of the rule to provide clarity.

Policy Direction

148. Chapter 6 of the Waikato Regional Policy Statement (particularly Policy 6.17 relating to rural-residential development in the Future Proof area) discusses managing the pressure from rural-residential development, including cumulative effects. Further, Policy 5.3.8 seeks to ensure the effects on rural character and amenity are well managed. In my view, it is reasonable to restrict subdivision opportunities where the land has already been utilised for transferable subdivision to manage the pressure from subdivision and to prevent cumulative subdivision occurring.

Prohibited vs Non-Complying

149. In terms of the submissions seeking to amend the activity status from prohibited to non-complying, similar to my position on PR2 and PR3, in order to keep subdivision from re-occurring multiple times over and, in order to ensure that the cumulative effects of subdivision are minimised as directed by the higher level policy guidance, a prohibited status in my opinion is the appropriate way to achieve this. If the rule is watered down to a non-complying activity status, applications would argue that no adverse effects were created at the donor property as part of the transferable subdivision and that subdivision should occur, when the principle behind transferable subdivision is to amalgamate the donor titles and transfer the existing latent development right to another rural location, thereby protecting the donor site from development. My view is that there should not be a second opportunity for subdivision. Rural land is a finite resource that needs to be protected from multiple subdivision opportunities in order to meet the purpose of the RMA.

150. However, in respect to the submissions proposing exemptions for conservation lot subdivision; reserve lot subdivision and access allotment utility allotment, I agree that the exemptions should be the same as those set out in PR2 and PR3 for consistency and have therefore made the following amendments to the rule.

7.3.4 Recommendations

PR4	<p>(a) <u>Notwithstanding rule PR3(c)(ii) 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 right subdivision under the provisions of the previous Operative Waikato District Plan – Franklin Section, irrespective of how the donor record of title was created by either:</u></p> <p>(i) Amalgamation; or (ii) Re-survey</p> <p>(b) <u>Exceptions to PR4(a) are where an additional allotment is created by any of the following:</u></p> <p>(iii) <u>Conservation lot subdivision (Rule 22.4.1.6);</u> (iv) <u>Reserve lot subdivision (Rule 22.4.1.7);</u> (v) <u>Access allotment or utility allotment using Rule 14.12 (Transportation);</u> (vi) <u>Subdivision of Maori Freehold land (Rule 22.4.1.3);</u> (vii) <u>A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional allotments created overall as a result of the subdivision.</u></p>
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7.4 Recommendations

151. For the reasons above I recommend that the Hearings Panel:

Prohibited activity status

- **Accept in part** Waikato Regional Council [81.166] and Auckland Council [372.19]. **Therefore accepting in part** further submissions from Blue Wallace Surveyors Limited [FS1287.4], [FS1287.14], Kenneth Barry [FS1328.2], [FS1328.14], Andrew and Christine Gore [FS1062.12], Middlemiss Farm Holdings Limited [FS1130.12], [FS1330.20], The Surveying Company [FS1308.179], [FS1308.26] and Mercury NZ Limited [FS1388.6] and [FS1223.37].
- **Reject** Ted and Kathryn Letford [276.8], Envirowaste New Zealand Limited [302.30], Holcim New Zealand [766.54], Gwenith Francis [394.16], Andrew and Christine Gore [330.156]. **Therefore rejecting** the further submissions from Surveying Company [FS1308.12], Kenneth Barry [FS1328.5] [FS1328.7], [FS1328.29], [FS1328.16] and **accepting** the further submissions from Mercury NZ Limited [FS1386.285], [FS1386.347], [FS1387.1159], [FS1388.117], [FS1386.415] and Hamilton City Council [FS1379.111].
- **Reject** Middlemiss Farm Holdings Limited [794.19]. **Therefore rejecting** the further submissions from Kenneth Barry [FS1328.30], The Surveying Company [FS1308.132] and accepting the further submission from Hamilton City Council [FS1379.327].
- **Reject** Metro Planning Limited [312.2]. **Therefore rejecting** the further submissions from Village Church Trust [FS1131.8], The Surveying Company [FS1308.17], Blue Wallace Surveyors Limited [FS1287.12] and Kenneth Barry [FS1328.8].

- **Accept in part** Gwyneth Smith [332.9] insofar as amending the activity status of PRI from prohibited to non-complying. **Therefore accepting in part** the further submissions from Blue Wallace Surveyors Limited [FS1287.13], The Village Church Trust [FS1131.9], Auckland Council [FS1129.43] and Mercury NZ Limited [FS1386.460].
- **Accept in part** Scott and Tina Ferguson [355.10], CYK Limited [362.9], Michael Innes [364.10], Whitford Farms Limited [507.10], Denise and Harold Williams [509.10], Enton Farms Limited [512.10], Vanoo Limited [513.10], DP & LJ Ramsey Limited [514.9], Anthony and Maureen Vazey [516.10], Amanda and Brian Billington [517.10], B and N Balle Limited [519.10], Finlayson Farms Limited [520.10], Irwin & Son Limited [521.10], Joy and Wayne Chapman [522.10], R & B Litchfield Limited [523.10], Roy & Lesley Wright [526.10], Mark Scobie [527.10], Wilcox Properties Limited [529.9], John Van Lieshout [530.10], Joanne and Kevin Sands [532.10] insofar as amending the activity status of PRI from prohibited to a non-complying activity status. **Therefore accepting in part** further submissions from Village Church Trust [FS1131.10], [FS1131.11], [FS1131.12], [FS1131.14], [FS1131.15], [FS1131.16], [FS1131.17], [FS1131.18], [FS1131.19], [FS1131.20], [FS1131.21], [FS1131.22], [FS1131.23], [FS1131.24], [FS1131.25], [FS1131.26], [FS1131.27], [FS1131.28], [FS1131.29] Andrew and Christine Gore [FS1062.31], [FS1062.33], [FS1062.50], [FS1062.52], [FS1062.66], [FS1062.69], Mercury NZ Limited [FS1386.518], [FS1386.526], [FS1386.541], [FS1388.519], [FS1388.528], [FS1388.537], [FS1388.545], [FS1388.550], [FS1388.563], [FS1388.571], [FS1388.579], [FS1388.588], [FS1388.597], [FS1388.605], [FS1388.613], [FS1388.648], [FS1388.653], [FS1388.664], [FS1388.672], Auckland Council [FS1129.44], [FS1129.47], [FS1129.48], [FS1129.49], [FS1129.50], [FS1129.51], [FS1129.52], [FS1129.53], [FS1129.54], [FS1129.55], [FS1129.56], [FS1129.57], [FS1129.58], [FS1129.59], [FS1129.60], [FS1129.61], [FS1129.62] and Andrew and Christine Gore [FS1062.63].

Urban Expansion Area

- **Accept in part** Blue Wallace Surveyors Limited [662.15] insofar as I have amended the activity status of PRI from prohibited to non-complying activity status. **Therefore accepting in part** the further submissions from Hamilton City Council [FS1379.221] and Mercury NZ Limited [FS1387.104].
- **Reject** Andrew and Christine Gore [330.138]. **Therefore accepting** the further submissions from Hamilton City Council [FS1379.78] and Mercury NZ Limited [FS13869.405].
- **Reject** McCracken Surveys Limited [943.26] and CKL [471.14]. Therefore accepting further submissions from Hamilton City Council [FS1379.365], [FS1379.189] and Mercury NZ Limited [FS1387.1576], [FS1388.445].
- **Reject** CDL New Zealand Limited [612.1]. Therefore rejecting the further submission from Andrew and Christine Gore [FS1062.88] and accepting the further submissions from Hamilton City Council [FS1379.212] and Mercury NZ Limited [FS1387.5].
- **Accept** Harpal Singh-Sandhu [311.4]. Therefore accepting the further submissions from Andrew and Christine Gore [FS1062.23], the Surveying Company [FS1308.15], The Village

Church Trust [FS1131.7] and rejecting the further submissions from Auckland Council [FS1129.41] and Mercury NZ Limited [FS1386.374].

- **Reject** Hamilton City Council [535.72]. **Therefore rejecting** the further submissions from Fonterra Limited [FS1333.16] and accepting the further submissions from Andrew and Christine Gore [FS1062.82], The Village Church Trust [FS1131.48], Blue Wallace Surveyors Limited [FS1287.23], CDL Land New Zealand Limited [FS1172.1] and Mercury NZ Limited [FS1388.710].

Subdivision prior to 6 December 1997

- **Accept in part** Horticulture New Zealand [419.36] insofar as I have amended the activity status of PRI from prohibited to non-complying activity status. Therefore accepting in part the further submissions from Middlemiss Farm Holdings Limited [FS1330.27], The Surveying Company [FS1308.35], Kenneth Barry [FS1328.18], Auckland Council [FS1129.45] and Mercury NZ Limited.
- **Accept in part** Blue Wallace Surveyors Limited [662.16], Bruce and Dorothy Chipman [106.3] insofar as I have amended the activity status of PRI from prohibited to non-complying activity status. Therefore accepting in part the further submissions from Andrew and Christine Gore [FS1062.18] and The Surveying Company [FS1308.92] and The Village Church Trust [FS1131.34], Auckland Council [FS1129.40] and Mercury NZ Limited [FS1386.80], [FS1387.105].
- **Reject** CKL [471.15]. Therefore accepting in part the further submissions from The Surveying Company [FS1308.61] and Mercury NZ Limited [FS1388.446].
- **Reject** Waikato District Council [697.823]. Therefore accepting the further submissions from Mercury NZ Limited [FS1387.698].

Subdivision after 6 December 1997

- **Reject** Ian Thomas [398.3]. Therefore rejecting further submissions from Ethan and Rachael Findlay [FS1311.14] and Kenneth Barry [FS1328.17].
- **Reject** Horticulture New Zealand [419.37]. Therefore rejecting further submissions from Middlemiss Farm Holding Limited [FS1330.28], The Surveying Company [FS1308.36] and Kenneth Barry [FS1328.19] and accepting further submissions from Mercury NZ Limited [FS1388.194].
- **Reject** Blue Wallace Surveyors Limited [662.17]. Therefore rejecting further submissions from The Surveying Company [FS1308.93] and accepting further submissions from Mercury NZ Limited [FS1387.106]
- **Reject** Madsen Lawrie Consultants Limited [434.2]. **Therefore rejecting** the further submissions from The Surveying Company [FS1308.43] and Mercury NZ Limited [FS1388.257].
- **Reject** Madsen Lawrie Consultants Limited [441.5], [444.5], [446.5], [449.5], [453.1], [455.5], [456.5], [459.5], [460.5], [838.9], [420.1]. **Therefore accepting** the further

submissions from Mercury NZ Limited [FSI388.275], [FSI388.283], [FSI388.302], [FSI388.324], [FSI388.334], [FSI388.343], [FSI388.354], [FSI388.363], [FSI387.1371], [FSI388.236] and The Surveying Company [FSI308.44], [FSI308.46], [FSI308.47], [FSI308.48], [FSI308.49], [FSI308.50], [FSI308.51], [FSI308.40] and Auckland Council [FSI129.30].

- **Accept in Part** CKL [471.16] insofar as providing an exemption for rural hamlet subdivision and boundary relocations with amended wording. **Therefore accepting in part** the further submissions from The Surveying Company [FSI308.62] and Mercury NZ Limited [FSI388.447].
- **Accept in Part** CKL [471.17] and McCracken Surveys Limited [943.27] insofar as providing an exemption for rural hamlet subdivision and boundary relocations with amended wording. **Therefore accepting in part** the further submissions from The Surveying Company [FSI308.63] and Mercury NZ Limited [FSI388.448] and [FSI387.1577].
- **Accept in Part** McCracken Surveys Limited [943.29] insofar as providing an exemption for rural hamlet subdivision and boundary relocations with amended wording. **Therefore accepting** the further submission from Mercury NZ Limited [FSI387.1579].
- **Accept in Part** CDL Land New Zealand Limited [612.2] insofar as providing an exemption for rural hamlet subdivision and boundary relocations with amended wording. **Therefore accepting** in part the further submissions from Mercury NZ Limited [FSI387.6].
- **Accept in Part** Waikato District Council [697.824] insofar as providing an exemption for a boundary relocation, notwithstanding amendments from other submitters. Mercury NZ Limited [FSI387.699].

Prohibited subdivision both before and after 6 December 1997

- **Reject** Marc ter Beek [46.1]. **Therefore rejecting** further submissions from Andrew and Christine Gore [FSI062.2], Kenneth Barry [FSI328.1], Jennie Hayman [FSI268.5].
- **Reject** Sharp Planning Solutions Limited [695.92]. **Therefore rejecting** the further submissions from The Surveying Company [FSI308.107] and **accepting** the further submission by Mercury NZ Limited [FSI387.328]
- **Reject** Wasley Knell [421.1]. **Therefore accepting** the further submission from The Surveying Company [FSI308.41] and Mercury NZ Limited [FSI388.244].
- **Reject** Balle Bros Group Limited [466.23]. **Therefore rejecting** the further submission from The Surveying Company [FSI308.57], the Village Church Trust [FSI131.13] and **accepting** the further submission from Auckland Council [FSI129.46] and Mercury NZ Limited [FSI388.412].

Transferable Lot Titles PR4

- **Reject** Sharp Planning Solutions Limited [695.93]. therefore rejecting the further submissions from The Surveying Company [FSI308.108] and Pakau Trust [FSI138.27] and **accepting** the further submission from Mercury NZ Limited [FSI387.329].
- **Accept** Waikato District Council [697.825]. **Therefore rejecting** the further submissions from Pakau Trust [FSI138.4] and Mercury NZ Limited [FSI387.700].
- **Reject** Awaroa Farm Limited [814.2]. **Therefore rejecting** the further submissions from Mercury NZ Limited [FSI387.1300].
- **Reject** Harpal Singh-Sandhu [311.5]. **Therefore rejecting** the further submissions from The Surveying Company [FSI308.16] and **accepting** the further submissions from Auckland Council [FSI129.42] and Mercury NZ Limited [FSI386.375].
- **Accept in part** Brent Trail [345.1] insofar as the submission recommends the use of the term “record of title”. **Therefore accepting in part** the further submission from The Surveying Company [FSI308.19] and Mercury NZ Limited [FSI386.481].

7.5 Recommended amendments

152. The following amendments are recommended to PR1, PR2, PR3 and PR4:

PR1	Any subdivision within the Urban Expansion Area involving the creation of any additional lot.
PR2	<p>(a) Subdivision of <u>land for which</u> a Record of Title <u>was</u> issued prior to 6 December 1997, which results in <u>the land comprised in</u> more than one additional <u>Record of Title lot allotment</u> being located on <u>any</u> high class soil.</p> <p>(b) Exceptions to PR2(a) are where an additional <u>lot allotment</u> is created by any of the following rules:</p> <ul style="list-style-type: none"> (i) The conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maori Freehold Land (Rule 22.4.1.3). <p><u>(v) A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional allotments created overall as a result of the subdivision.</u></p>
PR3	<p>(a) Subdivision of <u>land for which</u> a Record of Title <u>was</u> issued after 6 December 1997, which results in <u>the land comprised in</u> any additional <u>lot allotment</u> being located on <u>any</u> high class soil.</p> <p>(b) Exceptions to PR3(a) are where an additional <u>lot allotment</u> is created by any of the following:</p> <ul style="list-style-type: none"> (i) Conservation lot subdivision (Rule 22.4.1.6); (ii) Reserve lot subdivision (Rule 22.4.1.7); (iii) Access allotment or utility allotment using Rule 14.12 (Transportation); (iv) Subdivision of Maori Freehold land (Rule 22.4.1.3); <p><u>(v) A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional allotments created overall as a result of the subdivision.</u></p> <p>(c) Rule PR3(a) does not apply to the following:</p> <ul style="list-style-type: none"> (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 under the Resource Management Act 1991.

PR4	<p>(a) Notwithstanding rule PR3(c)(ii) 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 right subdivision under the provisions of the previous Operative Waikato District Plan – Franklin Section, irrespective of how the donor record of title was created by either:</p> <p style="margin-left: 20px;">(i) Amalgamation; or</p> <p style="margin-left: 20px;">(ii) Re-survey</p> <p>(b) <u>Exceptions to PR4(a) are where an additional allotment is created by any of the following:</u></p> <p style="margin-left: 20px;">(i) <u>Conservation lot subdivision (Rule 22.4.1.6);</u></p> <p style="margin-left: 20px;">(ii) <u>Reserve lot subdivision (Rule 22.4.1.7);</u></p> <p style="margin-left: 20px;">(iii) <u>Access allotment or utility allotment using Rule 14.1.2 (Transportation);</u></p> <p style="margin-left: 20px;">(iv) <u>Subdivision of Maori Freehold land (Rule 22.4.1.3);</u></p> <p style="margin-left: 20px;">(v) <u>A boundary relocation (Rule 22.4.1.4) or rural hamlet subdivision (Rule 22.4.1.5), where the subdivision creates an additional allotment on land comprised in one Record of Title which existed prior to the subdivision and where there are no additional allotments created overall as a result of the subdivision.</u></p>
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153. Add new rule to 22.4.1.2 (General Subdivision)

<u>NC2</u>	<u>Any subdivision within the Urban Expansion Area involving the creation of any additional lot.</u>
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154. Add new rule to 22.4.1.4 (Boundary Relocation)

<u>NC1</u>	<u>A boundary relocation within the Urban Expansion Area.</u>
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155. Add new rule to 22.4.1.4 (Rural Hamlet Subdivision)

<u>NC2</u>	<u>A rural hamlet subdivision within the Urban Expansion Area.</u>
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7.6 Section 32AA evaluation

156. Given that I have recommended amendments to PRI to change the activity status from a prohibited activity status to a Non-complying activity status and some minor changes to PR2, PR3 and PR4. I will provide a short evaluation, given that most of the detail is included in my analysis above.

7.6.1 Other reasonably-practicable options

157. The key change relates to the PRI being amended from a prohibited activity to a non-complying activity. The other options considered were to “do nothing” and leave PRI as a prohibited activity or to amend the activity status based on submissions received. For the reasons addressed above in my analysis, I do consider a non-complying activity is the most appropriate option and still ensures the land within the Urban Expansion Area is retained for future urban growth.

7.6.2 Effectiveness and efficiency

158. The recommended amendments in my view do align with the WRPS and Future Proof Strategy, as there will still be the rigour of S104D that needs to be applied to any landowner seeking to undertake any subdivision within the Urban Exapansion Area, which in my view is a considerably restrictive approach given the number of titles shown to be eligible for general subdivision. However, my concern is that potential boundary relocations and rural hamlet subdivision has the potential to undermine the objective and policy framework included in Chapter 5 of the Proposed District Plan and therefore any application must be tested against this framework. In my view, the recommended non-complying rule does this.

7.6.3 Costs and benefits

159. There are additional costs associated with this option, particularly for landowners who cannot subdivide. However, the protection of land for future urban growth is the primary consideration in respect to this provision. If there are some exceptional circumstances, such as the subdivision of land for the expressway project, a non-complying activity status at least still enables an application to be made to Council, whereas the current proposed provision would prevent this entirely.

7.6.4 Risk of acting or not acting

160. As I mentioned above, there are risks in not acting. Given the key consideration is the protection of the Urban Expansion Area for future expansion of Hamilton City, it is my view that such applications do need to be carefully scrutinised and a non-complying activity status in my opinion would still apply a rigorous test, but not prevent any applications at all from being made to Council.

7.6.5 Decision about most appropriate option

161. For the reasons above, the amendment to the PRL is considered to be the most appropriate way to achieve the objective and policy framework set out in Chapter 5 for the rural environment.

8 Rule 22.4.1.2 – General Subdivision

8.1 Introduction

162. The general subdivision rule provides an opportunity for landowners with existing titles that were issued prior to 6 December 1997 and have at least 20 hectares in area to subdivide. The rule allows for the creation of one additional lot and sets a minimum lot size of 8,000m² and a maximum of 1.6ha.
163. A total of 273 original submission points and 394 further submission points have been received on Rule 22.4.1.2 to retain, delete, or amend the provisions.
164. Given the number of submissions and the points raised in the submissions, this section has been broken down into themes to manage the submissions more efficiently than to address the clauses individually, the key themes are as follows:
- Submissions concerning clause RDI(a)(i) title date of 6 December 1997;
 - Submissions concerning clause RDI(a)(ii) – Parent Title size;
 - Submissions concerning clause RDI (a)(iii) – No more than one additional allotment;
 - Submissions concerning clause RDI (a)(iv) – Minimum Maximum additional lot size;
 - Submissions concerning clause RDI (a)(v) – High Class Soils;
 - Activity Status;
 - NCI;

22.4.1.2 General subdivision

RDI	<p>(a) Subdivision must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (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. (iv) The additional lot must have a proposed area of between 8,000m² and 1.6 ha; (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: <ul style="list-style-type: none"> A. one lot must contain a minimum of 80% of the high class soil; and B. the other lot may contain up to 20% of high class soil. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) subdivision layout and design including dimensions, shape and orientation of the proposed lot; (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 accessways.
NCI	General subdivision that does not comply with Rule 22.4.1.2. RDI.

8.2 Submissions

165. The following submissions were made to Rule 22.4.1.2:

General Points to Delete, Retain or Amend all of Rule 22.1.1.2		
794.20	Middlemiss Farm Holdings Limited on behalf of	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.
<i>FS1328.31</i>	<i>Kenneth Graham Barry</i>	<i>Support</i>
<i>FS1379.328</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FS1387.1250</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
794.31	Middlemiss Farm Holdings Limited on behalf of	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. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.
<i>FS1268.13</i>	<i>Jennie Hayman</i>	<i>Support</i>
<i>FS1387.1253</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>
419.38	Lucy Deverall for Horticulture New Zealand	Delete Rule 22.4.1.2 RDI General Subdivision. AND Any consequential or additional amendments as a result of changes

		sought in the submission.
FSI328.20	Kenneth Graham Barry	Support
FSI330.29	Middlemiss Farm Holdings Limited	Oppose
FSI379.129	Hamilton City Council	Oppose
FSI020.3	Roger & Bronwyn Crawford on behalf of Roger & Bronwyn Crawford	Oppose
FSI388.195	Mercury NZ Limited	Oppose
466.24	Balle Bros Group Limited	Delete 22.4.1.2 RDI General Subdivision.
FSI129.68	Auckland Council	Oppose
FSI388.413	Mercury NZ Limited	Oppose
697.826	Waikato District Council	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) <u>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:</u> A. one the larger lot must contain a minimum of 80% of the high class soil; and B. the other lot may contain up to 20% of high class soil. (b) ...
FSI387.701	Mercury NZ Limited	Oppose
434.3	Ben Young for Madsen Lawrie Consultants Limited	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.
FSI388.258	Mercury NZ Limited	Oppose
440.8	Ben Young for Madsen Lawrie Consultants Limited	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.
FSI388.272	Mercury NZ Limited	Oppose
441.13	Ben Young for Madsen Lawrie Consultants	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. subdivisions that are classified as prohibited activities.
FSI388.280	Mercury NZ Limited	Oppose
444.12	Ben Young for Madsen Lawrie Consultants	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.
FSI388.288	Mercury NZ Limited	Oppose
446.12	Ben Young for Madsen Lawrie Consultants	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).

FSI388.308	Mercury NZ Limited	Oppose
447.12	Ben Young for Madsen Lawrie Consultants	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).
FSI388.315	Mercury NZ Limited	Oppose
449.12	Ben Young for Madsen Lawrie Consultants	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.
838.18	Madsen Lawrie Consultants	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.
FSI387.1375	Mercury NZ Limited	Oppose
394.19	Gwenith Sophie Francis	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 to give effect to the intent of the submission.
FSI388.120	Mercury NZ Limited	Opposes 394.19
581.34	Penny Gallagher for Synlait Milk Limited	Amend Rule 22.4.1.2RDI(b)(iv) General subdivision as follows: <i>(iv) potential for <u>subdivision and subsequent activities to adversely affect adjoining activities through</u> reverse sensitivity effects;</i>
FSI341.51	Hynds Pipe Systems Limited	Support
FSI342.148	Federated Farmers	Support
FSI388.954	Mercury NZ Limited	Oppose
593.2	Christine Montagna	Retain Rule 22.4.1.2 General Subdivision, as notified.
FSI328.24	Kenneth Graham Barry	Opposes
FSI388.1001	Mercury NZ Limited	Opposes
330.157	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.1.2 General subdivision.
FSI386.416	Mercury NZ Limited	Opposes
424.3	Grant Ryan	No specific decision sought, but submission opposes the restrictions on subdivision of high-class soils, especially on Pook Road, Pukekohe, in Rule 22.4 Subdivision.
FSI129.25	Auckland Council	Opposes
FSI388.251	Mercury NZ Limited	Opposes
418.17	Ethan Findlay	No specific decision sought, but submission opposes Rule 22.4.1 Subdivision.
FSI388.172	Mercury NZ Limited	Opposes
372.20	Auckland Council	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.
418.8	Ethan Findlay	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 Llenoc Lane, Tamahere. AND Amend the Proposed District Plan to enable subdivision of 7B Llenoc Lane, Tamahere into lots approximately 4500m ² if non-serviced. AND Amend other parts of the district plan as necessary to give effect to the relief sought.
FS1062.39	Andrew and Christine Gore	Support 418.8
FS1129.66	Auckland Council	Oppose 418.8
FS1277.133	Waikato Regional Council	Oppose 418.8
FS1388.165	Mercury NZ Limited for Mercury E	Oppose 418.8
418.13	Ethan Findlay	No specific decision sought, but submission opposes Rule 22.4.1.1 Prohibited subdivision.
FS1388.169	Mercury NZ Limited for Mercury E	Opposes 418.13
424.4	Grant Ryan	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.
FS1308.42	The Surveying Company	Oppose 424.4
FS1388.252	Mercury NZ Limited for Mercury E	Oppose 424.4
489.1	Ann-Maree Gladding	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.
FS1062.49	Andrew and Christine Gore	Oppose 489.1
FS1129.29	Auckland Council	Oppose 489.1

FSI138.26	Glenn Michael Soroka and Louise Claire Meredith as Trustees of the Pakau Trust	Oppose 489.1
FSI308.70	The Surveying Company	Oppose 489.1
FSI388.476	Mercury NZ Limited for Mercury E	Oppose 489.1

378.36	Fire and Emergency New Zealand	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. 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. 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.
FSI035.142	Pareoranga Te Kata	Supports
FSI134.85	Counties Power Limited	Supports
FSI388.37	Mercury NZ Limited	Opposes
394.17	Gwenith Sophie Francis	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.
FSI388.118	Mercury NZ Limited	Opposes 394.17
424.1	Grant Ryan	Amend Rule 22.4.1 Subdivision - General to be less restrictive for areas that have already been allowed to subdivide.
FSI277.134	Waikato Regional Council	Opposes 424.1
FSI388.249	Mercury NZ Limited	Opposes 424.1

376.1	Jolene Francis	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.
FS1062.34	Andrew and Christine Gore	Supports 376.1:
FS1328.15	Kenneth Graham Barry	Supports 376.1:
FS1197.13	Bowrock Properties Limited	Supports 376.1:
FS1311.11	Ethan & Rachael Findlay	Supports 376.1:
FS1388.11	Mercury NZ Limited	Opposes 376.1
330.139	Andrew and Christine Gore	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.
FS1379.79	Hamilton City Council	Opposes
FS1386.406	Mercury NZ Limited	Opposes
417.2	Glenys McConnell	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 <u>2,500m²</u> 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 older titles.
FS1379.127	Hamilton City Council	Opposes 417.2:
FS1388.159	Mercury NZ Limited	Opposes 417.2
405.66	Counties Power Limited	Add a matter of discretion to Rule 22.4.1.2 RDI (b) General subdivision as follows:

		<i>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets:</i>
81.170	Waikato Regional Council	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.
FS1114.1	Fire and Emergency New Zealand	Support
FS1371.2	Lakeside Development Limited	Support
FS1062.13	Andrew and Christine Gore	Oppose
FS1176.16	Watercare Services Ltd	Support
986.91	Pam Butler on behalf of KiwiRail Holdings Limited (KiwiRail)	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): <i>(iv) potential for reverse sensitivity effects including on land transport networks</i> AND Any consequential amendments to link and/or accommodate the requested changes.

Retain multiple parts of rule		
746.88	The Surveying Company	Retain Rule 22.4.1.2 (a)(i) – (ii) General Subdivision as notified.
FS1130.4	James Crisp Holdings & Ryedale Farm Partnership	Supports
FS1387.959	Mercury NZ Limited	Opposes 746.88
106.5	Bruce and Dorothy Chipman	Retain Rule 22.4.1.2 (a)(i) – (ii) General Subdivision.
FS1386.82	Mercury NZ Limited	Opposes 106.5
690.2	Paramjit & Taranpal Singh	Retain 22.4.1.2 (a) (i-ii) General Subdivision rules, as notified.
FS1387.300	Mercury NZ Limited	Opposes 690.2
751.29	Chanel Hargrave and Travis Miller	Retain Rule 22.4.1.2 RD1 (a)(i)-(ii) General subdivision
FS1387.1082	Mercury NZ Limited	Opposes 751.29
332.12	Gwyneth & Barrie Smith	Retain Rule 22.4.1.2(a)(i)-(iii) General subdivision.
345.2	Brent Trail	Retain Rule 22.4.1.2(a)(i)-(iii) General subdivision.
FS1386.482	Mercury NZ Limited	Opposes 345.2
355.5	Scott & Tina Ferguson	Retain Rule 22.4.1.2 (a)(i) – (iii) General Subdivision, as notified.
FS1386.514	Mercury NZ Limited	Opposes 355.5
362.14	CYK Limited	Retain Rule 22.4.1.2 (a)(i) – (iii) General Subdivision, as notified.
FS1386.529	Mercury NZ Limited	Opposes 362.14
536.7	LJ & TM McWatt Limited	Retain Rule 22.4.1.2(a)(i)-(ii) General Subdivision.
FS1388.725	Mercury NZ Limited	Opposes 536.7

985.8	Neil Crispe for Koch Farms Limited	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.
FSI387.1629	Mercury NZ Limited	Opposes 985.8
364.5	Michael Innes	Retain Rule 22.4.1.2 (a)(i) – (iii) General Subdivision, as notified.
FSI386.537	Mercury NZ Limited	Opposes 364.5
507.5	Whitford Farms Limited	Retain Rule 22.4.1.2(a)(i-iii) General Subdivision, as notified.
FSI388.515	Mercury NZ Limited	Opposes 507.5
512.11	Enton Farms Limited	Retain Rule 22.4.1.2(a)(i-iii) General Subdivision, as notified.
FSI062.53	Andrew and Christine Gore	Opposes 512.11: • The rural environment as notified does not take into account fragmented land. • All owners should be able to enjoy amenity value.
FSI388.538	Mercury NZ Limited	Opposes 512.11
513.5	Vanoo Limited	Retain Rule 22.4.1.2(a)(i-iii) General subdivision as notified.
FSI062.58	Andrew and Christine Gore	Opposes 513.5: • The rural environment as notified does not take into account fragmented land. • All land owners should be able to enjoy amenity value.
FSI388.541	Mercury NZ Limited	Opposes 513.5
514.14	DP & LJ Ramsey Limited	Retain Rule 22.4.1.2 (a)(i-iii) General Subdivision, as notified.
FSI388.554	Mercury NZ Limited	Opposes 514.14
516.5	Anthony and Maureen Vazey	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.
FSI388.559	Mercury NZ Limited	Opposes 516.5
517.5	Amanda and Brian Billington	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.
FSI388.567	Mercury NZ Limited	Opposes 517.5
519.5	B and N Balle Limited	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.
FSI388.575	Mercury NZ Limited	Opposes 519.5
520.5	Finlayson Farms Limited	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.
FSI388.583	Mercury NZ Limited	Opposes 520.5
521.5	Max and Denise Irwin for A Irwin & Son Limited	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.
FSI388.593	Mercury NZ Limited	Opposes 521.5
522.5	Joy & Wayne Chapman	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.
FSI388.601	Mercury NZ Limited	Opposes 522.5
523.5	R & B Litchfield Limited	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.
FSI388.609	Mercury NZ Limited	Opposes 523.5
526.5	Roy & Lesley Wright	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.
FSI388.638	Mercury NZ Limited	Opposes 526.5
527.5	Mark Scobie	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.
FSI388.644	Mercury NZ Limited	Opposes 527.5
509.5	Denise and Harold Williams	Retain Rule 22.4.1.2(a)(i-iii) General Subdivision, as notified.
FSI388.524	Mercury NZ Limited	Opposes 509.5

529.14	Wilcox Properties Limited	Retain Rule 22.4.1.2(a)(i-iii) General Subdivision, as notified.
FSI 388.656	Mercury NZ Limited	Opposes 529.14
530.8	John Van Lieshout	Retain Rule 22.4.1.2 (a)(i)-(iii) General Subdivision.
FSI 388.663	Mercury NZ Limited	Opposes 530.8
532.7	Joanne & Kevin Sands	Retain Rule 22.4.1.2 (a)(i-iii) General subdivision as notified.
FSI 388.670	Mercury NZ Limited	Opposes 532.7
533.7	Colin & Rae Hedley	Retain Rule 22.4.1.2 (a)(i-iii) General subdivision, as notified.
FSI 388.678	Mercury NZ Limited	Opposes 533.7
539.7	Garyowen Properties (2008) Limited	Retain Rule 22.4.1.2 (a)(i-iii) General subdivision, as notified.
FSI 388.734	Mercury NZ Limited	Opposes 539.7
540.12	Glen Alvon Farms Limited	Retain Rule 22.4.1.2 (a) (i)-(iii) General subdivision.
FSI 388.742	Mercury NZ Limited	Opposes 540.12
544.16	KR & BC Summerville	Retain Rule 22.4.1.2(a)(i)-(iii) General subdivision.
FSI 388.766	Mercury NZ Limited	Opposes 544.16
686.17	Reid Crawford Farms Limited	Retain Rule 22.4.1.2 (a)(i), (ii) and (iii) General Subdivision.
FSI 387.268	Mercury NZ Limited	Opposes 686.17
872.5	Tarati Farms Limited	Retain Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.
FSI 387.1425	Mercury NZ Limited	Opposes 872.5
873.5	Anita Moleta & Penny Gooding	Retain Rule 22.4.1.2 (a)(i), (ii) and (iii) General subdivision, as notified.
FSI 387.1432	Mercury NZ Limited	Opposes 873.5
874.5	Louise & Tony Cole	Retain Rule 22.4.1.2 (a)(i), (ii) and (iii) General subdivision, as notified.
FSI 387.1439	Mercury NZ Limited	Opposes 874.5
972.11	Mark Scobie	Retain Rule 22.4.1.2 (a)(i-iii) General subdivision, as notified.
FSI 387.1614	Mercury NZ Limited	Opposes 972.11
982.7	Joanne & Kevin Sands	Retain Rule 22.4.1.2 (a)(i-iii) General subdivision, as notified.
FSI 387.1620	Mercury NZ Limited	Opposes 982.7

Rule 22.4.1.2 RDI (a)(i) - Title Date		
434.1	Ben Young for Madsen Lawrie Consultants Limited	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 Plan for all titles, especially for Franklin titles.
FSI 379.137	Hamilton City Council	Opposes 434.1:
FSI 388.256	Mercury NZ Limited	Opposes 434.1
440.1	Ben Young for Madsen Lawrie Consultants Limited	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 titles.
FSI 379.139	Hamilton City Council	Opposes 440.1:
FSI 388.267	Mercury NZ Limited	Opposes 440.1
441.6	Ben Young for Madsen	Amend Rule 22.4.1.2 RDI (a)(i) General Subdivision, to match the issue of

	Lawrie Consultants	the title date to the operative date of the proposed plan, if not for all titles then for Franklin titles.
<i>FS1379.144</i>	<i>Hamilton City Council</i>	<i>Opposes 441.6:</i>
<i>FS1388.276</i>	<i>Mercury NZ Limited</i>	<i>Opposes 441.6</i>
444.6	Ben Young for Madsen Lawrie Consultants	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.
<i>FS1379.148</i>	<i>Hamilton City Council</i>	<i>Opposes 444.6:</i>
<i>FS1388.284</i>	<i>Mercury NZ Limited</i>	<i>Opposes 444.6</i>
446.6	Ben Young for Madsen Lawrie Consultants	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.
<i>FS1379.153</i>	<i>Hamilton City Council</i>	<i>Opposes 446.6:</i>
<i>FS1388.303</i>	<i>Mercury NZ Limited</i>	<i>Opposes 446.6</i>
447.5	Ben Young for Madsen Lawrie Consultants	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.
<i>FS1379.155</i>	<i>Hamilton City Council</i>	<i>Opposes 447.5:</i>
<i>FS1388.309</i>	<i>Mercury NZ Limited</i>	<i>Opposes 447.5</i>
449.6	Ben Young for Madsen Lawrie Consultants	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.
<i>FS1379.160</i>	<i>Hamilton City Council</i>	<i>Opposes 449.6:</i>
453.2	Ben Young for Madsen Lawrie Consultants	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.
<i>FS1379.163</i>	<i>Hamilton City Council</i>	<i>Opposes 453.2:</i>
<i>FS1388.325</i>	<i>Mercury NZ Limited</i>	<i>Opposes 453.2</i>
455.6	Ben Young for Madsen Lawrie Consultants	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, if not for all titles then amend for the Franklin titles.
<i>FS1379.169</i>	<i>Hamilton City Council</i>	<i>Opposes 455.6:</i>
<i>FS1388.335</i>	<i>Mercury NZ Limited</i>	<i>Opposes 455.6</i>
456.6	Ben Young for Madsen Lawrie Consultants	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.
<i>FS1379.173</i>	<i>Hamilton City Council</i>	<i>Opposes</i>
<i>FS1388.344</i>	<i>Mercury NZ Limited</i>	<i>Opposes 456.6</i>
459.6	Ben Young for Madsen Lawrie Consultants	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.
<i>FS1379.177</i>	<i>Hamilton City Council</i>	<i>Opposes</i>
<i>FS1388.355</i>	<i>Mercury NZ Limited</i>	<i>Opposes 459.6</i>
460.6	Ben Young for Madsen	Amend Rule 22.4.1.2 (a)(i) General subdivision, by matching the issue of

	Lawrie Consultants	title date with the operative date of the Proposed Plan, if not for all titles then amend the rule for Franklin titles.
FS1379.181	Hamilton City Council	Opposes 460.6:
FS1388.364	Mercury NZ Limited	Opposes 460.6
467.1	Ben Young for Madsen Lawrie Consultants	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, then at least for Franklin titles.
FS1379.186	Hamilton City Council	Opposes 467.1:
FS1388.432	Mercury NZ Limited	Opposes 467.1.
838.20	Madsen Lawrie Consultants	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.
647.1	Karen Miles for D & K Miles Limited	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.
FS1379.219	Hamilton City Council	Opposes 647.1:
FS1328.25	Kenneth Graham Barry	Supports 647.1:
FS1387.81	Mercury NZ Limited	Opposes 647.1
302.29	Jeremy Talbot for Barker & Associates Limited on behalf of EnviroWaste New Zealand Limited	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 the submission.
FS1268.7	Jennie Hayman	Supports 302.29:
FS1379.66	Hamilton City Council	Opposes 302.29:
FS1386.346	Mercury NZ Limited	Opposes 302.29
354.2	Peter & Janette Middlemiss	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.
FS1328.9	Kenneth Graham Barry	Supports
FS1386.507	Mercury NZ Limited	Opposes 354.2
420.2	Ben Young for Madsen Lawrie Consultants Limited	No specific decision sought, but submission opposes the use of the 6th December 1997 CT date in Rule 22.4.1.2 (a)(i) General subdivision.
FS1379.131	Hamilton City Council	Opposes
FS1388.237	Mercury NZ Limited	Opposes 420.2
766.53	Nicky Hogarth for Holcim (New Zealand) Limited	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.
FS1379.315	Hamilton City Council	Opposes
FS1387.1158	Mercury NZ Limited	Opposes 766.53
837.2	Stuart Seath	Delete Rule 22.4.1.2 RD1 (a)(i) General Subdivision in relation to the property at 679 Whatawhata Road, Whatawhata.
FS1379.350	Hamilton City Council	Opposes 837.2:

<i>FSI387.1363</i>	<i>Mercury NZ Limited</i>	<i>Opposes 837.2</i>
453.8	Ben Young for Madsen Lawrie Consultants	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.
<i>FSI388.331</i>	<i>Mercury NZ Limited</i>	<i>Opposes 453.8</i>
455.12	Ben Young for Madsen Lawrie Consultants	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.
<i>FSI388.340</i>	<i>Mercury NZ Limited</i>	<i>Opposes 455.12</i>
456.12	Ben Young for Madsen Lawrie Consultants	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 deferred to this rule as is the case in the current Operative Plan.
<i>FSI388.349</i>	<i>Mercury NZ Limited</i>	<i>Opposes 456.12</i>
459.12	Ben Young for Madsen Lawrie Consultants	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.
<i>FSI388.360</i>	<i>Mercury NZ Limited</i>	<i>Opposes 459.12</i>
460.12	Ben Young for Madsen Lawrie Consultants	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.
<i>FSI388.369</i>	<i>Mercury NZ Limited</i>	<i>Opposes 460.12</i>
467.9	Ben Young for Madsen Lawrie Consultants	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.
<i>FSI388.436</i>	<i>Mercury NZ Limited</i>	<i>Opposes 467.9</i>

Rule 22.4.1.2 RDI (a)(ii) - Parent Title Size		
420.5	Ben Young for Madsen Lawrie Consultants Limited	Retain Rule 22.4.1.2 (a)(ii) General subdivision as notified requiring a minimum of 20ha parent title size.
<i>FSI379.133</i>	<i>Hamilton City Council</i>	<i>Opposes 42.</i>
<i>FSI388.240</i>	<i>Mercury NZ Limited</i>	<i>Opposes 420.5</i>
441.7	Ben Young for Madsen Lawrie Consultants	Retain the minimum size for subdivision entitlement at 20ha in Rule 22.4.1.2(a)(ii) General Subdivision, as proposed.
<i>FSI379.145</i>	<i>Hamilton City Council</i>	<i>Opposes 441.7:</i>
<i>FSI388.277</i>	<i>Mercury NZ Limited</i>	<i>Opposes 441.7</i>
444.7	Ben Young for Madsen Lawrie Consultants	Retain the minimum size for subdivision entitlement at 20ha in Rule 22.4.1.2(a)(ii) General Subdivision, as proposed.
<i>FSI379.149</i>	<i>Hamilton City Council</i>	<i>Opposes 444.7:</i>
<i>FSI388.285</i>	<i>Mercury NZ Limited</i>	<i>Opposes 444.7</i>
446.7	Ben Young for Madsen Lawrie Consultants	Retain the minimum parent lot size of 20 ha for subdivision in Rule 22.4.1.2 (a)(ii) General Subdivision.
<i>FSI379.154</i>	<i>Hamilton City Council</i>	<i>Opposes 446.7:</i>

<i>FSI388.304</i>	<i>Mercury NZ Limited</i>	<i>Opposes 446.7</i>
449.7	Ben Young for Madsen Lawrie Consultants	Retain the minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.
<i>FSI379.161</i>	<i>Hamilton City Council</i>	<i>Opposes 449.7:</i>
453.3	Ben Young for Madsen Lawrie Consultants	Retain the minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.
<i>FSI379.164</i>	<i>Hamilton City Council</i>	<i>Opposes 453.3:</i>
<i>FSI388.326</i>	<i>Mercury NZ Limited</i>	<i>Opposes 453.3</i>
455.7	Ben Young for Madsen Lawrie Consultants	Retain the minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.
<i>FSI379.170</i>	<i>Hamilton City Council</i>	<i>Opposes 455.7:</i>
<i>FSI388.336</i>	<i>Mercury NZ Limited</i>	<i>Opposes 455.7</i>
456.7	Ben Young for Madsen Lawrie Consultants	Retain minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.
<i>FSI379.174</i>	<i>Hamilton City Council</i>	<i>Opposes 456.7:</i>
<i>FSI388.345</i>	<i>Mercury NZ Limited</i>	<i>Opposes 456.7</i>
459.7	Ben Young for Madsen Lawrie Consultants	Retain minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.
<i>FSI379.178</i>	<i>Hamilton City Council</i>	<i>Opposes 459.7:</i>
<i>FSI388.356</i>	<i>Mercury NZ Limited</i>	<i>Opposes 459.7</i>
460.7	Ben Young for Madsen Lawrie Consultants	Retain the minimum size for subdivision entitlement of 20ha in Rule 22.4.1.2 (a) (ii) General subdivision.
<i>FSI379.182</i>	<i>Hamilton City Council</i>	<i>Opposes 460.7:</i>
<i>FSI388.365</i>	<i>Mercury NZ Limited</i>	<i>Opposes 460.7</i>
838.21	Madsen Lawrie Consultants	Support Retain Rule 22.4.1.2(a)(ii) General Subdivision
<i>FSI130.3</i>	<i>James Crisp Holdings & Ryedale Farm Partnership</i>	<i>Supports 838.21:</i>
<i>FSI387.1377</i>	<i>Mercury NZ Limited</i>	<i>Opposes 838.21.</i>
81.167	Waikato Regional Council	Amend Rule 22.4.1.2(a)(ii) General subdivision to increase the subdivision threshold to 40ha.
<i>FSI020.1</i>	<i>Roger & Bronwyn Crawford on behalf of Roger & Bronwyn Crawford</i>	<i>Opposes 81.167:</i>
<i>FSI130.1</i>	<i>James Crisp Holdings & Ryedale Farm Partnership</i>	<i>Opposes 81.167:</i>
<i>FSI287.5</i>	<i>Blue Wallace Surveyors Ltd</i>	<i>Oppose</i>
<i>FSI328.3</i>	<i>Kenneth Graham Barry</i>	<i>Oppose</i>
<i>FSI223.38</i>	<i>Mercury NZ Limited</i>	<i>Supports 81.167.</i>
<i>FSI330.13</i>	<i>Middlemiss Farm Holdings Limited</i>	<i>Opposes 81.167:</i>
<i>FSI333.18</i>	<i>Fonterra Limited</i>	<i>Supports 81.167: For the reasons stated in the submission.</i>
<i>FSI308.145</i>	<i>The Surveying Company</i>	<i>Opposes 81.167:</i>
535.73	Lance Vervoort for	Amend Rule 22.4.1.2 RDI (a) (ii) General subdivision, as follows:

	Hamilton City Council	(a)(ii) <i>The Record of Title to be subdivided must be at least 20 40 hectares in area;</i> AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.
FSI308.75	<i>The Surveying Company</i>	<i>Opposes 535.73:</i>
FSI020.2	<i>Roger & Bronwyn Crawford on behalf of Roger & Bronwyn Crawford</i>	<i>Opposes 535.73</i>
FSI130.2	<i>James Crisp Holdings & Ryedale Farm Partnership</i>	<i>Opposes 535.73</i>
FSI328.23	<i>Kenneth Graham Barry</i>	<i>Opposes 535.73:</i>
FSI388.711	<i>Mercury NZ Limited</i>	<i>Opposes 535.73</i>
629.1	Sharon Burman on behalf of Burman Family Trust	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.
FSI197.28	<i>Bowrock Properties Limited</i>	<i>Supports 629.1:</i>
FSI311.23	<i>Ethan & Rachael Findlay</i>	<i>Supports 629.1:</i>
FSI387.25	<i>Mercury NZ Limited</i>	<i>Opposes 629.1</i>
356.1	Robert & Colleen Endicott	Amend Rule 22.4.1.2 General Subdivision, to delete restrictions on subdivision of rural land smaller than 20ha and to delete the requirement that a title issued prior to 1997.
FSI062.28	<i>Andrew and Christine Gore</i>	<i>Supports 356.1:</i>
FSI379.94	<i>Hamilton City Council</i>	<i>Opposes 356.1:</i>
FSI386.520	<i>Mercury NZ Limited</i>	<i>Opposes 356.1</i>
61.1	Anthony Viner	Delete Rule 22.4.1.2 RD1(a)(ii) General Subdivision requiring a minimum of 20ha to subdivide in the Rural Zone.
FSI353.26	<i>Tuakau Proteins Limited</i>	<i>Opposes 61.1:</i>
FSI353.27	<i>Tuakau Proteins Limited</i>	<i>Opposes 61.1:</i>
FSI386.46	<i>Mercury NZ Limited</i>	<i>Opposes 61.1</i>
354.3	Peter & Janette Middlemiss	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.
FSI379.93	<i>Hamilton City Council</i>	<i>Opposes 354.3:</i>
FSI328.10	<i>Kenneth Graham Barry</i>	<i>Supports 354.3:</i>
FSI386.508	<i>Mercury NZ Limited</i>	<i>Opposes 354.3</i>

Rule 22.4.1.2 RD1 (a)(iii) - One additional lot

420.6	Ben Young for Madsen Lawrie Consultants Limited	Amend Rule 22.4.1.2 (a)(iii) General subdivision as follows: <i>The proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant parent certificate of title.</u></i>
FSI388.241	<i>Mercury NZ Limited</i>	<i>Opposes 420.6</i>
441.8	Ben Young for Madsen	Amend Rule 22.4.1.2(a)(iii) General Subdivision, as follows: <i>The proposed subdivision must create no more than one additional lot, excluding</i>

	Lawrie Consultants	<i>an access allotment <u>for every compliant parent certificate of title.</u></i>
FSI 388.278	Mercury NZ Limited	Opposes 441.8
444.8	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2(a)(iii) General subdivision, as follows: <i>The proposed subdivision must create no more than one additional lot, excluding an access, <u>for every compliant parent certificate of title.</u></i>
FSI 388.286	Mercury NZ Limited	Opposes 444.8
446.8	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a)(iii) General Subdivision as follows: <i>(iii) the proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant parent certificate of title.</u></i>
FSI 388.305	Mercury NZ Limited	Opposes 446.8
447.6	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a)(iii) General Subdivision, as follows: <i>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant certificate of title.</u></i>
FSI 388.310	Mercury NZ Limited	Opposes 447.6
449.8	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iii) General subdivision, as follows: <i>The proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant parent certificate of title.</u></i>
FSI 388.316	Mercury NZ Limited	Opposes 449.8.
453.4	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iii) General subdivision, as follows: <i>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant parent certificate of title.</u></i>
FSI 388.327	Mercury NZ Limited	Opposes 453.4
455.8	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iii) General subdivision, as follows: <i>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant parent certificate of title.</u></i>
FSI 388.337	Mercury NZ Limited	Opposes 455.8
456.8	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iii) General subdivision, as follows: <i>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant parent certificate of title.</u></i>
FSI 388.346	Mercury NZ Limited	Opposes 456.8
459.8	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iii) General subdivision, as follows: <i>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant parent certificate of title.</u></i>
FSI 388.357	Mercury NZ Limited	Opposes 459.8
460.8	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iii) General Subdivision, as follows: <i>The proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant parent certificate of title.</u></i>
FSI 388.366	Mercury NZ Limited	Opposes 460.8
467.2	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a)(iii) General Subdivision, as follows: <i>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment, <u>for every compliant parent certificate of title.</u></i>
FSI 388.433	Mercury NZ Limited	Opposes 467.2
838.22	Madsen Lawrie Consultants	Amend Rule 22.4.1.2(a)(iii) General subdivision as follows: <i>The proposed subdivision must create no more than one additional lot, excluding an access <u>for every compliant parent certificate of title.</u></i>
FSI 387.1378	Mercury NZ Limited	Opposes 838.22.

837.3	Stuart Seath	Delete Rule 22.4.1.2 RDI (a)(iii) General Subdivision, in relation to the property at 679 Whatawhata Road, Whatawhata.
FSI 379.351	Hamilton City Council	Opposes 837.3
FSI 062.108	Andrew and Christine Gore	Supports 837.3:
FSI 387.1364	Mercury NZ Limited	Opposes 837.3
354.6	Peter & Janette Middlemiss	Delete Rule 22.4.1.2 (a)(iii) General Subdivision.
FSI 328.13	Kenneth Graham Barry	Supports 354.6
FSI 386.511	Mercury NZ Limited	Opposes 354.6

Rule 22.4.1.2 RDI (a)(iv) Minimum/Maximum Additional Lot Size		
355.8	Scott & Tina Ferguson	Retain Rule 22.4.1.2(a)(iv) General subdivision.
FSI 386.517	Mercury NZ Limited	Opposes 355.8
982.8	Joanne & Kevin Sands	Retain Rule 22.4.1.2 (a)(iv) General subdivision, as notified.
FSI 387.1621	Mercury NZ Limited	Opposes 982.8
985.9	Neil Crispe for Koch Farms Limited	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 restricted discretionary activity.
FSI 387.1630	Mercury NZ Limited	Opposes 985.9
751.30	Chanel Hargrave and Travis Miller	Retain Rule 22.4.1.2 RDI (a)(iv) General subdivision
FSI 387.1083	Mercury NZ Limited	Opposes 751.30
872.8	Tarati Farms Limited	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 restricted discretionary activity.
FSI 387.1428	Mercury NZ Limited	Opposes 872.8
873.8	Anita Moleta & Penny Gooding	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.
FSI 387.1435	Mercury NZ Limited	Opposes 873.8
362.12	CYK Limited	Retain Rule 22.4.1.2 (a)(iv) General Subdivision.
FSI 386.527	Mercury NZ Limited	Opposes 362.12
364.8	Michael Innes	Retain Rule 22.4.1.2(a)(iv) General subdivision.
FSI 386.540	Mercury NZ Limited	Opposes 364.8
532.8	Joanne & Kevin Sands	Retain Rule 22.4.1.2 (a)(iv) General subdivision, as notified.
FSI 388.671	Mercury NZ Limited	Opposes 532.8
533.8	Colin & Rae Hedley	Retain Rule 22.4.1.2 (a)(iv) General subdivision, as notified.
FSI 388.679	Mercury NZ Limited	Opposes 533.8
539.8	Garyowen Properties (2008) Limited	Retain Rule 22.4.1.2 (a)(iv) General subdivision, as notified.
FSI 388.735	Mercury NZ Limited	Opposes 539.8
540.13	Glen Alvon Farms Limited	Retain Rule 22.4.1.2 RDI (a) (iv) General subdivision.

FSI388.743	Mercury NZ Limited	Opposes 540.13
686.14	Reid Crawford Farms Limited	Retain Rule 22.4.1.2 (a) (iv) as a restricted discretionary activity for lots between 8,000m2 and 1.6ha.
FSI387.265	Mercury NZ Limited	Opposes 686.14
874.8	Louise & Tony Cole	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.
FSI387.1442	Mercury NZ Limited	Opposes 874.8
529.12	Wilcox Properties Limited	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 restricted discretionary activity.
FSI388.654	Mercury NZ Limited	Opposes 529.12
507.8	Whitford Farms Limited	Retain Rule 22.4.1.2(a)(iv) General subdivision.
FSI388.518	Mercury NZ Limited	Opposes 507.8
509.8	Denise and Harold Williams	Retain Rule 22.4.1.2(a)(iv) General Subdivision.
FSI388.527	Mercury NZ Limited	Opposes 509.8
512.8	Enton Farms Limited	Retain Rule 22.4.1.2(a)(iv) General subdivision.
FSI388.536	Mercury NZ Limited	Opposes 512.8
513.8	Vanoo Limited	Retain Rule 22.4.1.2(a)(iv) General subdivision.
FSI062.61	Andrew and Christine Gore	Opposes 513.8: • The rural environment as notified does not take into account fragmented land. • All land owners should be able to enjoy amenity value.
FSI388.544	Mercury NZ Limited	Opposes 513.8
514.12	DP & LJ Ramsey Limited	Retain Rule 22.4.1.2(a)(iv) General Subdivision as notified.
FSI388.552	Mercury NZ Limited	Opposes 514.12
516.8	Anthony and Maureen Vazey	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 restricted discretionary activity.
FSI388.562	Mercury NZ Limited	Opposes 516.8
517.8	Amanda and Brian Billington	Retain Rule 22.4.1.2(a)(iv) General subdivision.
FSI388.570	Mercury NZ Limited	Opposes 517.8
519.8	B and N Balle Limited	Retain Rule 22.4.1.2(a)(iv) General subdivision.
FSI388.578	Mercury NZ Limited	Opposes 519.8
520.8	Finlayson Farms Limited	Retain Rule 22.4.1.2(a)(iv) General subdivision.
FSI388.586	Mercury NZ Limited	Opposes 520.8
FSI388.587	Mercury NZ Limited	Opposes 520.8
521.8	Max and Denise Irwin for A Irwin & Son Limited	Retain Rule 22.4.1.2(a)(iv) General subdivision.
FSI388.596	Mercury NZ Limited	Opposes 521.8
972.8	Mark Scobie	Retain Rule 22.4.1.2(a)(iv) General Subdivision, as notified.
FSI387.1613	Mercury NZ Limited	Opposes 972.8

522.8	Joy & Wayne Chapman	Retain Rule 22.4.1.2 (a) (iv) General subdivision.
FSI 388.604	Mercury NZ Limited	Opposes 522.8
523.8	R & B Litchfield Limited	Retain Rule 22.4.1.2(a)(iv) General subdivision.
FSI 388.612	Mercury NZ Limited	Opposes 523.8
526.8	Roy & Lesley Wright	Retain Rule 22.4.1.2(a)(iv) General subdivision.
527.8	Mark Scobie	Retain Rule 22.4.1.2(a)(iv) General subdivision.
FSI 388.647	Mercury NZ Limited	Opposes 527.8
530.7	John Van Lieshout	Retain Rule 22.4.1.2 (a)(iv) General Subdivision.
FSI 388.662	Mercury NZ Limited	Opposes 530.7
536.8	LJ & TM McWatt Limited	Retain Rule 22.4.1.2 RDI(a)(iv) General subdivision, which classifies creation of an additional lot between 8,000m ² and 1.6ha as a restricted discretionary activity.
FSI 388.726	Mercury NZ Limited	Opposes 536.8
544.11	KR & BC Summerville	Retain Rule 22.4.1.2 (a)(iv) General subdivision.
FSI 388.763	Mercury NZ Limited	Opposes 544.11
690.12	Paramjit & Taranpal Singh	Retain Rule 22.4.1.2 (a)(iv) as notified.
FSI 387.306	Mercury NZ Limited	Opposes 690.12
746.141	The Surveying Company	Retain Rule 22.4.1.2 (a)(iv) General subdivision where the creation of a lot between 8,000m ² and 1.6ha is a restricted discretionary activity.
FSI 387.984	Mercury NZ Limited	Opposes 746.141.
662.18	Blue Wallace Surveyors Limited	Amend Rule 22.4.1.2 RDI (a)(iv) General subdivision as follows: <i>(iv) The additional lot must have a proposed area of between 8,000m² and 1.6ha;</i>
FSI 387.107	Mercury NZ Limited	Opposes 662.18
28.1	Roko Urlich	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 access way.
FSI 386.23	Mercury NZ Limited	Opposes 28.1
276.9	Ted and Kathryn Letford	Amend Rule 22.4.1.2 RDI (a) (iv) General Subdivision to reduce the size of the additional lot.
FSI 268.6	Jennie Hayman	Supports 276.9:
FSI 328.6	Kenneth Graham Barry	Supports 276.9:
FSI 386.286	Mercury NZ Limited	Opposes 276.9
61.2	Anthony Viner	Amend Rule 22.4.1.2 RDI(a)(iv) General Subdivision to reduce minimum lot sizes in the Rural Zone from 8,000m ² -1.6ha to 5,000m ² .
FSI 386.47	Mercury NZ Limited	Opposes 61.2
102.1	Lawrence and Audrey Cummings on behalf of Waiawa Downs Limited	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).
FSI386.77	Mercury NZ Limited	Opposes 102.1
106.6	Bruce and Dorothy Chipman	Add a performance standard to Rule 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.
FSI386.83	Mercury NZ Limited	Opposes 106.6
345.3	Brent Trail	Amend Rule 22.4.1.2(a)(v) General subdivision, to reduce the minimum lot size to 5000m ² and increase the upper limit to 3ha, or a percentage of the total land area.
FSI386.483	Mercury NZ Limited	Opposes 345.3
354.4	Peter & Janette Middlemiss	Amend restrictions in Rule 22.4.1.2(a)(iv) General Subdivision, requiring the additional lot size being between 8,000m ² and 1.6ha.
FSI328.11	Kenneth Graham Barry	Supports 354.4:
FSI386.509	Mercury NZ Limited	Opposes 354.4
782.2	Jack Macdonald	Amend Rule 22.4.1.2 RDI (a) (iv) General 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;
FSI387.1227	Mercury NZ Limited	Opposes 782.2
420.7	Ben Young for Madsen Lawrie Consultants Limited	Amend Rule 22.4.1.2 (a)(iv) General subdivision to reduce the minimum lot size from 8,000m ² to 4,000m ² .
FSI353.28	Tuakau Proteins Limited	Opposes 420.7:
FSI388.242	Mercury NZ Limited	Opposes 420.7
440.2	Ben Young for Madsen Lawrie Consultants Limited	Amend Rule 22.4.1.2 (a) (iv) General Subdivision, to reduce the minimum lot size from 8,000m ² to 4,000m ² .
FSI062.44	Andrew and Christine Gore	Supports 440.2
FSI388.268	Mercury NZ Limited	Opposes 440.2
441.9	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2(a)(iv) General Subdivision, to reduce the minimum lot size from 8,000m ² to 4,000m ² .
FSI388.279	Mercury NZ Limited	Opposes 441.9
467.3	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a)(iv) General Subdivision, to reduce the minimum lot size from 8,000m ² to 4,000m ² .
FSI388.434	Mercury NZ Limited	Opposes 467.3
444.9	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2(a)(iv) General subdivision to reduce the minimum lot size to 4,000m ² .
FSI388.287	Mercury NZ Limited	Opposes 444.9
446.9	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a)(iv) General Subdivision to reduce the minimum lot size to 4,000m ² .
FSI388.306	Mercury NZ Limited	Opposes 446.9

447.7	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a)(iv) General Subdivision to reduce the minimum lot size to 4,000m ² .
FSI 388.311	Mercury NZ Limited	Opposes 447.7
449.9	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iv) General subdivision, by reducing the minimum lot size to 4,000m ² .
FSI 388.317	Mercury NZ Limited	Opposes 449.9
453.5	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iv) General subdivision, by reducing the minimum lot size to 4,000m ² .
FSI 388.328	Mercury NZ Limited	Opposes 453.5
455.9	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iv) General subdivision by reducing the minimum lot size to 4,000m ² .
456.9	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iv) General subdivision, by reducing the minimum lot size to 4,000m ² .
FSI 388.347	Mercury NZ Limited	Opposes 456.9
459.9	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iv) General subdivision, by reducing the minimum lot size to 4,000m ² .
FSI 388.358	Mercury NZ Limited	Opposes 459.9
460.9	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.2 (a) (iv) by reducing the minimum lot size to 4,000m ² .
FSI 388.367	Mercury NZ Limited	Opposes 460.9
838.23	Madsen Lawrie Consultants	Amend Rule 22.4.1.2(a)(iv) General subdivision to reduce the minimum lot size to 4,000m ² .
FSI 387.1379	Mercury NZ Limited	Opposes 838.23.
489.2	Ann-Maree Gladding	Amend Rule 22.4.1.2 RDI (a)(iv) General subdivision, as follows: <i>(iv) The additional lot must have a proposed area of between 8,000m² 4,000m² and 1.6 ha;</i>
FSI 388.477	Mercury NZ Limited	Opposes 489.2
922.2	John Rowe	Amend Rule 22.4.1.2 RDI (a) (iv) General subdivision, as follows: <i>RDI</i> <i>(a) Subdivision must comply with all of the following conditions: ...</i> <i>(iv) The additional lot must have a proposed area of between 8,000m² 4000m² and 1.6 ha;</i>
FSI 387.1471	Mercury NZ Limited	Opposes 922.2

Rule 22.4.1.2(a)(v) - High Class Soils

519.7	B and N Balle Limited	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: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI 388.577	Mercury NZ Limited for Mercury E	Oppose 519.7
354.5	Peter & Janette Middlemiss	Amend restrictions in Rule 22.4.1.2(a)(v) General Subdivision, such that the

		high class soil criteria is negotiable in some circumstances.
FSI328.12	Kenneth Graham Barry	Supports 354.5
FSI062.26	Andrew and Christine Gore	Supports 354.5
FSI386.510	Mercury NZ Limited	Opposes 354.5
695.94	Sharp Planning Solutions Limited	No specific decision sought, however the submission considers that Rule 22.4.1.2 RD1(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% range).
FSI387.330	Mercury NZ Limited	Opposes 695.94
81.168	Waikato Regional Council	Amend Rule 22.4.1.2(a)(v) General subdivision to clarify that a property scale/site specific Land Use Capability Assessment is required.
FSI223.39	Mercury NZ Limited	Supports 81.168.
FSI330.14	Middlemiss Farm Holdings Limited	Opposes 81.168:
FSI308.146	The Surveying Company	Opposes 81.168:
81.169	Waikato Regional Council	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.
FSI328.4	Kenneth Graham Barry	Opposes 81.169:
FSI223.40	Mercury NZ Limited	Supports 81.169.
FSI330.15	Middlemiss Farm Holdings Limited	Opposes 81.169:
FSI308.147	The Surveying Company	Opposes 81.169:
106.7	Bruce and Dorothy Chipman	Delete Rule 22.4.1.2 (a)(v) General Subdivision, in relation to the 80/20 provision for high class soil.
FSI379.22	Hamilton City Council	Opposes 106.7:
FSI386.84	Mercury NZ Limited	Opposes 106.7
276.12	Ted and Kathryn Letford	No specific decision sought, but submission considers Rule 22.4.1.2 RD1 (a)(v) is too restrictive to enable subdivision based on soil type and will create difficulty in excessive assessment reports having to test the entire property.
FSI386.288	Mercury NZ Limited	Opposes 276.12
782.13	Jack Macdonald	Delete Rule 22.4.1.2 (v) General Subdivision regarding high class soils.
FSI387.1232	Mercury NZ Limited	Opposes 782.13
922.13	John Rowe	Delete Rule 22.4.1.2 (v) General Subdivision regarding high class soils.
FSI387.1475	Mercury NZ Limited	Opposes 922.13
922.14	John Rowe	Delete Rural Zone - General Subdivision Rule 22.4.1.2(a)(v) regarding high class soils.
FSI387.1476	Mercury NZ Limited	Opposes 922.14
943.28	McCracken Surveys Limited	Delete Rule 22.4.1.2 RD1 (a) (v) General subdivision.

FSI 387.1578	Mercury NZ Limited	Opposes 943.28
332.14	Gwyneth & Barrie Smith	Delete Rule 22.4.1.2(a)(v) General subdivision AND Amend Rule 22.4.1.2(b)(vi) General subdivision as follows: RD 1 (a) Subdivision must comply with all of the following conditions: (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; 8.2.1.1.1 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: ... <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u> ...
FSI 386.462	Mercury NZ Limited	Opposes 332.14
345.4	Brent Trail	Delete Rule 22.4.1.2(a)(v) General subdivision.
FSI 386.484	Mercury NZ Limited	Opposes 345.4
355.7	Scott & Tina Ferguson	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>
FSI 386.516	Mercury NZ Limited	Opposes 355.7
536.6	LJ & TM McWatt Limited	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: (b) Council's discretion is restricted to the following matters: ... <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u>
FSI 388.724	Mercury NZ Limited	Opposes 536.6
539.6	Garyowen Properties (2008) Limited	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>
FSI 388.733	Mercury NZ Limited	Opposes 539.6
544.12	KR & BC Summerville	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: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u>

FSI 379.195	Hamilton City Council	Opposes 544.12:
FSI 388.764	Mercury NZ Limited	Opposes 544.12
362.16	CYK Limited	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: <i>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI 386.531	Mercury NZ Limited	Opposes 362.16
106.8	Bruce and Dorothy Chipman	Add the following matter of discretion to Rule 22.4.1.2 General Subdivision, as follows: <i>(b)(vii) effects on rural productivity and fragmentation of high class soils.</i>
FSI 386.85	Mercury NZ Limited	Opposes 106.8
507.7	Whitford Farms Limited	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: <i>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI 388.517	Mercury NZ Limited	Opposes 507.7
509.7	Denise and Harold Williams	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: <i>(b) (vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI 388.526	Mercury NZ Limited	Opposes 509.7
513.7	Vanoo Limited	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: <i>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI 1062.60	Andrew and Christine Gore	Opposes 513.7:
FSI 388.543	Mercury NZ Limited	Opposes 513.7
516.7	Anthony and Maureen Vazey	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: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI 388.561	Mercury NZ Limited	Opposes 516.7
746.90	The Surveying Company	Delete Rule 22.4.1.2(a)(v)-General Subdivision AND Add a new matter of discretion to Rule 22.4.1.2 RD1 (b)- General subdivision as follows: <i>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI 387.961	Mercury NZ Limited	Opposes 746.90

872.7	Tarati Farms Limited	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: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI387.1427	Mercury NZ Limited	Opposes 872.7
512.6	Enton Farms Limited	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: <i>(b) (vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI388.534	Mercury NZ Limited	Opposes 512.6
514.16	DP & LJ Ramsey Limited	Delete Rule 22.4.1.2(a)(v) General Subdivision; AND Add a new matter of discretion to Rule 22.4.1.2 General Subdivision, as follows: <i>(b) (vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI388.556	Mercury NZ Limited	Opposes 514.16
517.7	Amanda and Brian Billington	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: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI388.569	Mercury NZ Limited	Opposes 517.7
520.7	Finlayson Farms Limited	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: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI388.585	Mercury NZ Limited	Opposes 520.7
521.7	Max and Denise Irwin for A Irwin & Son Limited	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: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI388.595	Mercury NZ Limited	Opposes 521.7
522.7	Joy & Wayne Chapman	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: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI388.603	Mercury NZ Limited	Opposes 522.7
985.11	Neil Crispe for Koch Farms Limited	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: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI387.1632	Mercury NZ Limited	Opposes 985.11.

523.7	R & B Litchfield Limited	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>
FSI 388.611	Mercury NZ Limited	Opposes 523.7
526.7	Roy & Lesley Wright	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>
FSI 388.640	Mercury NZ Limited	Opposes 526.7
527.7	Mark Scobie	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>
FSI 388.646	Mercury NZ Limited	Opposes 527.7
529.16	Wilcox Properties Limited	Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule); AND Add new matter of discretion to Rule (b), as follows: <u>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</u>
FSI 388.658	Mercury NZ Limited	Opposes 529.16
530.6	John Van Lieshout	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>
FSI 388.661	Mercury NZ Limited	Opposes 530.6
532.6	Joanne & Kevin Sands	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>
FSI 388.669	Mercury NZ Limited	Opposes 532.6
540.16	Glen Alvon Farms Limited	Delete Rule 22.4.1.2 (a) (v) General subdivision; AND Add a new matter of discretion in Rule 22.4.1.2 RD1 as follows: <u>(vi) Effects on rural productivity and fragmentation of high class soils.</u>
FSI 388.746	Mercury NZ Limited	Opposes 540.16
533.6	Colin & Rae Hedley	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>
FSI 388.677	Mercury NZ Limited	Opposes 533.6
686.16	Reid Crawford Farms	Delete Rule 22.4.1.2 RD1 (a)(v) General Subdivision (the 80/20 rule);

	Limited	AND Add a new matter of discretion to Rule 22.4.1.2 RD1 (b) General Subdivision, as follows: <i>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI387.267	Mercury NZ Limited	Opposes 686.16
751.32	Chanel Hargrave and Travis Miller	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; <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI387.1085	Mercury NZ Limited	Opposes 751.32
972.6	Mark Scobie	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: <i>(b)(vi) Effects on rural productivity and fragmentation of high class soils</i>
FSI387.1611	Mercury NZ Limited	Opposes 972.6
873.7	Anita Moleta & Penny Gooding	Delete Rule 22.4.1.2 RD1 (a)(v) General Subdivision; AND Add an additional matter of discretion to Rule 22.4.1.2 RD1(b) General subdivision, as follows: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI387.1434	Mercury NZ Limited	Opposes 873.7
690.4	Paramjit & Taranpal Singh	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: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI387.302	Mercury NZ Limited	Opposes 690.4
874.7	Louise & Tony Cole	Delete Rule 22.4.1.2 RD1 (a)(v) General Subdivision; AND Add an additional matter of discretion to Rule 22.4.1.2 RD1(b) General subdivision, as follows: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI387.1441	Mercury NZ Limited	Opposes 874.7
982.6	Joanne & Kevin Sands	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: <i>(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI387.1619	Mercury NZ Limited	Opposes 982.6
364.7	Michael Innes	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: <i>(b)(vi) Effects on rural productivity and fragmentation of high class soils.</i>
FSI386.539	Mercury NZ Limited	Opposes 364.7

471.19	Andrew Wood for CKL	Delete Rule 22.4.1.2 RD1 (a)(v) General subdivision, which relates to the required percentages of high class soil within the proposed lots. AND Any consequential amendments necessary.
FSI328.22	Kenneth Graham Barry	Supports 471.19:
FSI388.450	Mercury NZ Limited	Opposes 471.19
489.12	Ann-Maree Gladding	Delete Rule 22.4.1.2 RD1 (a)(v) General subdivision.
FSI388.482	Mercury NZ Limited	Opposes 489.12

Rule 22.4.1.2 - Activity status

471.18	Andrew Wood for CKL	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.
FSI379.190	Hamilton City Council	Opposes 471.18:
FSI328.21	Kenneth Graham Barry	Supports 471.18:
FSI388.449	Mercury NZ Limited	Opposes 471.18
680.236	Federated Farmers of New Zealand	Amend Rule 22.4.1.2 RD1 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: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.
FSI328.27	Kenneth Graham Barry	Supports 680.236:
FSI379.240	Hamilton City Council	Supports 680.236:
FSI387.223	Mercury NZ Limited	Opposes 680.236.
365.1	Delta Property Group	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: <i>RD1 A1 - Record of Title containing High Class Soil:</i> (a) <i>RD2 A2 - Record of Title containing no High Class Soil:</i> (a) <u>Subdivision must comply with all of the follow conditions:</u> <i>(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);</i> <i>(ii) The Record of Title to be subdivided must be at least 20 hectares in area;</i> <i>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment.</i> <i>(iv) The additional lot must have a minimum lot area of 4ha;</i> <i>(b) Council's discretion is restricted to the following matters:</i>

		...
FS1386.543	Mercury NZ Limited	Opposes 365.1
355.6	Scott & Tina Ferguson	Amend Rule 22.4.1.2 General Subdivision to create new discretionary activities, as follows: <u>DI</u> <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>
FS1386.515	Mercury NZ Limited	Opposes 355.6
519.6	B and N Balle Limited	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</u> <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>
FS1388.576	Mercury NZ Limited	Opposes 519.6
520.6	Finlayson Farms Limited	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</u> <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>
FS1388.584	Mercury NZ Limited	Opposes 520.6
873.6	Anita Moleta & Penny Gooding	Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI</u> <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>
FS1387.1433	Mercury NZ Limited	Opposes 873.6
690.3	Paramjit & Taranpal Singh	Add a new discretionary activity to Rule 22.4.1.2 General Subdivision, as follows: <u>DI</u> <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>
FS1387.301	Mercury NZ Limited	Opposes 690.3

686.15	Reid Crawford Farms Limited	Add a new discretionary activity to Rule 22.4.1.2 General Subdivision, as follows: <u>DI</u> <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>
FS1387.266	Mercury NZ Limited	Opposes 686.15
982.5	Joanne & Kevin Sands	Add a new discretionary activity (DI) to Rule 22.4.1.2 General subdivision, as follows: <u>DI</u> <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>
FS1387.1618	Mercury NZ Limited	Opposes 982.5
540.15	Glen Alvon Farms Limited	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</u> <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>
FS1388.745	Mercury NZ Limited	Opposes 540.15
874.6	Louise & Tony Cole	Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI</u> <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>
FS1387.1440	Mercury NZ Limited	Opposes 874.6
746.89	The Surveying Company	Add a new discretionary activity to Rule 22.4.1.2 General Subdivision, as follows: <u>DI</u> <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>
FS1387.960	Mercury NZ Limited	Opposes 746.89
533.5	Colin & Rae Hedley	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,

		<p>as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>
FS1388.676	Mercury NZ Limited	Opposes 533.5
536.5	LJ & TM McWatt Limited	<p>Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below</p> <p>AND</p> <p>Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>
FS1388.723	Mercury NZ Limited	Opposes 536.5
544.9	KR & BC Summerville	<p>Retain Rule 22.4.1.2 General subdivision except for the amendments sought below</p> <p>AND</p> <p>Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>
FS1388.761	Mercury NZ Limited	Opposes 544.9
751.31	Chanel Hargrave and Travis Miller	<p>Add a discretionary activity rule to Rule 22.4.1.2 General subdivision as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>
FS1387.1084	Mercury NZ Limited	Opposes 751.31
521.6	Max and Denise Irwin for A Irwin & Son Limited	<p>Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below</p> <p>AND</p> <p>Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply</u></p>

		<i>with Rule 22.4.1.2. (iv) RDI.</i>
FS1388.594	Mercury NZ Limited	Opposes 521.6
522.6	Joy & Wayne Chapman	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</u> <i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI.</i> <i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</i>
FS1388.602	Mercury NZ Limited	Opposes 522.6
539.5	Garyowen Properties (2008) Limited	Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below AND Add a new discretionary activity (D1) to Rule 22.4.1.2 General subdivision, as follows: <u>DI</u> <i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI.</i> <i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</i>
FS1388.732	Mercury NZ Limited	Opposes 539.5
972.5	Mark Scobie	Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI</u> <i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2 (iv) RDI</i> <i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI</i>
FS1387.1610	Mercury NZ Limited	Opposes 972.5
872.6	Tarati Farms Limited	Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows: <u>DI</u> <i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI.</i> <i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</i>
FS1387.1426	Mercury NZ Limited	Opposes 872.6
526.6	Roy & Lesley Wright	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</u>

		<p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>
FSI 388.639	Mercury NZ Limited	Opposes 526.6
362.15	CYK Limited	<p>Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 22.4.1.2 General subdivision to add new discretionary activities as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>
FSI 386.530	Mercury NZ Limited	Opposes 362.15
364.6	Michael Innes	<p>Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 22.4.1.2 General Subdivision to create new discretionary activities as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>
FSI 386.538	Mercury NZ Limited	Opposes 364.6
507.6	Whitford Farms Limited	<p>Add a new discretionary activity to Rule 22.4.1.2 General subdivision as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>
FSI 388.516	Mercury NZ Limited	Opposes 507.6
530.5	John Van Lieshout	<p>Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below</p> <p>AND</p> <p>Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>
FSI 388.660	Mercury NZ Limited	Opposes 530.5
532.5	Joanne & Kevin Sands	<p>Retain Rule 22.4.1.2 General subdivision except for the amendments sought below</p> <p>AND</p>

		<p>Add a new discretionary activity (DI) to Rule 22.4.1.2 General subdivision as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2 (iv) RDI.</u></p>
FSI388.668	Mercury NZ Limited	Opposes 532.5
514.15	DP & LJ Ramsey Limited	<p>Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 22.4.1.2 General Subdivision to add new discretionary activities, as follows;</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u></p>
FSI388.555	Mercury NZ Limited	Opposes 514.15
523.6	R & B Litchfield Limited	<p>Retain Rule 22.4.1.2 General subdivision, except for the amendments sought below</p> <p>AND</p> <p>Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u></p>
FSI388.610	Mercury NZ Limited	Opposes 523.6
527.6	Mark Scobie	<p>Retain Rule 22.4.1.2 General subdivision except for the amendments sought below</p> <p>AND</p> <p>Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows:</p> <p><u>DI</u></p> <p><u>(a) 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>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</u></p>
FSI388.645	Mercury NZ Limited	Opposes 527.6
985.10	Neil Crispe for Koch Farms Limited	<p>Add a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows:</p> <p><u>DI</u></p> <p><u>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI.</u></p>

		<i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</i>
FS1379.378	Hamilton City Council	Opposes 985.10:
FS1387.1631	Mercury NZ Limited	Opposes 985.10.
512.5	Enton Farms Limited	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: <i>DI</i> <i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI.</i> <i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</i>
FS1388.533	Mercury NZ Limited	Opposes 512.5
516.6	Anthony and Maureen Vazey	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: <i>DI</i> <i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI.</i> <i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</i>
FS1388.560	Mercury NZ Limited	Opposes 516.6
509.6	Denise and Harold Williams	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: <i>DI</i> <i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI.</i> <i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</i>
FS1388.525	Mercury NZ Limited	Opposes 509.6
513.6	Vanoo Limited	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: <i>DI</i> <i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI.</i>

		<i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</i>
FS1062.59	Andrew and Christine Gore	Opposes 513.6:
FS1388.542	Mercury NZ Limited	Opposes 513.6
517.6	Amanda and Brian Billington	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: <i>DI</i> <i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI.</i> <i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</i>
FS1388.568	Mercury NZ Limited	Opposes 517.6
529.15	Wilcox Properties Limited	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: <i>DI</i> <i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RDI.</i> <i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RDI.</i>
FS1388.657	Mercury NZ Limited	Opposes 529.15
332.13	Gwyneth & Barrie Smith	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: <i>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. ...</i>
FS1386.461	Mercury NZ Limited	Oppose 332.13
533.10	Colin & Rae Hedley	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from Prohibited to non-complying activities.
FS1129.63	Auckland Council	Oppose 533.10
FS1388.680	Mercury NZ Limited for Mercury E	Oppose 533.10
536.10	LJ & TM McWatt Limited	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from Prohibited to Non-Complying Activities.
FS1129.64	Auckland Council	Oppose 536.10
FS1131.30	The Village Church Trust	Support 536.10
FS1388.727	Mercury NZ Limited for	Oppose 536.10

	Mercury E	
539.10	Garyowen Properties (2008) Limited	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from Prohibited to Non-Complying Activities.
FSI129.65	Auckland Council	Oppose 539.10
FSI131.31	The Village Church Trust	Support 539.10
FSI377.132	Havelock Village Limited	Support 539.10
FSI388.736	Mercury NZ Limited for Mercury E	Oppose 539.10
540.9	Glen Alvon Farms Limited	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from Prohibited Activities to Non-Complying Activities.
FSI131.32	The Village Church Trust	Support 540.9
FSI388.741	Mercury NZ Limited for Mercury E	Oppose 540.9
544.7	KR & BC Summerville	PR1, PR2, PR3 and PR4 Prohibited subdivision, from Prohibited Activities to Non-Complying activities.
FSI129.31	Auckland Council	Oppose 544.7
FSI131.33	The Village Church Trust	Support 544.7
FSI388.759	Mercury NZ Limited for Mercury E	Oppose 544.7
686.9	Reid Crawford Farms Limited	Amend the activity status for Rule 22.4.1.1 Prohibited subdivision PR1, PR2, PR3 and PR4, from Prohibited to Non-Complying activities.
FSI129.32	Auckland Council	Oppose 686.9
FSI131.36	The Village Church Trust	Support 686.9
FSI387.263	Mercury NZ Limited for Mercury D	Oppose 686.9
690.9	Paramjit & Taranpal Singh	Amend Rule 22.4.1.1 Prohibited Subdivision PR1, PR2, PR3, PR4, to change the activity status from Prohibited to Non-Complying Activities.
FSI129.33	Auckland Council	Oppose 690.9
FSI131.37	The Village Church Trust	Support 690.9
FSI387.305	Mercury NZ Limited for Mercury D	Oppose 690.9
746.86	The Surveying Company	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 -Prohibited subdivision from Prohibited to Non-Complying Activities.
FSI129.34	Auckland Council	Oppose 746.86
FSI131.39	The Village Church Trust	Support 746.86
FSI387.957	Mercury NZ Limited for	Oppose 746.86

	Mercury D	
751.28	Chanel Hargrave and Travis Miller	Amend Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited Activity to be a non-complying activity, rather than a prohibited activity.
FS1131.40	The Village Church Trust	Support 751.28
FS1387.1081	Mercury NZ Limited for Mercury D	Oppose 751.28
872.10	Tarati Farms Limited	Amend the activity status for Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision, from prohibited activities to non-complying activities.
FS1129.35	Auckland Council	Oppose 872.10
FS1131.41	The Village Church Trust	Support 872.10
873.10	Anita Moleta & Penny Gooding	Amend the activities in Rule 22.4.1.1 Prohibited Subdivision, from Prohibited activities to Non-Complying.
FS1129.36	Auckland Council	Oppose 873.10
FS1131.42	The Village Church Trust	Support 873.10
874.10	Louise & Tony Cole	Amend the activities in Rule 22.4.1.1 Prohibited Subdivision, from Prohibited activities to Non-Complying.
FS1129.37	Auckland Council	Oppose 874.10
FS1131.43	The Village Church Trust	Support 874.10
877.19	Leigh Michael Shaw & Bradley John Hall	Amend the activity status of Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited Subdivision, from Prohibited Activities to Non-Complying.
FS1129.38	Auckland Council	Oppose 877.19
FS1131.44	The Village Church Trust	Support 877.19
FS1387.1463	Mercury NZ Limited for Mercury D	Oppose 877.19
972.10	Mark Scobie	Amend the activities in Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited Subdivision from Prohibited activities to Non-Complying activities.
FS1131.45	The Village Church Trust	Support 972.10
FS1062.112	Andrew and Christine Gore	Support 972.10
982.10	Joanne & Kevin Sands	Amend the activities in Rule 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited Subdivision from Prohibited activities to Non-Complying activities.
FS1131.46	The Village Church Trust	Support 982.10
985.6	Koch Farms Limited	Amend the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.

FSI129.39	Auckland Council	Oppose 985.6
FSI131.47	The Village Church Trust	Support 985.6
FSI379.380	Hamilton City Council	Oppose 985.6
FSI387.1627	Mercury NZ Limited for Mercury D	Oppose 985.6
680.234	Federated Farmers of New Zealand	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.
FSI287.29	Blue Wallace Surveyors Ltd	Support 680.234
FSI308.99	The Surveying Company	Support 680.234
FSI328.26	Kenneth Graham Barry	Support 680.234
FSI379.238	Hamilton City Council	Oppose 680.234
FSI387.221	Mercury NZ Limited for Mercury D	Oppose 680.234

Rule 22.4.1.2 NCI		
171.3	Louis (Luke) Faesenkloet	Retain Rule 22.4.1.2 NCI General subdivision, where subdivision that does not comply with Rule 22.4.1.2 (RDI) is a non-complying activity.
FSI386.149	Mercury NZ Limited	Opposes 171.3
680.237	Federated Farmers of New Zealand	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
FSI328.28	Kenneth Graham Barry	Supports 680.237:
FSI379.241	Hamilton City Council	Opposes 680.237:
FSI387.224	Mercury NZ Limited	Opposes 680.237.

8.2.2 Title date of 6 December 1997

Overview

166. The title date of 6 December 1997 used in Rule 22.4.1.2 RDI (1) relates to a historical plan change for the Waikato District Plan, which has been used to prevent landowners from

undertaking re-occurring subdivision. The title date effectively provides an opportunity for subdivision for titles which were issued prior to this date. For any titles with a title date after this date, a non-complying activity consent would apply as the opportunity for subdivision has already been utilised.

Submissions

167. A few submissions seek to retain Rule 22.4.1.2 RDI (a)(i). However most submissions received seek to either delete the title date requirement or amend it to a more recent date, such as the date this proposed plan becomes Operative.

Analysis

168. Before determining whether the title date options put forward by submitters are appropriate, I have analysed the 6 December 1997 title date, which shows that the split between the Franklin and Waikato section is greatly unbalanced with the number of Waikato titles being significantly higher than the number in Franklin (see Table 6 below). While, the split in terms of those titles issued prior to the 6th December 1997 between both areas is not even, I note that of the 16,643 titles only those with the title date prior to 6 December 1997 would be eligible for subdivision (discussed further in terms of the minimum parent size requirements), meaning 7,637 would qualify based on title alone.

DATE	Franklin Rural titles	Waikato Rural titles	TOTAL
Before 6Dec1997	2,405	5,232	
After 6Dec1997	2,320	6,686	
No title date	9	27	
TOTAL	4,734	11,945	16,679

Table 6. The number titles issued before and after 6 December 1997 split by Franklin and Waikato

169. In considering the option of using a new operative date for the Proposed District Plan put forward by the submitters, it is also important to understand how many of the total number of titles in **Table 6** would meet the notified 20ha minimum parent title size. As shown in **Table 7**, 997 titles in Franklin and 2,642 titles in Waikato exceed 20ha. However, this does not account for title, size and title date together.

SIZE (20 ha)	Franklin Rural titles	Waikato Rural titles	TOTAL
Less than 20 ha	3,737	9,303	
Greater than 20 ha	997	2,642	
TOTAL	4,734	11,945	16,679

Table 7. Number of rural titles with an area less than or greater than 20ha

170. Putting both title date and minimum parent lot size together Table 8 below shows that 503 Franklin titles would be eligible for subdivision compared with 1,498 Waikato titles.

DATE & SIZE		Franklin Rural titles	Waikato Rural titles	TOTAL
Before 6-12-1997	Less than 20ha	1,902	3,734	
	20ha+	503	1,498	
After 6-12-1997	less than 20ha	1,831	5,547	
	20ha+	489	1,139	
No title date	all sizes	9	27	
TOTAL		4,734	11,945	16,679

Table 8. Title date and 20 ha minimum size together

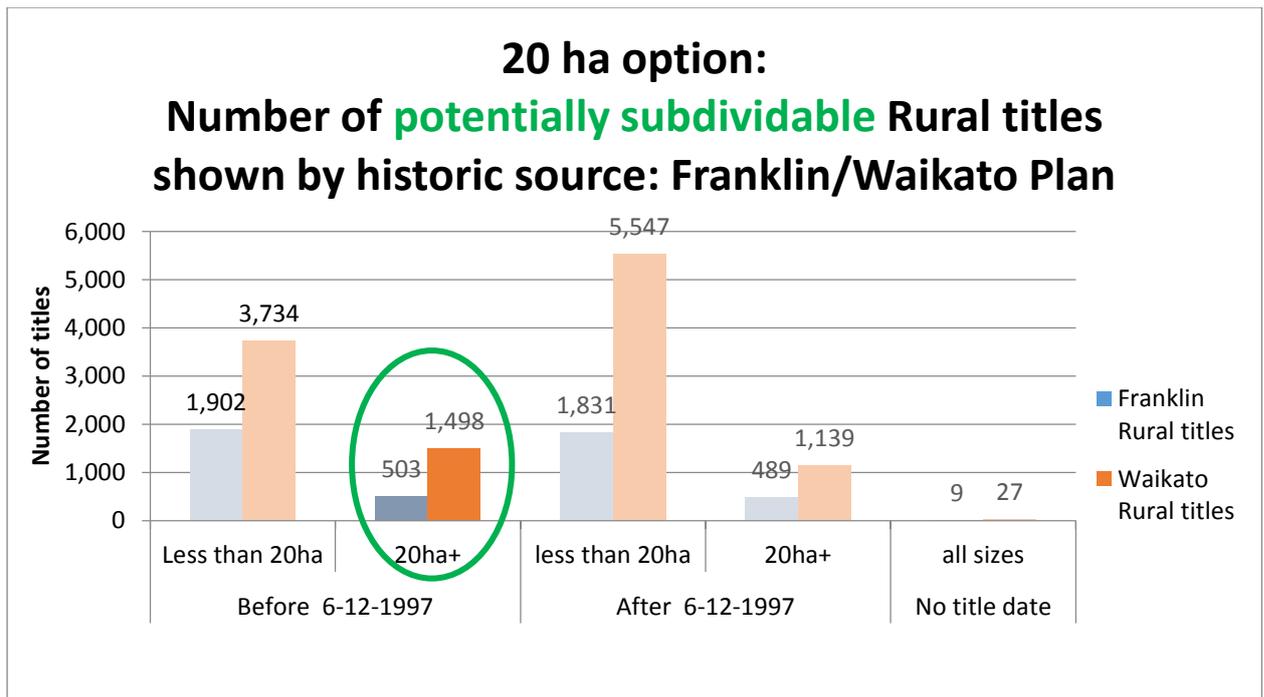


Figure 8. Titles before and after 6 December 1997 applying the 20ha parent title threshold.

171. As shown above in respect to using a more recent date post 1997, such as the operative date of the Proposed District Plan, a significantly greater number of parent titles become eligible for subdivision, particularly in the Waikato area of the district (irrespective of title size). Further, this would also mean that titles which have previously subdivided can re-apply, therefore effectively “having a second bite of the cherry”. The consequences of this, as highlighted in the technical reports from Dr Hill, Professor Scrimgeour and Mr Fairgray, are an increase in rural land fragmentation, loss of productive land and loss of revenue from primary productive activities.
172. In regards to whether there are any disadvantages to the Franklin section titles, which have not been subject to the 1997 title date in the past, my view is that there will be both “winners” and “losers”. Given that some titles over the notified parent title size threshold will now be eligible for subdivision, whereas those that may already utilised an opportunity for transferable subdivision under the previous regime, but are less than the size threshold and have a title date after 6 December 1997, no longer have an opportunity for subdivision, except perhaps through the boundary relocation provisions if the landowner has more than one title. Combining two distinct and separate planning regimes into one consolidated

planning framework across the entire district will always result in some “overs and unders” for landowners. Such an outcome simply cannot be avoided, particularly in circumstances where the policy direction in the higher order planning document is more directive than the permissive subdivision regime that exists in the Franklin section.

Outcome

173. Therefore, in order to give effect to the direction in Chapter 6 of the Waikato Regional Policy Statement to control rural-residential development and the proposed district plan objective and policy framework for the rural environment, particularly Policy 5.2.3(a) which seeks to minimise the fragmentation of productive rural land, retention of the 6 December 1997 title date is considered the most appropriate way to achieve the higher order policy direction for all titles in the district.
174. This outcome is also consistent with the discussion already provided in respect to the Prohibited activity rules, which also rely on the title date to manage the effects on high class soils for any additional lots, not provided for by Rule 22.4.1.2. In terms of the connection between this rule and the prohibited Rules 22.4.1.1 PR2 and PR3, I have considered the submission points raised by Madsen Lawrie Consultants who seek to amend Rule 22.4.1.2(a)(i) so that exceptions to the rule, such as those types of subdivision that are Prohibited, are noted or referred to in this rule, as is the case in the current Operative Waikato Plan. I have reviewed the advice note that Madsen Lawrie Consultants refers to in Rule 25.70A of the Operative Waikato Section and therefore recommend the following guidance note be added to Rule 22.4.1.2 to ensure plan users are aware of the prohibited rules, which may apply depending on their title date and whether the proposed subdivision is located on high class soils:

Note:

Some subdivision is a prohibited activity in accordance with Rule 22.4.1.1. Conservation Lot subdivision as set out in Rule 22.4.1.6 and subdivision to create a reserve in as set out in Rule 22.4.1.7 is not subject to this rule.

8.2.3 Parent Title size

Overview of the Rule

175. The parent title size is the minimum title size for a property to be eligible for subdivision. The parent title size of 20ha notified in the Proposed Plan, reflects the status quo position in the Waikato Operative Plan, given that the Franklin section uses a transferable subdivision regime. Prior to notification Council did investigate various options for parent title sizes, including options similar to neighbouring territorial authorities including Waipa District Council (40ha minimum lot size, with a 80ha parent title) and Auckland Council (different minimum site sizes and average site size depending on which rural zone applies up to 100ha average). These options are discussed in the s32 Report for the Rural Zone.

Submissions Received

176. 15 submissions seek to retain the 20 ha minimum size for subdivision in Rule 22.4.1.2 RDI (a)(ii). However, two submissions received from Waikato Regional Council [81.167] and Hamilton City Council [535.73] seek to increase this threshold to 40ha to ensure that rural land fragmentation is minimised, particularly near Hamilton City’s boundary, and high class

soils are protected. By contrast, four submissions seek to enable land smaller than 20ha to subdivide.

Analysis of Parent Title Size

177. As discussed above in respect to title date and using the 20ha parent title size, analysis shows that there is a significantly higher proportion of titles that are less than 20ha compared to those that are greater than 20ha. It is also evident that the portion of Waikato titles vs Franklin titles over 20 ha is considerably higher. As it stands, irrespective of title date, **3,639** titles which are 20ha or more in size would qualify for subdivision. This is a reasonably significant figure, not only in terms of the land fragmentation associated with this number of potential lots occurring in the rural zone, but when also considered in conjunction with the other subdivision pathways, such as conservation lot subdivision, which provide a similar potential yield to the general subdivision pathway. Mr Fairgray has covered the consequences of this total combination in his technical report and Dr Hill has discussed this in respect to the loss of high class soils.
178. If the title date is applied to the 20ha parent title size, the number of eligible titles for subdivision reduces to **2,001**, which I consider to be a more appropriate control in terms of managing the impacts of subdivision on the rural production.
179. Therefore in terms of submitter's proposing to reduce the threshold of the parent title size to a size threshold less than 20ha, irrespective of the title date, this would open the floodgates considerably, particularly in the Waikato portion of the district, as shown in **Table 8** above.
180. By comparison, if we look at the option presented by the Waikato Regional Council and Hamilton City Council submission to increase the threshold from 20ha to 40ha, the number of eligible parent titles reduces significantly, with a total of **2,236** now qualifying, irrespective of title date.

SIZE (40 ha)	Franklin Rural titles	Waikato Rural titles	TOTAL
Less than 40 ha	4,171	10,272	
Greater than 40 ha	563	1,673	
TOTAL	4,734	11,945	16,679

Table 9. Number of rural titles with an area less than or greater than 20ha

181. Using a 40ha parent title threshold in conjunction with the title date of 6 December 1997 further reduces the number of eligible titles to **1,180**, which must be considered as part of the overall subdivision package and particularly in conjunction with other subdivision pathways (i.e. Conservation Lots) which generate additional titles.

DATE & SIZE		Franklin Rural titles	Waikato Rural titles	TOTAL
Before 6-12-1997	Less than 40ha	2,164	4,293	
	40ha+	241	939	
After 6-	less than 40ha	2,003	5,956	

12-1997	40ha+	317	730	
No title date	all sizes	9	27	
TOTAL		4,734	11,945	16,679

Figure 10. Title date and 40 ha minimum size together

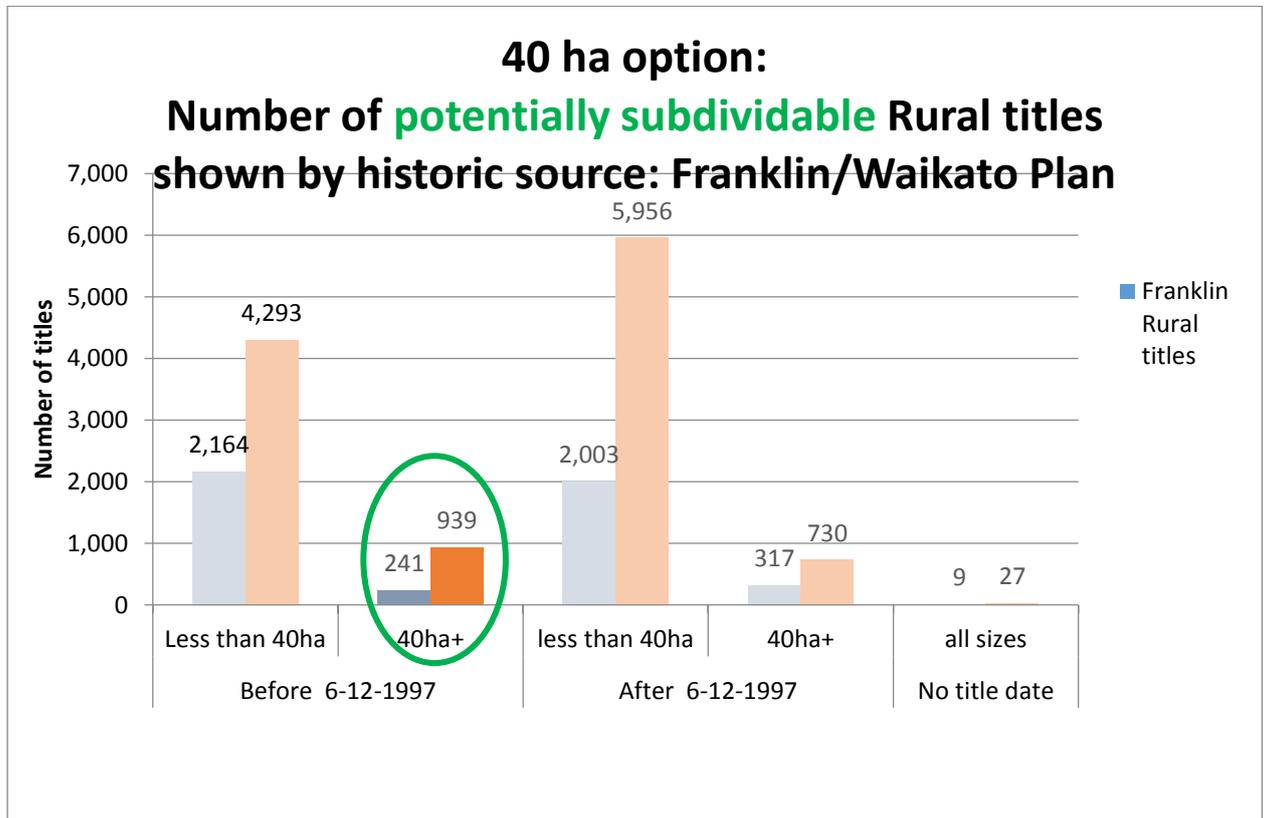


Figure 11. Titles before and after 6 December 1997 applying the 40ha parent title threshold.

182. The option to go bigger in terms of parent lot size, in my mind outweighs the options of either retaining the notified 20ha threshold or amending the threshold to a smaller one. This is because the objective and policy framework, as discussed in detail in Mr Cleese's report strategically directs population growth to towns and villages, where infrastructure can easily be made available. Further the objective and policy framework seeks to minimise fragmentation of productive rural land, particularly where high class soils are located.
183. As supported in the technical reports from Professor Scrimgeour, Mr Fairgray and Dr Hill, retaining a larger parent title ensures that the effects in terms of fragmentation of land; the impact on high class soils; and the reduction in gross primary industry revenue are not negatively impacted.
184. Conversely, while the 20ha parent title is still a much better option than allowing subdivision of titles less than 20ha, the adverse effects of this option for the rural zone are considerably greater than the option of using a 40ha minimum parent title size. This is because a potential 821 additional lots could be generated by preferring the 20 option over the 40ha option. Further, when considered in conjunction with the other subdivision pathways which generate additional lots, my concern is that the costs over time will far outweigh the benefits and the result of considerably more rural-residential lifestyle properties will have a

detrimental effect on primary productive activities, high class soils, and the rural landscape. This point has been highlighted by Professor Scrimgeour and Mr Fairgray in their reports in terms of the land area consumed by rural-residential lifestyle properties and what effect they may have on the loss of revenue from primary industry.

185. Dr Hill in his report also addresses the impact that the parent title size has on high class soils. His analysis shows the size of the parent lot has a direct bearing on high class soils. The larger the parent title being used for subdivision, the less of an effect in terms of loss of high class soils. His report also addressed the cumulative consequences of the reduced availability of high class soils, which are better managed through a larger parent title.

Outcome

186. In my view, the shift to a 40ha parent title size is a balanced approach towards reducing the impacts on primary productive land and goes some way to protecting high class soils, primary production, rural amenity and landscape and the impact of “ad hoc” growth on the periphery of Hamilton. This option is well supported by the objective and policy framework in both the Waikato Regional Policy Statement and the Chapter 5 objectives and policies for the Rural Environment, particularly Objectives 5.1.1 and 5.3.1 and, Policies 5.2.2, 5.2.3, 5.3.4, 5.3.7 and 5.3.8.

8.2.4 No more than one additional allotment – Rule 22.4.1.2 RDI (a)(iii)

Overview of the Rule

187. Rule 22.4.1.2 RDI (a)(iii) controls the number of lots that can be sought from the general subdivision provision. It is the same threshold used in the Operative Waikato District Plan provisions (one additional lot).

Submissions Received

188. Submissions received on this criteria of the general subdivision rule were limited, with the majority of submissions seeking to retain it. Several submission points received from Madsen Lawrie Consultants sought amendments to the rule, while only 2 submissions sought to delete the rule.

Analysis of Additional Lot

189. The options with this rule are to either retain it as notified (allowing for only one additional lot) or to remove the criterion, therefore not having any provision restricting the number of lots that can be created from general subdivision. No submissions have specifically sought to increase the number of lots that can be achieved but such an option is within the scope of the submissions which seek to delete the threshold.
190. In my view, the overwhelming consensus from submitters is to retain the rule as notified and none of the submissions give compelling reasons why it should be deleted. Based on the figures outlined above for the potential number of lots generated using the one lot requirement currently, I would not be of a mind to increase this given the consequences of enabling more subdivision to occur. Deleting the provision would have greater implications and would not provide any regulation.
191. In terms of the objective and policy framework, in considering the number of lots that can be created by a subdivision application, the key goal is to minimise the fragmentation of land in the rural zone to protect the rural productivity of land, high class soils and maintain rural character. In my view, there are other opportunities through incentivised subdivision to

generate additional lots and in some cases, as highlighted in Mr Fairgray's technical report, some landowners may benefit from both the general subdivision provisions and the incentivised subdivision provisions (i.e. Conservation Lots).

192. I do consider the proposed wording suggested in the points received from Madsen Lawrie Consultants Limited to be helpful and agree that the rule needs to be express clearly that it relates to every complying record of title. However, I recommend that the wording refer to a complying "record of title" instead of "certificate of title", given that this is the new Land Information New Zealand terminology.

Outcome

193. Having considered all the submissions relating to Rule 22.4.1.2 RDI (a)(iii), I consider the rule should remain unchanged, with the exception of the additional wording as suggested by Madsen Lawrie Consultants Limited to provide clarity to the rule.

8.2.5 Minimum and Maximum additional lot size – Rule 22.4.1.2 RDI (a)(iv)

Overview of the Rule

194. Rule 22.4.1.2 RDI(a)(iv) provides a minimum 8,000m² and maximum 1.6ha requirement for the additional lot created through general subdivision. These thresholds are the same as those included in the Operative Waikato Plan and by comparison, the Franklin section uses a minimum area of 2,500m² and maximum of 1ha.

Submissions

195. Most of the submissions received seek to retain the rule criteria, while some propose amendments to either reduce the minimum area or increase the maximum areas, or both.

Analysis

196. The minimum and maximum lot sizes included in Rule 22.4.1.2(a)(iv) need to reflect the outcomes being sought for rural-residential lifestyle lots in the rural zone, to ensure that the adverse effects are kept to a minimum. In terms of the reasons for the current Operative provisions being set at this size, it was to differentiate between rural-zoned lots and those in the Country Living Zone (5,000m²). The maximum size of 1.6ha was debated through the appeal phase and was originally set to be the minimum lot size. Council, through the Plan Change 2 appeal phase, recommended reducing the minimum size to 5,000m² and using the 1.6ha as the maximum, which would enable some rural activities (although this lot size was not considered productive) and to retain rural amenity. The size range provided for vehicle accessways, topographical constraints and waste water disposal fields.
197. Setting a threshold for the new lot sizes limit how big or how small the new lots being created are, which means that the effects of the subdivision are more controlled. I have sought advice from all of the technical experts, to ascertain their views as to whether the rural-residential lot size should be bigger or smaller. All 3 experts have indicated that the smaller the lot the better in terms of ensuring that land is not being fragmented in a detrimental way and, importantly it also ensures that the high class soils are being protected. As indicated in Dr Hill's report, anything less than 2ha is appropriate.
198. While I accept that smaller is indeed better, I am mindful that if the minimum size requirement (or child lot size) is reduced further from 8,000m², there is no differentiation between the rural zone and the Country Living Zone, which provides for 5,000m² lots. Conversely, if I were to increase the maximum size requirement, I am mindful that this has

the potential to fragment rural landholdings further. In order to address what the most appropriate ranges, I will now discuss the minimum and maximum sizes individually.

- **Minimum lot size (child lot)**

199. I consider that the minimum lot size included in Rule 22.4.1.2(a)(iv) needs to reflect the outcomes being sought in the Rural Zone. While I agree with the advice from the technical experts, which indicates that the smaller the lots, the better, to ensure that land is not being fragmented in a detrimental way and protects the high class soils.
200. While many of the submitters support reduced lot sizes including anywhere from 3,000 – 5,000m², my view is that the plan needs to be aligned with the overarching growth strategy for the District and having an appropriate density for each zone is important to ensure character and amenity is maintained. Therefore if I were of a mind to recommend smaller lot sizes, as suggested in the above submissions, I would also need to accept that there would be no differentiation between other zones, such as the current Country Living Zone or proposed Village zone.
201. Upon consideration of the options for smaller lot sizes, it is my view that there are some benefits of leaving the lot size at 8,000m² for rural-residential lifestyle lots in the Rural Zone. For instance an 8,000m² lot size is likely to discourage people who are in the market for rural-residential lifestyle properties, but only wanting a small landholding without the land area often used for grazing or small-scale productive activities. Mr Fairgray has indicated from a market perspective that rural-lifestyle lots are just as desirable in the Rural Zone as Country Living lots, meaning the prices are fairly comparable between the two zones for lots of similar size. Therefore the market driver's may come down to a purchaser's preference for size. It is my understanding from submitter's that larger titles at 8,000m² are too big to meet people's lifestyle needs. However conversely I am certain many rural lifestyle residents prefer the additional space between neighbours and the ability to undertake some small-scale rural activities.
202. My justification for a 8,000m² minimum lot size is that at this size, the lot does offer a point of difference in terms of how it is utilised how this will impact rural character and amenity and the reverse sensitivity effects in terms of working farms or productive activities. For example, an 8,000m² lot could provide sufficient area for all of these effects when compared to a smaller lot. For instance while small-scale and is still typical of rural-residential lifestyle, a 2,500m² lot would only be able to provide sufficient space for a dwelling and accessory building, but would be much closer to a working farm, thereby increasing the risk of reverse sensitivity activities.
203. In terms of rural character and amenity effects, an 8,000m² lot generated from a 40ha title, means that it will be balanced by the larger title, which will provide a larger open space than a Country Living lot which does not have the same effects, given the density of 5,000m² across the zone.
204. While many other plans use a 2,500m² minimum lot size in the Rural Zone (such as the former Franklin District Plan and Matamata Piako District Plan), my view is that a density of this size is not aligned with the outcomes sought through strategic documents such as the RPS or the Waikato 2070 growth strategy. If the population of the Waikato District is enabled to grow in the right locations, having the same choices in the Rural Zone as say the Country Living Zone or Village Zone offers no incentive for people to live in those zones,

where the zoning is more suited for rural residential lifestyle and the expectation is for rural-residential activities as opposed to a productive working environment. Given that the Rural Zone is for primary productive purposes, not rural-residential lifestyle this must be the key focal point of this density provision.

- **Maximum lot size**

205. Unlike the submissions on reducing the minimum lot size, there is only a small number of submissions seeking to increase the maximum lot size from 1.6ha. One submission point suggests using a percentage of the total land area.
206. The options that I propose to increase the maximum lot size are primarily to enable sufficient area to accommodate any existing buildings, access, waste disposal areas and curtilage areas. However my view is that there is always going to be an example where a subdivision proposal does not meet the requirement because of an existing situation and the rule needs to fit, not only existing development where subdivision is occurring, but also new development where a future dwelling is to be constructed.
207. Without repeating the above analysis, as the technical advice is to keep the lot sizes small rather than larger, I consider that a 1.6ha title should provide sufficient area to allow both existing and new development to occur.

Outcome

208. If the overall objective is to minimise the fragmentation of productive rural land and to protect high class soils, then it is important that a balance is struck, to ensure that effects are carefully controlled. For these reasons, I recommend that both the 8,000m² minimum lot size and the 1.6ha maximum lot size be retained. I am not convinced by the submissions to amend this criteria.

8.2.6 High Class Soils – Rule 22.4.1.2 RDI (a)(v)

209. **Overview of Rule**

The notified version of Rule 22.4.1.2 RDI (a)(v) includes a restriction on the amount of high class soils that can be included in the additional child lot and the balance lot. This is a new rule from the Operative District Plan, although the Franklin provisions provide restrictions in terms of versatile land.

Submissions

210. A number of submissions were received seeking to either amend or delete the clause. Some submitters also recommended adding an additional matter of discretion in regards to managing the effects on high class soils.

Analysis

211. The options are to either amend or delete the provision, therefore there is fairly wide scope on this new provision. To assist in the consideration of this rule affecting high class soils, Council engaged Dr Hill from Landsystems.
212. As addressed above in respect to the prohibited rules (which are also seeking to protect high class soils from any additional subdivision provided for as a non-complying activity in this rule), Council's analysis in **Table 10** shows that a significant number of titles are either fully or partially covered in high class soils. **Figure 12** below shows the distribution of the

titles which are fully or partially covered in high class soils, which are the titles affected by the proposed rule.

All Rural titles		
	Number of titles	% of titles
Rural titles FULLY covered with High Class Soils	2,056	12%
Rural titles PARTLY covered by High Class Soils	6,012	36%
Rural titles with no High Class Soils	8,588	51%
Rural titles with Gross Area of 0 ha	23	0%
TOTAL	16,679	100%

Table 10 – High Class Soils on all rural titles

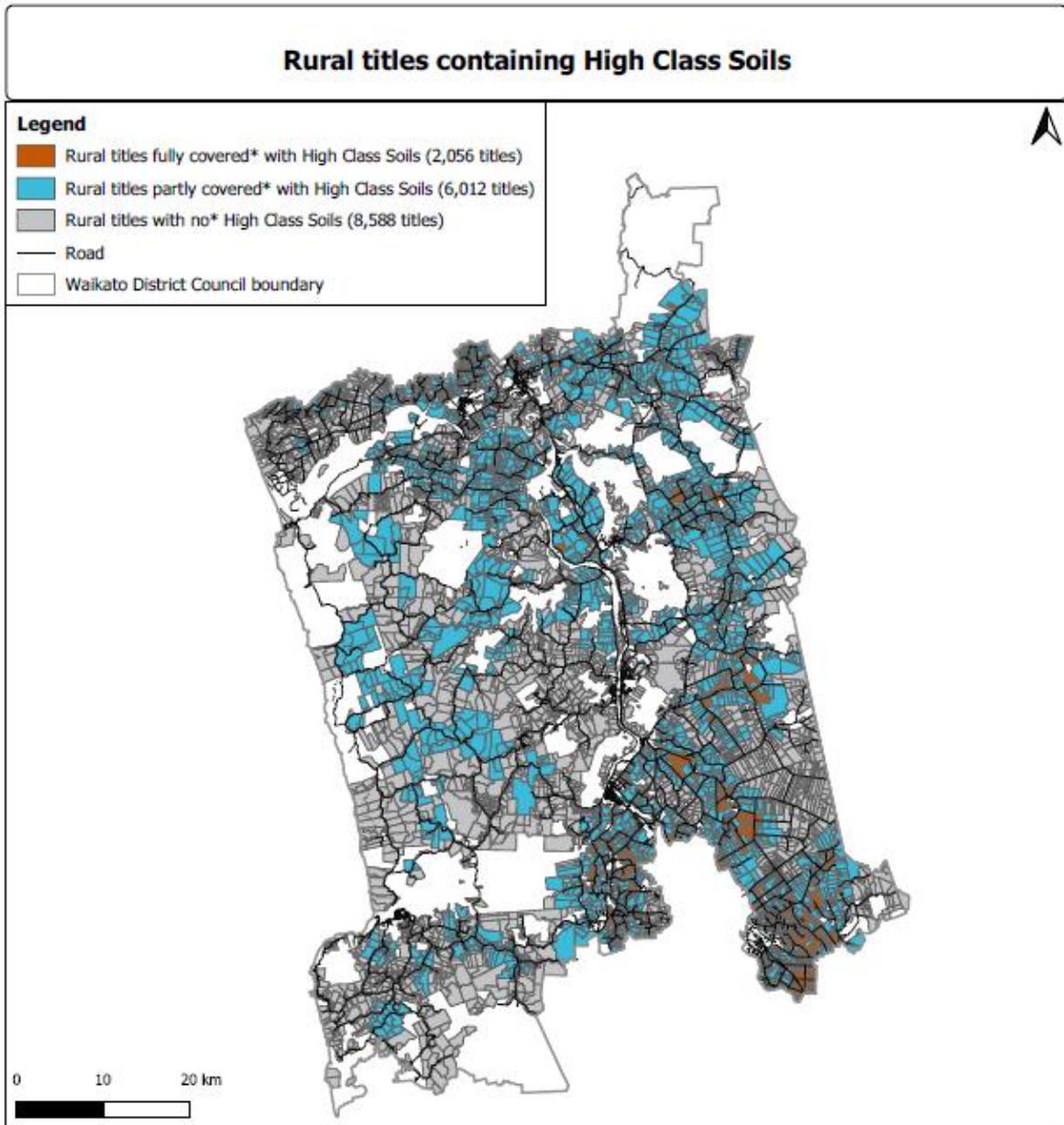


Figure 12 – Rural titles containing High Class Soils

213. Taking the analysis a step further and considering the impact of the 40ha parent title, **Table 13** below shows that the majority of properties are not affected by high class soils and only 23 titles are possibly fully covered in high class soils, given the scale to which properties are mapped using the New Zealand Land Use Classification system (LUC).

Rural titles greater than 40ha AND issue date before 6-12-1997	
	Number of titles
Rural titles FULLY covered with High Class Soils	23
Rural titles PARTLY covered by High Class Soils	435
Rural titles with no High Class Soils	722
<i>TOTAL</i>	1,180

Table 11 – Titles greater than 40ha issued before 6 December 1997

214. In regards to property mapping, I have picked up on the Waikato Regional Council [81.168] submission which seeks to amend the rule to clarify that a property scale/site specific Land Use Capability Assessment is required. I agree with this point and recommend that further clarification be provided in the rule to ensure that the Land Use Capability Assessment is site-specific and carried out at a property scale. My technical expert, Dr Hill, also agrees with this approach, and suggests that this is a far more practical solution than relying on high level Land Use Capability Maps, which are drawn at a national scale.
215. The Waikato Regional Council also seeks to amend the rule 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. Dr Hill and I have considered this point in detail and looked at the implications of removing the requirement for the balance title to contain the larger portion of high class soils. Given the revised increased size for the parent title, I determined that the rule should be more focused on the percentage of soils in the additional lot being created and not on the balance title. I then looked at what percentage of high class soils was appropriate between 10 – 30%.
216. In reliance on Dr Hill's advice that the less soils lost through subdivision the better we determined that at 8,000m² a 15% rule would mean that up 1,200m² of high class soils could be contained within the new lot, as opposed to double that (2,400m²) at 30%. Dr Hill and I both agreed that 1,200m² is an appropriate number and that the cumulative loss was minimised by restricting it to 15%. In reliance on Mr Hill's technical evidence and the analysis undertaken by Council staff, I consider that a 15% threshold provides a fair balance, bearing in mind that some types of applications, as discussed in terms of the prohibited rules, will still be prevented to ensure the protection of high class soils.
217. In reliance on my technical expert Dr Hill and his analysis of the high class soils in the rural zone of the Waikato District, I agree that Rule 22.4.1.2 requires amending to provide some clarity around the expectations in terms of how high class soil can be managed as part of a subdivision application. I have taken a practical approach focused only on the proposed lot to be created, rather than including the balance lot. I therefore disagree with the Waikato Regional Council submission to provide for a minimum of 90% in the parent lot, as we know that many lots do not contain much high class soil and it would be unfair to penalise a developer because the balance does not contain a minimum of 90% (or 80% as notified in the rule). I consider this criteria would unnecessarily trigger a non-complying activity.
218. Therefore our focus has been on the additional lot created and how much high class soils could be practically accommodated in the proposed lot. To have a rule that requires no high

class soils at all, I consider would be unreasonable and impractical, despite Policy 14.2 of the WRPS requiring Council to “avoid a decline in the availability of high class soils”. Based on Dr Hill’s technical analysis of this issue, my view is that providing an allowance for 10 – 20% would provide some compromise for the practicalities in respect to mapping the soil. Further, as Dr Hill mentions in his analysis, the 40ha parent title size goes some way into providing for such a compromise.

Outcome

219. Having considered all of the submission points in regards to Rule 22.4.1.2 RDI (a)(v), it is my view that the rule should be retained, but amended to reflect a practical approach in the rule, whereby the total amount of high class soils is restricted to 15% within the child lot title being created by the subdivision. This provision aligns with the Waikato Regional Policy Statement, Policy 14.2, which aims to avoid a decline in the availability of high class soils and the Proposed objective and policies in Chapter 5, specifically Objective 5.1.1(a)(i) and Policy 5.2.1 (a)(i), Policy 5.2.2 and Policy 5.2.3, which relate directly to high class soils.
220. I also agree that the matter of discretion recommended by submitters is appropriate to ensure that effects on rural productivity and fragmentation of high class soils are assessed as part of a subdivision proposal. However I suggest replacing the word “fragmentation” with “the availability” of high class soils to better align with policy 14.2 of the WRPS as follows:

(b) Council’s discretion is restricted to the following matters:

...

(vi) Effects on rural productivity and the availability of high class soils.

8.2.7 Activity Status

Overview

221. Rule 22.4.1.2 is currently provided for in the notified version of the Proposed District Plan as a Restricted Discretionary, defaulting to a Non-Complying activity if the rule cannot be met. This provision cascade is the same as Rule 25.70A - subdivision generally currently included in the Operative Waikato District Plan and similar to the transferable subdivision provisions in the Franklin Section, which also default to a non-complying activity status in most cases.

222. Submissions

A number of submissions have been received seeking to amend the default activity status from a non-complying activity to a discretionary activity. Further, multiple submissions seek to add a new discretionary activity rule for subdivision around an existing dwelling and associated curtilage and existing rural activities. One submission received from Federated Farmers suggests that the Restricted Discretionary activity rule be amended to a controlled activity.

Analysis

223. From the submissions received, the options are relatively wide - from a controlled activity status through to a non-complying activity default status. I have considered these submissions in the context of what the overall framework for Rural Subdivision is trying to achieve. The framework is about controlled subdivision, which in my view does not signal a controlled activity status pursuant to S104A of the RMA which would mean that Council must grant subdivision applications that meet the criteria in the rule, subject to the matters of control.

224. A Restricted Discretionary activity rule, pursuant to S104C(2) of the RMA can be either granted or refused by Council and is also subject to matters of discretion in the plan, which I consider important in terms of ensuring that the subdivision proposal is appropriate. If the activity status were to be more lenient (i.e. controlled), my concern is that the subdivision may not necessarily be appropriate but Council would have no ability to decline the resource consent.
225. The Operative District plan in Rule 25.70A currently provides for subdivision as a Restricted Discretionary Activity, which defaults to a Non-Complying activity. In my view this approach takes a more rigorous and stringent approach to general subdivision, which aligns with the higher order documents of the WRPS and the proposed objective and policy framework, which is to keep rural land for primary productive activities and to ensure that high class soils are protected from rural residential development.
226. While there was also considerable support from submitters for a proposed discretionary activity rule, providing for non-compliances of Rule 22.4.1.2 RDI(a)(iv), there would need to be site specific reasons for reducing the proposed 8,000m² to a smaller area or increasing the 1.6ha maximum. It is my view that it is important that these non-compliances be assessed with careful consideration, which I consider is provided by a non-complying activity status. If there are genuine reasons for subdivision being below or above these thresholds, this would be taken into account as part of a non-complying activity and tested in terms of both effects and the objectives and policies in accordance with S104D. Applications for resource consent to depart from the thresholds should be the exception. From my experience as a consent planner, decision-makers were less likely to determine a precedent effect exists on a discretionary activity, compared to a non-complying activity.
227. From my experience, I would agree that there are many rural properties where an existing dwelling means that the effects of a subdivision are already part of the existing environment. However, where the subdivision demonstrates that the adverse effects of the proposal are minimal and there is good reason for the proposed lot to fall outside of the minimum or maximum thresholds, generally resource consent is granted. However what I would not want to see are the thresholds being tested simply because the proposal is subdividing an existing dwelling or rural activity. In my opinion this scenario should not be treated any differently from a subdivision where a vacant title is being proposed. The key consideration in my mind is what the effect of the subdivision will be and does it align with the higher policy direction.

Outcomes

228. Having considered the large number of submissions seeking to change the activity status of Rule 22.4.1.2, my view is that in order for the General Subdivision rule to give effect to the objectives and policies included within the WRPS and the proposed objectives and policies in Chapter 5, a restricted discretionary activity status, defaulting to a non-complying activity status is appropriate and applies an appropriate level of rigour to a subdivision application either as a restricted discretionary activity, which considers the matters of discretion or as a non-complying activity, where the proposal cannot meet the criteria to be considered a restricted discretionary activity.

8.2.8 NCI

Overview

229. Rule 22.4.1.2 NCI is the rule which provides a default non-complying activity status for subdivision applications that do not meet the criteria in Rule 22.4.1.2 RDI.

Submissions

230. Two submissions were received on NCI, one seeking to retain the rule and activity status and the other proposing to amend it to a discretionary activity status.

Analysis

231. Without repeating the above discussion in respect to activity status, the options with NCI are to either retain it as non-complying activity status or to reduce it to a discretionary status I agree with the submission seeking to retain the non-complying activity status.
232. A non-complying activity status ensures that subdivision achieves the outcomes sought through the objective and policy framework for the rural zone while a discretionary activity consent can provide a relatively stringent assessment, s104D of the RMA provides an even more rigorous test and importantly, clearly signals to plan users that such applications are not anticipated in the Rural Zone so should be the exception, not the norm. In order for the rule to meet the higher order direction in the WRPS and the proposed plan, I consider a non-complying activity status aligns with this direction and a discretionary activity status has the potential to undermine this direction if applications are granted and shouldn't have been.

Outcome

233. Having considered the submissions, which have opposite viewpoints, I consider NCI should be retained as notified. This better ensures that the higher order directions set out in the WRPS and Proposed District Plan, which seek to control rural subdivision are being met.

8.2.9 Reverse Sensitivity Effects**Overview**

234. Rule 22.4.1.2 RDI (b) provides a matter of discretion for reverse sensitivity effects to be considered as part of a proposed subdivision application.

Submissions

235. A submission was received from Synlait Milk Limited [581.34] to amend Rule 22.4.1.2 RDI (b)(iv) in regards to reverse sensitivity effects.

Analysis

236. The submission seeks to amend Rule 22.4.1.2 RDI (b)(iv) to ensure subdivision activities do not affect adjoining activities through reverse sensitivity effects. I consider that while the existing matter provides more broadly for the consideration of potential reverse sensitivity effects from subdivision, the proposed wording provides additional clarification that the assessment must focus on how the subdivision will affect adjoining activities. I consider this is appropriate wording and provides for all types of activities in the rural zone and is aligned with the WRPS and Proposed Waikato District Plan policies in regards to the management of reverse sensitivity effects.

Outcome

237. I consider the submitter's wording to be appropriate for the management of reverse sensitivity effects and therefore recommend the following change to Rule 22.4.1.2 RDI (b)(iv).

(iv) potential for subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity effects;

8.2.10 Correction of terminology

Overview

238. Some of the terminology in Rule 22.4.1.2 is confusing, in respect to the use of the terms 'Record of Title' and the term 'lot'. As discussed previously in this report the term 'allotment' is the technically correct term used and is included in the National Planning Standards.

Submissions

239. Some submitter's have provided submissions recommending that the term 'record of title' be used as opposed to the term 'lot'.

Analysis

240. As previously discussed, I consider the term 'allotment' needs to be incorporated into the rule to make it clear. There are some references that use Record of Title, when the term should be 'allotment'.

Outcome

241. While I consider the submitter's recommendation to use the term 'record of title', I recommend corrections to the rule to ensure the correct terminology is referred. I note that the changes are reflected in the recommendations for all of the prohibited rules.

8.2.11 Provision of Infrastructure

Overview

242. As notified Rule 22.4.1.2 RDI does not provide for infrastructure as a requirement of the subdivision. Neither does it support existing infrastructure providers with their current operations.

Submissions

243. Several matters have been raised in submissions in respect to the provision of infrastructure, in particular the provision of water supply, particularly for firefighting; wastewater services and stormwater management. Additionally infrastructure providers have submitted seeking the inclusion of new matters of discretion to ensure that their operations are not impacted.

Analysis

244. A submission received from Fire and Emergency New Zealand [378.36] seeks amendments to Rule 22.4.1.2 to include provision for lots to be connected to water supply sufficient for firefighting purposes, with applications becoming a non-complying activity where such supply is not available.

245. While I agree with the intent of this submission, it is important to note that much of the Rural Zone is not serviced, therefore a requirement in the rule to connect to a water supply with sufficient volume and pressure to meet firefighting standards is unlikely to be practicable. I am therefore concerned about the practical application of such a rule and what this means for a subdivision consent.

246. I note that this point was addressed in the Country Living Zone hearing by Ms Chibnall who also agreed that there were issues in terms of what was needed in order to ensure that this rule is met. In her closing statement, a new matter of discretion was added for the provision of infrastructure, including water supply accessible for firefighting. I note that in most rural locations (with the exception of those that have access to trickle feed supply) most landowners will have at least 25,000 – 50,000L of water available for their water supply. However, it is not always practical during summer months to require a rural landowner to hold a significant amount of rainwater for fire fighting purposes and if not used or un-replenished, the water risks becoming stagnant in the tank.
247. A submission received from Waikato Regional Council [81.170] seeks to add an additional matter to Rule 22.4.1.2 RDI (b) to include the availability of water supply, wastewater services and stormwater management. Similarly both Counties Power Limited [405.66] and KiwiRail Holdings Limited [986.91] seek a new matter of discretion to be added to Rule 22.4.1.2 RDI(b) to include consideration of subdivision layout and design and how these may impact on the operation, maintenance, upgrading and development of existing infrastructure assets, and their effects on land transport networks.
248. Without re-iterating similar discussion that has been raised in previous hearing reports, I agree that further provision should be made in Rule 22.4.1.2 RDI (b) for existing infrastructure, Similar to the position already taken in the Country Living Zone hearing and put forward in Ms Chibnalls closing statement, I recommend that a similar matter of discretion be added to ensure that subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks.
249. Including an additional matter of discretion, as recommended in my view aligns with the directions included in Chapter 6 of the WRPS, in particular the development principles in 6A d).

Outcome

250. For these reasons I recommend that the Panel accept in part the submission from Fire and Emergency insofar as recommending that a new matter of discretion be added to Rule 22.4.1.2 RDI (b). Further to this, I recommend that the Panel accept the other submission points relating to the provision of infrastructure, given that they align with Chapter 6 of the WRPS, in particular the development principles in 6A d). Therefore I recommend that the following additional matters be added to the rule:

(b) Council's discretion is restricted to the following matters:

...

- (vi) The provision of infrastructure, including water supply accessible for firefighting.
- (vii) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks.

8.3 Recommendations

251. For the reasons above I recommend that the Hearings Panel:

General Points to Delete, Retain or Amend all of Rule 22.1.1.2

- **Reject** the submission from Raglan Naturally [831.33]. Therefore, **accepting** the further submission from The Surveying Company [FS1308.155].
- **Accept in part** the submission from Leigh Michael Shaw & Bradley John Hall [877.20].
- **Accept** the submission from Auckland Council [372.20].
- **Reject** the submission from Ethan Findlay [418.8]. Therefore, **rejecting** the further submission from Andrew and Christine Gore [FS1062.39] and **accepting** the further submissions from Auckland Council [FS1129.66], Waikato Regional Council [FS1277.133] and Mercury NZ Limited [FS1388.165].
- **Reject** the submission from Ethan Findlay [418.13]. Therefore, **accepting** the further submission from Mercury NZ Limited [FS1388.169].
- **Reject** the submission from Grant Ryan [4244]. Therefore, **accepting** the further submissions from The Surveying Company [FS1308.42] and Mercury NZ Limited [FS1388.252].
- **Reject** the submission from Ann-Maree Gladding [489.1]. Therefore, **accepting** the further submissions from Andrew and Christine Gore [FS1062.49], Auckland Council [FS1129.29], Pakau Trust [FS1138.26], The Surveying Company [FS1308.70], Mercury NZ Limited [FS1388.476].
- **Reject** submissions from Middlemiss Farm Holdings Limited [794.20], Horticulture New Zealand [419.38], Balle Bros Group Limited [466.24]. **Therefore rejecting** further submissions from Kenneth Barry [FS1328.31] [FS1328.20] and **accepting** further submissions from Hamilton City Council [FS1379.328], Mercury NZ Limited [FS1387.1250] [FS1387.1253], [FS1388.195], [FS1388.413], Middlemiss Farm Holdings Limited [FS1330.29], Roger and Bronwyn Crawford [FS1020.3], Auckland Council [FS1129.68]
- **Reject** Middlemiss Farm Holdings [794.31]. **Therefore rejecting** further submission from Jennie Hayman [FS1268.13] and **accepting** further submission from Mercury NZ Limited [FS1368.13]
- **Reject** the submission from Waikato District Council [697.822]. Therefore, **rejecting** the further submission from Fonterra Limited [FS1333.17] and **accepting** the further submission from Mercury NZ Limited [FS1387.697].
- **Accept in part** Waikato District Council [697.826], **Therefore accepting in part** further submission from Mercury NZ Limited [FS1387.701].
- **Accept** Madsen Lawrie Consultants Limited [434.3], [440.8], [441.13], [444.12], [444.13], [446.12], [447.12], [449.12], [838.18]. **Therefore rejecting** further submission from Mercury NZ Limited [FS1388.258], [FS1388.272], [FS1388.280] [FS1388.288], [FS1388.308], [FS1388.315]
- **Reject** Gwenith Francis [394.19]. Therefore **accepting** further submission from Mercury NZ Limited [FS1388.120]
- **Accept** Synlait Milk Limited [581.34]. **Therefore accepting** further submissions from Hynds Pipe Systems Limited [FS1341.51], Federated Farmers [FS1342.148] and **rejecting** further submission Mercury NZ Limited [FS1388.954].
- **Accept in part** Christine Montagna [593.2] insofar as retaining the rule, notwithstanding amendments. **Therefore accepting in part** further submission from Kenneth Barry [FS1328.24] and Mercury NZ Limited [FS1388.1001].
- **Reject** Andrew and Christine Gore [330.157], Grant Ryan [424.3] and Ethan Findlay [418.17]. **Therefore accepting** further submissions from Mercury NZ Limited [FS1386.416], [FS1388.251], [FS1388.172] and Auckland Council [FS1129.25].
- **Accepting in part** Fire and Emergency New Zealand [378.36] insofar as a matter of discretion included in Rule 22.4.1.2 RDI (b)(vii). **Therefore accepting in part**

further submissions from Pareoranga Te Kata [FSI035.142], Counties Power Limited [FSI134.85] and Mercury NZ Limited [FSI388.37]

- **Reject** Gwenith Francis [394.17]. **Therefore accepting** further submission from Mercury NZ Limited [FSI388.118]
- **Reject** Grant Ryan [424.1]. **Therefore accepting** further submissions from Waikato Regional Council [FSI277.134], and Mercury NZ Limited [FSI388.249].
- **Reject** Jolene Francis [376.1]. **Therefore rejecting** further submissions from Andrew and Christine Gore [FSI062.34], Kenneth Barry [FSI328.15], Bowrock Properties Limited [FSI197.13], Ethan Findlay [FSI311.11] and **accepting** further submissions from Mercury NZ Limited [FSI388.11].
- **Reject** Andrew and Christine Gore [330.139]. **Therefore accepting** further submission from Hamilton City Council [FSI379.79] and Mercury NZ Limited [FSI386.406]
- **Reject** Glenys McConnell [417.2]. Therefore accepting the further submissions from Hamilton City Council [FSI379.127] and Mercury NZ Limited [FSI388.159].
- **Accept** Waikato Regional Council [81.170]. **Therefore accepting** further submissions from Fire and Emergency New Zealand [FSI114.1], Lakeside Development Limited [FSI371.2], Watercare Services Ltd [FSI176.16] and **rejecting** further submissions from Andrew and Christine Gore [FSI062.13].
- **Accept in part** Counties Power Limited (405.66) insofar as I have incorporated changes from KiwiRail into Rule 22.4.1.2 RDI (b)(viii).
- **Accept in part** KiwiRail Holdings Limited [986.91] insofar as I have incorporated changes from Counties Power Limited into Rule 22.4.1.2 RDI (b)(viii).

Retain multiple parts of rule

- **Accept in part** The Surveying Company [746.88], Bruce and Dorothy Chipman [106.5], Paramijit & Taranpal Singh [690.2], Chanel Hargrave and Travis Miller [751.29], insofar as have retained the rule provisions, notwithstanding amendments from other submitters. **Therefore accepting in part** further submissions from James Crisp Holdings & Ryedale Farm Partnership [FSI130.4] and Mercury NZ Limited [FSI387.959], [FSI386.82], [FSI387.300], [FSI387.1082]
- **Accept in part** Gwyneth & Barrie Smith [332.12], Brent Trail [345.2], Scott and Tina Ferguson [355.5], CYK Limited [362.14], LJ and TM McWatt Limited [536.7], Koch Farms Limited [985.8], Michael Innes [364.5], Whitford Farms Limited [507.5], Enton Farms Limited [512.11], Vanoo Limited [513.5], DP & LJ Ramsey Limited [514.14], Anthony and Maureen Vazey [516.5], Amanda and Brian Billington [517.5], B and N Balle Limited [519.5], Finlayson Farms Limited [520.5], A Irwin & Son Limited [521.5], Joy and Wayne Chapman [522.5], R & B Litchfield Limited [523.5], Roy and Lesley Wright [526.5], Mark Scobie [527.5], [972.11], Denise and Harold Williams [509.5], Wilcox Properties Limited [529.14], John Van Lieshout [530.8], Joanne and Kevin Sands [532.7], [982.7], Colin and Rae Hedley [533.7], Garyown Properties (2008) Limited [539.7], Glen Alvon Farms Limited [540.12], KR & BC Summerville [544.16], Reid Crawford Farms Limited [686.17], Tarati Farms Limited [872.5], Anita Moleta & Penny Gooding [873.5], Louise & Tony Cole [874.5], insofar as have retained the rule provisions, notwithstanding amendments from other submitters. **Therefore accepting in part** the further submissions from Mercury NZ Limited [FSI386.482], [FSI386.514], [FSI386.529], [FSI388.725], [FSI387.1629], [FSI386.537], [FSI388.515], [FSI388.538], [FSI388.541], [FSI388.554], [FSI388.559], [FSI388.567], [FSI388.575], [FSI388.583], [FSI388.593], [FSI388.601], [FSI388.609], [FSI388.638], [FSI388.644], [FSI388.656], [FSI388.663], [FSI388.656], [FSI388.663], [FSI388.670], [FSI388.678],

[FSI388.734], [FSI388.742], [FSI388.766], [FSI387.268], [FSI387.1432], [FSI387.1439], [FSI387.1614], [FSI387.1620] and Andrew and Christine Gore [FSI062.53], [FSI062.58].

- **Accept in part** the submissions from Scott & Tina Ferguson [355.11], CYK Limited [362.13], Michael Innes [364.11], Whitford Farms Limited [507.11], Denise and Harold Williams [509.11], Enton Farms Limited [512.7], Vanoo Limited [513.11], DP & LJ Ramsey Limited [514.13], Anthony and Maureen Vazey [516.11], Amanda and Brian Billington [517.11], B and N Balle Limited [519.11], Finalyson Farms Limited [520.11], Max and Denise Irwin for A Irwin & Son Limited [521.11], Joy & Wayne [522.11], R & B Litchfield Limited [523.11], Roy & Lesley Wright [526.11], Mark Scobie [527.11], Wilcox Properties Limited [529.13], John Van Lieshout [530.11], Joanne & Kevin Sands [532.11], Collin & Rae Hedley [533.11], LJ & TM McWatt Limited [536.11], Garyowen Properties (2008) Limited [539.11], Glen Alvon Farms Limited [540.14], KR & BC Summerville [544.8], Reid Crawford Farms Limited [686.12], Parmjit & Taranpal Singh [690.1], The Surveying Company [746.87], Chanel Hargrave and Travis Miller [751.60], Taraiti Farms Limited [872.11], Anita Moleta & Penny Gooding [873.11], Louise & Tony Cole [874.11], Leigh Michael Shaw & Bradley John Hall [877.20], McCracken Surveys Limited [943.53], Mark Scobie [972.7], Joanne & Kevin Sands [982.11], Koch Farms Limited [985.7].
- **Therefore, accepting in part** the further submissions from Mercury NZ Limited [FSI386.519], [FSI386.528], [FSI386.542], [FSI388.520], [FSI388.535], [FSI388.546], [FSI388.553], [FSI388.564], [FSI388.572], [FSI388.580], [FSI388.589], [FSI388.598], [FSI388.606], [FSI388.614], [FSI388.641], [FSI388.649], [FSI388.655], [FSI388.665], [FSI388.673], [FSI388.681], [FSI388.728], [FSI388.737], [FSI388.744], [FSI388.760], [FSI387.264], [FSI387.299], [FSI387.958], [FSI387.1429], [FSI387.1436], [FSI387.1443], [FSI387.1589], [FSI387.1612], [FSI387.1622], [FSI387.1628], and Andrew and Christine Gore [FSI062.64].

Rule 22.4.1.2 RDI (a)(i) - Title Date

- **Reject** Madsen Lawrie Consultants Limited [444.6][434.1], [440.1], [441.6], [446.6], [447.5], [449.6], [453.2], [455.6], [456.6], [459.6], [460.6], [467.1], [838.20],[420.2]. **Therefore accepting** the further submissions from Hamilton City Council [FSI379.148], [FSI379.137], [FSI379.139], [FSI379.144], [FSI379.148],[FSI379.153], [FSI379.155], [FSI379.160],[FSI379.163], [FSI379.169], [FSI379.173], [FSI379.177], [FSI379.181], [FSI379.186],[FSI379.131] and Mercury NZ Limited [FSI388.284], [FSI388.256], [FSI388.267], [FSI388.276], [FSI388.284],[FSI388.303], [FSI388.309], [FSI388.325], [FSI388.335], [FSI388.344], [FSI388.355], [FSI388.364], [FSI388.432], [FSI388.237]
- **Reject** D & K Miles Limited [647.1]. **Therefore rejecting** the further submission from Kenneth Barry [FSI379.219], and **accepting** the further submissions from Hamilton City Council [FSI379.219] and Mercury NZ Limited [FSI387.81].
- **Reject** EnviroWaste New Zealand Limited [302.29]. **Therefore rejecting** the further submission from Jennie Hayman [FSI268.7] and **accepting** the further submission from Hamilton City Council [FSI379.66] and Mercury NZ Limited [FSI386.346].
- **Reject** Peter and Janette Middlemiss [354.2]. **Therefore rejecting** the further submission from Kenneth Barry [FSI328.9] and **accepting** the further submission from Mercury NZ Limited [FSI386.507]

- **Reject** Holcim (New Zealand) Limited [766.53]. **Therefore accepting** further submissions from Hamilton City Council [FSI379.315] and Mercury NZ Limited [FSI387.1158]
- **Reject** Stuart Seath [837.2]. **Therefore accepting** further submissions from Hamilton City Council [FSI379.350] and Mercury NZ Limited [FSI387.1363].
- **Accept** Madsen Lawrie Consultants [453.8], [455.12], [456.12], [459.12], [460.12], [467.9]. **Therefore rejecting** further submissions from Mercury NZ Limited [FSI387.331], [FSI388.340], [FSI388.349], [FSI388.360], [FSI388.369], [FSI388.436].

Rule 22.4.1.2 RDI (a)(ii) - Parent Title Size

- **Accept in part** Madsen Lawrie Consultants [420.5], [441.7], [444.7], [446.7], [449.7], [453.3], [455.7], [456.7], [459.7], [460.7], [838.21] insofar as retaining Rule 22.4.1.2 RDI (a)(ii), notwithstanding amendments sought by other submitters. **Therefore accepting in part** further submissions from James Crisp Holdings & Ryedale Farm Partnership [FSI130.3], Hamilton City Council [FSI379.133], [FSI379.145], [FSI379.149], [FSI379.154], [FSI379.161], [FSI379.164], [FSI379.170][FSI379.174], [FSI379.178], [FSI379.182] and Mercury NZ Limited [FSI388.240], [FSI388.277], [FSI388.285], [FSI388.304], [FSI379.161], [FSI388.326], [FSI388.336], [FSI388.345], [FSI388.356], [FSI387.1377], [FSI130.3]
- **Accept** Waikato Regional Council [81.167] and Hamilton City Council [535.73]. **Therefore accepting** further submissions from Mercury NZ Limited [FSI223.38] and Fonterra Limited [FSI333.18] and **rejecting** further submissions from Roger & Bronwyn Crawford [FSI020.1], [FSI020.2], James Crisp Holdings & Ryedale Farm Partnership [FSI130.1], [FSI130.2], Blue Wallace Surveyors Limited [FSI287.5], Kenneth Barry [FSI328.3], [FSI328.23] Middlemiss Farm Holdings Limited [FSI330.13], The Surveying Company Limited [FSI308.145], [FSI308.75] and Mercury NZ Limited [FSI388.711].
- **Reject** Burman Family Trust [629.1]. **Therefore rejecting** further submissions from Bowrock Properties Limited [FSI197.28], Ethan and Rachael Findlay [FSI311.23] and **accepting** further submissions from Mercury NZ Limited [FSI387.25].
- **Reject** Robert and Colleen Endicott [356.1]. **Therefore rejecting** further submissions from Andrew and Christine Gore [FSI062.28] and **accepting** further submissions from Hamilton City Council [I379.94] and Mercury NZ Limited [I386.520].
- **Reject** Anthony Viner [61.1]. **Therefore accepting** further submissions from Tuakau Proteins Limited [FSI353.26] [FSI353.27] and Mercury NZ Limited [I386.46].
- **Reject** Peter & Janette Middlemiss [354.3]. **Therefore rejecting** further submissions from Kenneth Barry [FSI328.10] and **accepting** further submission from Hamilton City Council [FSI379.93], Mercury NZ Limited [FSI386.508].

Rule 22.4.1.2 RDI (a)(iii) - One additional lot

- **Accept in part** Madsen Lawrie Consultants Limited [420.6], [441.8], [444.8], [446.8], [447.6], [449.8], [453.4], [455.8], [456.8], [459.8], [460.8], [467.2], [838.22]. **Therefore accepting in part** further submissions from Mercury NZ Limited [FSI388.241], [FSI388.278], [FSI388.286], [FSI388.305], [FSI388.310], [FSI388.316], [FSI388.327], [FSI388.337], [FSI388.346], [FSI388.357], [FSI388.366], [FSI388.433], [FSI387.1378]
- **Reject** Stuart Seath [837.3] and Peter and Janette Middlemiss [354.6]. **Therefore rejecting** further submissions from Andrew and Christine Gore [FSI062.108] and

Kenneth Barry [FSI328.13] and **accepting** further submissions from Hamilton City Council [FSI379.351] and Mercury NZ Limited [FSI387.1364], [FSI386.511].

Rule 22.4.1.2 RDI (a)(iv) Minimum/Maximum Additional Lot Size

- **Accept in part** Scott and Tina Ferguson [355.8], Joanne and Kevin Sands [982.8], [532.8], Koch Farms Limited [985.9], Chanel Hargrave and Travis Miller [751.30], Tarati Farms Limited [872.8], Anita Moleta & Penny Gooding [873.8], CYK Limited [362.12], Michael Innes [364.8], Colin and Rae Hedley [533.8], Garyowen Properties (2008) Limited [539.8], Glen Alvon Farms Limited [540.13], Reid Crawford Farms Limited [686.14], Louise & Tony Cole [874.8], Wilcox Properties Limited [529.12], Whitford Farms Limited [507.8], Denise and Harold Williams [509.8], Enton Farms Limited [512.8], Vanoo Limited [513.8], DP & LJ Ramsey Limited [514.12], Anthony and Maureen Vazey [516.8], Amanda and Brian Billington [517.8], B and N Balle Limited [519.8], Finlayson Farms Limited [520.8], Irwin & Son Limited [521.8], Mark Scobie [972.8], Joy and Wayne Chapman [522.8], R & B Litchfield Limited [523.8], Roy and Lesley Wright [526.8], Mark Scobie [527.8], John Lieshout [530.7], LJ & TM McWatt Limited [536.8], KR & BC Summerville [544.11], Paramjit & Tranpal Singh [690.12], The Surveying Company [746.141]. **Therefore accepting** in part further submissions from Mercury NZ Limited [FSI386.517], [FSI387.1621], [FSI387.1630], [FSI387.1083], [FSI387.1428], [FSI387.1435], [FSI386.527], [FSI386.540], [FSI388.671], [FSI388.679], [FSI388.735], [FSI388.7743], [FSI387.265], [FSI387.1442], [FSI388.654], [FSI388.654], [FSI388.518], [FSI388.527], [FSI388.536], [FSI388.544], [FSI388.552], [FSI388.562], [FSI388.570], [1388.586], [FSI388.587], [FSI388.596], [FSI387.613], [FSI388.604], [FSI388.612], [FSI388.604], [FSI388.647], [FSI388.662], [FSI388.726], [FSI388.763], [FSI387.306], [FSI387.984] and Andrew and Christine Gore [FSI062.61].
- **Reject** Blue Wallace Surveyors Limited [662.18]. **Therefore accepting** further submission from Mercury NZ Limited [FSI387.107].
- **Reject** Roko Urlich [28.1]. **Therefore accepting** the further submission from Mercury NZ Limited [FSI386.23].
- **Reject** Ted and Kathryn Letford [276.9]. **Therefore rejecting** further submissions from Jennie Hayman [FSI268.6], Kenneth Barry [FSI328.6] and accepting further submission from Mercury NZ Limited [FSI386.286].
- **Reject** Anthony Viner [61.2]. **Therefore accepting** further submission from Mercury NZ Limited [FSI386.47].
- **Reject** Waiawa Downs Limited [102.1]. **Therefore accepting** further submission from Mercury NZ Limited [FSI386.77].
- **Reject** Bruce and Dorothy Chipman [106.6]. **Therefore accepting** further submission from Mercury NZ Limited [FSI386.83].
- **Reject** Brent Trail [345.3]. **Therefore accepting** further submission from Mercury NZ Limited [FSI386.483].
- **Reject** Peter and Janette Middlemiss [354.4]. **Therefore rejecting** further submissions from Kenneth Barry [FSI328.11] and **accepting** further submission Mercury NZ Limited [FSI38.509]
- **Reject** Jack MacDonald [782.2], Madsen Laurie Consultants Limited [420.7], [440.2], [441.9], [467.3], [444.9], [446.9], [447.7], [449.9], [453.5], [455.9], [456.9], [459.9], [460.9], [838.23] and Ann-Maree Gladding [489.2] and John Rowe [922.2]. **Therefore rejecting** further submission point from Andrew and Christine Gore [FSI062.44] and accepting further submission points received from Mercury NZ

Limited [FSI387.1227], [FSI388.242], [FSI388.268], [FSI388.279], [FSI388.434], [FSI388.287], [FSI388.306], [FSI388.311] and Tuakau Proteins Limited [FSI353.25] [FSI388.328], [FSI388.347], [FSI388.358], [FSI387.1379], [FSI388.477], [FSI387.1471].

Rule 22.4.1.2(a)(v) - High Class Soils

- **Accept in part** Peter and Janette Middlemiss [354.5] insofar as the provision provides for 15% of high class soils on the new lot to be created by the subdivision. **Therefore accepting** in part the further submissions from Kenneth Barry [FSI328.12] and Andrew and Christine Gore [FSI062.26] and Mercury NZ Limited [FSI386.510].
- **Reject** Sharp Planning Solutions Limited [695.94]. **Therefore accepting** the further submission from Mercury NZ Limited [FSI387.330].
- **Accept** Waikato Regional Council [81.168]. **Therefore accepting** further submission from Mercury NZ Limited [FSI223.39], and **rejecting** further submission from Middlemiss Farm Holdings Limited [FSI330.14] and The Surveying Company [FSI308.146].
- **Reject** Waikato Regional Council [81.169]. Therefore rejecting further submission from Mercury NZ Limited [FSI223.40] and accepting Kenneth Barry [FSI328.4], Middlemiss Farm Holding Limited [FSI330.15] and The Surveying Company [FSI308.147].
- **Reject** Bruce and Dorothy Chipman [106.7]. Therefore accepting further submissions from Hamilton City Council [FSI379.22] and Mercury NZ Limited [FSI386.84].
- **Reject** Ted and Kathryn Letford [276.12]. Therefore accepting Mercury NZ Limited [FSI386.288].
- **Reject** Jack MacDonald [782.13], John Rowe [922.13], [922.14], McCracken Surveys Limited [943.28] and Brent Trail [345.4]. **Therefore accepting** further submission points from Mercury NZ Limited [FSI387.1232], [FSI387.1475], [FSI387.1476], [FSI387.1578], [FSI386.484].
- **Accept in part** Gwyneth and Barrie Smith [332.14]. **Therefore accepting** further submission from Mercury NZ Limited [FSI386.462].
- **Accept** Bruce and Dorothy Chipman [106.8]. Therefore rejecting further submission from Mercury NZ Limited [FSI386.531].
- **Accept in part** Scott and Tina Ferguson [355.7], LJ & TM McWatt Limited [536.6], Garyowen Properties (2008) Limited [539.6], KR and BC Summerville [544.12], CYK Limited [362.16], Whitford Farms Limited [507.7], Denise and Harold Williams [509.7], Vanoo Limited [513.7], Anthony and Maureen Vazey [516.7], The Surveying Company [746.90], Tarati Farms Limited [872.7], Enton Farms Limited [512.6], DP & LJ Ramsey Limited [514.16], Amanda and Brian Billington [517.7], Finlayson Farms Limited [520.7], Irwin & Son Limited [521.7] Joy & Wayne Chapman [522.7], Koch Farms Limited [985.11], R & B Litchfield Limited [523.7], Roy & Lesley Wright [526.7], Mark Scobie [527.7], Wilcox Properties Limited [529.16], John Van Lieshout [530.6], Joanne & Kevin Sands [532.6], Glen Alvon Farms Limited [540.16], Colin & Rae Hedley [533.6], Reid Crawford Farms Limited [686.16], Chanel Hargrave and Travis Miller [751.32], Mark Scobie [972.6], Anita Moleta & Penny Gooding [873.7], Paramjit & Taranpal Singh [690.4], Louise & Tony Cole [874.7], Joanne & Kevin Sands [982.6], Michael Innes [364.7] B and N Balle Limited [519.7], insofar as I have recommended the matter of discretion in Rule 22.4.1.2(b)(vi). Therefore **accepting in part**

submissions from Mercury NZ Limited, [FSI386.516], [FSI388.724], [FSI388.733], [FSI388.764], [FSI386.85], [FSI388.517], [FSI388.526], [FSI388.543], [FSI388.561], [FSI387.961], [FSI387.1427], [FSI388.534], [FSI388.556], [FSI388.569], [FSI388.585], [FSI388.603], [FSI387.1632], [FSI388.611], [FSI388.640], [FSI388.646], [FSI388.658], [FSI388.661], [FSI388.669], [FSI388.746], [FSI388.677], [FSI387.267], [FSI387.1085], [FSI387.1611], [FSI387.1434], [FSI387.302], [FSI387.1441], [FSI387.1619], [FSI386.539], [FSI388.577]. and Hamilton City Council [FSI379.195] and Andrew and Christine Gore [FSI062.60].

- **Reject** Andrew Wood for CKL [471.9]. Therefore **rejecting** further submission from Kenneth Graham Barry [FSI328.22] and **accepting** further submission from Mercury NZ Limited [FSI388.450]
- **Reject** Ann-Maree Gladding [489.12]. Therefore accepting further submission from Mercury NZ Limited [FSI388.482].

Rule 22.4.1.2 - Activity status

- **Reject** CKL [471.18]. **Therefore rejecting** further submission from Kenneth Barry [FSI328.21] and **accepting** further submission from Hamilton City Council [FSI379.190] and Mercury NZ Limited [FSI388.449].
- **Reject** Federated Farmers [680.236]. **Therefore rejecting** further submission from Kenneth Barry [FSI328.27], Hamilton City Council [FSI379.240] and **accepting** further submission from Mercury NZ Limited [FSI387.223].
- **Reject** Delta Property Group [365.1]. **Therefore accepting** the further submission from Mercury NZ Limited [FSI386.543].
- **Reject** Scott & Tina Ferguson [355.6] Anita Moleta & Penny Gooding [873.6], Paramjit & Taranpal Singh [690.3], Reid Crawford Farms Limited [686.15], Joanne & Kevin Sands [982.5], Louise & Tony Cole [874.6], The Surveying Company [746.89], Chanel Hargrave and Travis Miller [751.31], Mark Scobie [972.5], [527.6], Tarati Farms Limited [872.6], Whitford Farms Limited [507.6], Koch Farms Limited [985.10], Gwyneth & Barrie Smith [332.13]. **Therefore accepting** further submissions from Mercury NZ Limited [FSI388.516], [FSI387.1631], [FSI386.515], [FSI387.1433], [FSI387.301], [FSI387.266], [FSI387.1618], [FSI387.1440], [FSI387.960], [FSI387.1084], [FSI387.1610], [FSI387.1426] and Hamilton City Council [FSI379.378], [FSI386.461].
- **Accept in part**, B & N Balle Limited [519.6], Finalayson Farms Limited [520.6], Glen Alvon Farms Limited [540.15], Colin and Rae Hedley [533.5], LJ & TM McWatt Limited [536.5], KR & BC Summerville [544.9], A Irwin & Son Limited [521.6], Joy & Wayne Chapman [522.6], Garyown Properties (2008) Limited [539.5], Roy & Lesley Wright [526.6], CYK Limited [362.15], Michael Innes [364.6], John Van Lieshout [530.5], Joanne & Kevin Sands [532.5], DP & LJ Ramsey Limited [514.15], R & B Litchfield Limited [523.6], Mark Scobie [527.6], Enton Farms Limited [512.5], Anthony and Maureen Vazey [516.6], Denise and Harold Williams [509.6], Vanoo Limited [513.6], Amanda and Brian Billington [517.6], Wilcox Properties Limited [529.15] insofar as I am recommending to retain rule 22.4.1.2. Therefore **accepting in part** further submissions from Mercury NZ Limited [FSI388.576], [FSI388.584], [FSI388.745], [FSI388.676], [FSI388.723], [FSI388.761], [FSI388.594], [FSI388.602], [FSI388.732], [FSI388.639], [FSI386.530], [FSI386.538], [FSI388.660], [FSI388.668], [FSI388.555], [FSI388.610], [FSI388.645], [FSI388.533], [FSI388.560], [FSI388.525], [FSI388.542], [FSI388.568], [FSI388.657] and Andrew and Christine Gore [FSI062.59].
- **Accept in part** the submission from Colin & Rae Hedley [533.10], LJ & TM McWatt [536.10], Garyowen Propertes Limited [539.10], Glen Alvon Farms Limited [540.9],

KR & BC Summerville [544.7], Reid Crawford Farms Limited [686.9], Paramjit & Taranpal Singh [690.9], The Surveying Company [746.86], Chanel Hargrave and Travis Miller [751.28], Tarati Farms Limited [872.10], Anita Moleta and Penny Gooding [873.10], Louise & Tony Cole [874.10], Leigh Michael Shaw & Bradley John Hall [877.19], Mark Scobie [972.10], Joanne & Kevin Sands [982.10], Koch Farms Limited [985.6]. Therefore, **accepting in part** the further submission from Auckland Council [FS1129.63], [FS1129.64], [FS1129.65], [FS1129.32], [FS1129.33], [FS1129.34], [FS1129.35], [FS1129.36], [FS1129.37], [FS1129.38], [FS1129.39], The Village Church Trust [FS1131.30], [FS1131.31], [FS1131.32], [FS1131.33], [FS1131.36], [FS1131.37], [FS1131.39], [FS1131.41], [FS1131.42], [FS1131.43], [FS1131.44], [FS1131.45], [FS1131.46], [FS1131.47], Mercury NZ Limited [FS1388.680], [FS1388.727], [FS1388.736], [FS1388.741], [FS1388.759], [FS1387.263], [FS1387.305], [FS1387.957], [FS1387.1081], [FS1387.1463], [FS1387.1627], Havelock Village Limited [FS1377.132] and Hamilton City Council [FS1379.380].

- **Reject** the submission from Federated Farmers [680.234]. Therefore, **rejecting** the further submissions from Blue Wallace Surveyors [FS1287.29], The Surveying Company [FS1308.99], Kenneth Graham Barry [FS1328.26] and **accepting** the further submissions from Hamilton City Council [FS1379.238] and Mercury NZ Limited [FS1387.221].

Rule 22.4.1.2 NCI

- **Accept** Louis (Luke) Faesenkloet [171.3]. **Therefore accepting** the further submission from Mercury NZ Limited [FS1386.149].
- **Reject** Federated Farmers of New Zealand [680.237]. **Therefore rejecting** further submission from Kenneth Graham Barry [FS1328.28] and **accepting** further submission from Hamilton City Council [FS1379.241], Mercury NZ Limited [FS1387.224].

8.4 Recommended amendments

252. The following amendments are recommended:

22.4.1.2 General subdivision

RDI	<p>(a) Subdivision must comply with all of the following conditions:</p> <p>(i) The Record of Title to the allotment to be subdivided must have issued prior to 6 December 1997;</p> <p>(ii) The Record of Title allotment to be subdivided must be at least 20 40 hectares in area;</p> <p>(iii) The proposed subdivision must create no more than one additional lot allotment, excluding an access allotment or utility allotment for every complying record of title.</p> <p>(iv) The additional lot allotment must have a proposed area of between 8,000m² and 1.6 ha;</p> <p>(v) Where the land to be subdivided contains sing high class soil (as determined by a property scale site specific assessment Land Use Capability Assessment-Classification prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of its total land area as high class soils within the allotment, must be contained within the boundaries of only two lots as follows:</p> <p style="margin-left: 20px;">A. one lot must contain a minimum of 80% of the high class soil; and</p> <p style="margin-left: 20px;">B. the other lot may contain up to 20% of high class soil.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) subdivision layout and design including dimensions, shape and orientation of the proposed lot allotment;</p>
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	<p>(ii) effects on rural character and amenity values;</p> <p>(iii) effects on landscape values;</p> <p>(iv) potential for <u>subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity effects</u>;</p> <p>(v) extent of earthworks including earthworks for the location of building platforms and accessways;</p> <p>(vi) <u>Effects on rural productivity and the availability of high class soils</u>;</p> <p>(vii) <u>The provision of infrastructure, including water supply accessible for firefighting</u>;</p> <p>(viii) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks.</u></p> <p><u>Note: Some subdivision is a prohibited activity in accordance with Rule 22.4.1.1. Conservation Lot subdivision as set out in Rule 22.4.1.6 and subdivision to create a reserve in as set out in Rule 22.4.1.7 is not subject to this rule.</u>⁴</p>
NC1	General subdivision that does not comply with Rule 22.4.1.2. RDI.
NC2	<u>Any subdivision within the Urban Expansion Area involving the creation of any additional lot.</u>

8.5 Section 32AA evaluation

253. The key amendments to Rule 22.4.1.2 RDI relates to the increase of the parent title size from 20ha to 40ha in RDI (a)(ii) and the amendments to the requirements around high class soils in RDI (a)(v).
254. Additional amendments have been made to ensure additional matters of discretion are included in RDI(b)
255. The following points evaluate the recommended changes under Section 32AA of the RMA.

8.5.1 Other reasonably-practicable options

Parent Title Size

256. Without re-iterating the above analysis provided in respect to the parent title size amendment from 20ha to 40ha, several other practicable options were explored to ensure that 40ha was the right balance in order to not overly restrict subdivision, but also to ensure that the provisions were meeting the key objectives and policies of the WRPS.
257. I was limited in terms of scope to look at other options, such as moving away from a minimum 20ha parent title and introducing a minimum lot size overall, similar to the Waipa District Plan provisions.
258. I did consider a 30ha option, as a mid-way point between the Hamilton City Council and Waikato Regional Council's 40ha submission; however I disregarded this option, given that there was no significant difference in the number of titles affected, as shown in **Table 12** below. Also when considering those titles I needed to take into account the title date, which further reduced the numbers. By recommending the 40ha parent title size I could see that this would have a balanced effect, by allowing some subdivision, but also by ensuring

⁴ Submissions from Madsen Lawrie Consultants [453.8], [455.12], [456.12], [459.12], [460.12], [467.9]

that the balance titles were larger as a result of the subdivision - this in turn minimises the fragmentation of land.

259. Further I considered the option of going below the 20ha threshold as sought by some submitters. As shown in the graph below, this was not a reasonably practical or appropriate option given the significant number of titles in these lower categories. This option would not align with the higher order documents and proposed objective and policy framework.

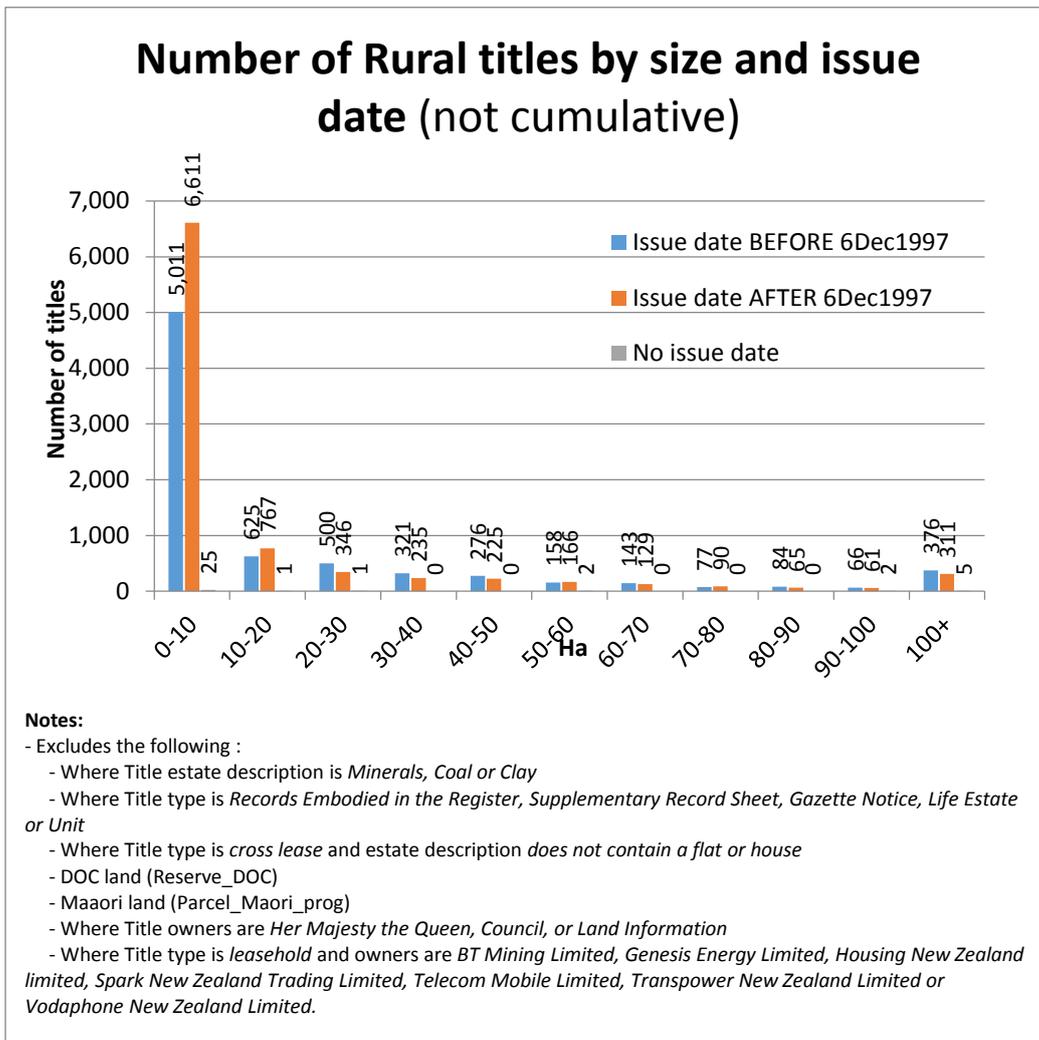


Table 12. Rural Titles by size and issue date

High Class Soils

260. In regards to options for high class soils, there was relatively wide scope to explore these in respect to this rule. While this is a new rule introduced in the notified version, I think it has greatly strengthened the subdivision provisions and certainly gives more weight than the previous operative plan provisions in terms of assessing the effects on high class soils. This is important given the draft NPS-HPL as discussed in Dr Hill's report.

261. In reliance on advice from Dr Hill, there were several options discussed. Having no restrictions was certainly not a preferred approach. Conversely, having absolute protection

of high class soils was not practical in terms of what is seen at a site specific level. This is also where I considered that the approach of focusing the provisions only on the new child lot to be created was a better option than the notified provisions which applied to both the new child lot and the balance lot, particularly in light of my recommendation to double the size of the qualifying parent lot.

262. To ensure that costs are not unreasonable to the developer to undertake a Land Use Capability assessment report for the site, Dr Hill and I agreed that this should only apply to the new child lot being created, given that the balance title will contain a larger area and if there is opportunity for alternative lot locations, this can be considered at the subdivision stage.
263. I consider this option to be the most appropriate to meet the WRPS, particularly Policy 14.2 which is clear in its direction to avoid the decline in the availability of high class soils.

Additional matters of discretion

264. Through submissions, I have introduced additional matters of discretion to the general subdivision rule, specifically in relation to the provision of infrastructure, reverse sensitivity effects and high class soils. In regards to the matter of infrastructure, this matter had already been addressed in previous hearings, therefore I kept the provisions the same to ensure consistency. In regards to the high class soils and reverse sensitivity matters of discretion, I did explore some alternative wording, but considered the wording provided by the submitters was clear and addressed the matters concisely.

8.5.2 Effectiveness and efficiency

265. The recommended amendments to Rule 22.4.1.2 for General Subdivision give effect to the higher order documents, in particular the WRPS which aims to control rural-residential development in the rural zone and ensure the protection of high class soils in Policy 14.2.
266. The proposed changes also align with the proposed objective and policy framework included in Chapter 5 of the Proposed District Plan.

8.5.3 Costs and benefits

267. There are certainly costs and benefits associated with the proposed changes and as I have mentioned previously, there are “winners” and “losers” in respect to bringing together two distinctly different frameworks.
268. Both Mr Fairgray and Professor Scrimgeour discuss the economic consequences associated with the proposed subdivision options and the resulting loss in primary productivity if subdivision is not closely controlled. While there are also costs to individual landowners and developers of rural land, this must be viewed as a balance of the consequences of cumulative impacts on primary productive activities, including reverse sensitivity effects; the cumulative consequences of land fragmentation; the cumulative loss of high class soils and the visual impacts on rural character and amenity and landscape values. Some of these costs are difficult to quantify, but Council’s technical experts have provided some conclusions in terms of some of these effects. My view is that Council cannot simply continue to readily enable rural subdivision, if it seeks to protect the rural zone for rural productive activities. Increasing the minimum parent title size up to 40ha and restricting subdivision on high class soils goes some way to ensuring that a balance is achieved.

8.5.4 Risk of acting or not acting

269. There are risks in not acting. As I have outlined, the effects of subdivision are irreversible and if not acted upon, the cumulative effects of subdivision may have seriously detrimental effects on the District's rural zone, including the district, regional and even national economy. While there is an opportunity for change, such as this District Plan review, I consider there is sufficient evidence and information about the effects, and costs to the environment. While I do accept that there are some benefits of increased subdivision in some areas to support rural communities, my view is that re-zoning land for its intended purpose is a better way of achieving growth to support these areas.

8.5.5 Decision about most appropriate option

270. For the reasons above, the amendments to Rule 22.4.1.2 are considered to be the most appropriate way to achieve the objectives of the proposed plan.

9 Rule 22.4.1.3 – Subdivision of Maaori Freehold Land

9.1 Introduction

271. Rule 22.4.1.3 as notified provides for the subdivision of Maaori Freehold Land, where a full partition is classed as a discretionary activity. At a legislative level, generally Maori Freehold is encouraged to stay in Maori ownership. However there are from time to time applications made to Council where a full partition may be required.

272. The notified version of Rule 22.4.1.3 is as follows:

22.4.1.3 Subdivision of Maaori Freehold Land

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

9.2 Submissions

273. Four submission points were received on Rule 22.4.1.3 relating to the subdivision of Maaori Freehold Land. One submission point supports the rule; while two submission points seek to amend the rule; and one submission point does not specify what relief is being sought.

84. The submissions received are as follows:

330.158	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.1.3 Subdivision of Maori Freehold Land.
471.27	CKL	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.
553.26	Malibu Hamilton	Retain Rule 22.4.1.3 Subdivision of Maaori Freehold Land.
405.67	Counties Power Limited	Add a matter of discretion to Rule 22.4.1.3 Subdivision of Maaori Freehold Land as follows: <i><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></i>

9.3 Analysis

274. A submission received from Andrew and Christine Gore [330.158] does not specify the relief that they are seeking. Therefore as I am unclear what relief is sought by the submitter, I recommend rejecting this submission point.
275. A submission from Malibu Hamilton [553.26] supports the notified rule. I agree with the alignment of the proposed rule with the proposed direction of the District Plan providing for papakaainga development on Maaori Freehold Land.
276. A restrictive option for subdivision, as proposed in the notified version ensures that Maaori Freehold land stays in Maaori ownership, which also aligns with the key objective of the Te Turi Whenua Maori Act 1993 which is to retain Maori land and General land owned by Maori in the hands of the owners⁵.
277. A submission from CLK [471.27] seeks to amend the activity status associated with the rule so that at worst the activity status is Discretionary and not Non-Complying. I disagree with this point for two reasons. Firstly the requirement for Maaori Freehold land to be divided is not reliant on provisions, such as the General Subdivision Rule in 22.4.1.2, which has a minimum parent size requirement and minimum and maximum additional lot size (8,000m² – 1.6ha). Secondly, the activity status reflects the objectives of the legislation to retain Maaori Freehold Land and unless there are exceptional circumstances, the Maori Land Court do not generally promote subdivision of Maori Land. Council also do not typically receive many applications of this nature, so there is unlikely to be a high number of applications for subdivision of Maaori Freehold Land.
278. A submission from Counties Power Limited [405.67] seeks to add a matter of discretion to the rule providing for subdivision layout and design to consider how it may impact on the operation, maintenance, upgrading and development of existing infrastructure assets. I agree with the intent of this submission, however note that the notified rule provides full discretion as a discretionary activity where the subdivision is a full partition and a non-complying activity where it is any other type of subdivision of Maaori Freehold land. Therefore adding the requirement to consider the location of infrastructure assets does not need to be specifically referred to, as there may be many other requirements that a consent planner would consider as part of an application for resource consent.

9.4 Recommendations

279. For the reasons above I recommend that the Hearings Panel:
- a. **Accept** the submission from Malibu Hamilton [553.26]; and

⁵ Section 17(1)(a) of the Te Turi Whenua Maori Land Act 1993.

- b. **Reject** the submissions from Andrew and Christine Gore [330.158], CLK [471.27] and Counties Power Limited [405.67].

9.5 Recommended amendments

280. No changes are recommended to Rule 22.4.1.3.

9.6 Section 32AA evaluation

281. There are no recommended amendments to Rule 22.4.1.3 from the notified version. Accordingly, no s32AA evaluation has been required to be undertaken.

10 Rule 22.4.1.4 – Boundary Relocation

10.1 Introduction

282. Rule 22.4.1.4 provides a subdivision pathway for landowners to relocate common boundaries between two common records of title, with a minimum area of 8,000m² for at least one lot. A boundary relocation must not result in any additional lots and form a continuous landholding.
283. The notified version of Rule 22.4.1.4 is as follows:

Rule 22.4.1.4 Boundary relocation

RDI	<p>(a) The boundary relocation must:</p> <ul style="list-style-type: none"> (i) Relocate a common boundary or boundaries between two existing 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 at least 8000m² in area. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) subdivision layout and design including dimension, shape and orientation of the proposed lots; (ii) effects on rural character and amenity values; (iii) effects on landscape values; and (iv) potential for reverse sensitivity effects.
DI	A boundary relocation that does not comply with Rule 22.4.1.4 RDI

10.2 Submissions

284. A total of 63 original submissions and 96 further submission points were received on boundary relocations.
285. The main themes, which will be discussed and analysed individually below were as follows:
- Submissions on the rule generally;
 - Minimum lot size proposed;
 - Title date and the number of titles; and
 - Additional matters of discretion,

10.3 General submissions

Submission point	Submitter	Decision requested
323.1	Dorothy Chipman	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 Franklin area.
FSI386.376	Mercury NZ Limited	Opposes 323.1
330.159	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.1.4 Boundary relocation.
FSI386.417	Mercury NZ Limited	Opposes 330.159.
345.6	Brent Trail	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".
FSI386.486	Mercury NZ Limited	Opposes 345.6
697.827	Waikato District Council	Amend Rule 22.4.1.4 Boundary relocation, as follows: (a) <i>The boundary relocation must:</i> (i) <i>Relocate a common boundary or boundaries between two existing <u>viable</u> Records of Title. that existed prior to 18 July 2018;</i> (ii) <i>The Records of Title must form a continuous landholding;</i> (iii) <i>Not result in any additional lot;</i> (iv) Create one lot of <i>All lots created by the subdivision must be at least 8,000m² in area.</i> (b) <i>Council's discretion is restricted to the following matters:</i> (i) <i>subdivision layout and design including dimension, shape and orientation of the proposed lots;</i> (ii) <i>effects on rural character and amenity values;</i> (iii) <i>effects on landscape values; and</i> (iv) <i>potential for reverse sensitivity effects.; <u>and</u></i> (v) <i>Fragmentation and usability of land for rural purposes.</i>
FSI387.702	Mercury NZ Limited	Opposes 697.827.
943.11	McCracken Surveys Limited	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 (8000m ² 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 as being remote from the centre of farm operations.
FSI387.1566	Mercury NZ Limited for Mercury	Opposes 943.11

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612.3	CDL Land New Zealand Limited	Amend Rule 22.4.1.4 Boundary Relocation RD1, as follows: <i>(a) A Boundary relocation must:</i> <i>(i) Relocate a common boundary or boundaries between two records of title that existed prior to 18 July 2018.</i> <i>(ii) The Records of Title must form a continuous landholding;</i> <i>(iii) Not result in additional lot <u>Records of Title</u>.</i> <i>(iv) Create one lot of at least 8000m2 <u>except in the Urban Expansion Area where one lot shall be at least 3000m2</u>.</i> <i>(b) Council's discretion is restricted to the following matters:</i> <i>(i) subdivision layout and design including dimension, shape and orientation of the proposed lots;</i> <i>(ii) effects on rural character and amenity values;</i> <i>(iii) effects on landscape values; and</i> <i>(iv) potential for reverse sensitivity effects.</i>
FS1379.213	Hamilton City Council	Opposes 612.3:
FS1387.7	Mercury NZ Limited	Opposes 612.3
680.238	Federated Farmers of New Zealand	Amend Rule 22.4.1.4 RD1 Boundary relocation from Restricted Discretionary Activity status to a Controlled Activity status in the Rural Zone. AND Amend Rule 22.4.1.4 RD1 (b) Boundary relocation, as follows: <i>(b) Council's discretion is restricted reserves control over to the following matters:</i> <i>(i) Amalgamation of land subdivision layout and design including dimension, shape and orientation of the proposed lots;</i> <i>(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></i> <i>(iii) <u>Easements effects on landscape values; and</u></i> <i>(iv) Potential for reverse sensitivity effects</i> 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.
FS1379.242	Hamilton City Council	Opposes 680.238:
FS1387.225	Mercury NZ Limited	Opposes 680.238.
794.21	Middlemiss Farm Holdings Limited on behalf of	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.
FS1379.329	Hamilton City Council	Opposes 794.21:
FS1387.1251	Mercury NZ Limited	Opposes 794.21
877.21	Leigh Michael Shaw & Bradley John Hall	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 Adjustment</u>

		<p>(a) <u>The boundary relocation or adjustment must:</u></p> <p>(i) <u>Relocate a common boundary or boundaries between two or more existing Records of Title that existed prior to 18 July 2018.</u></p> <p>(ii) <u>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;</u></p> <p>(iii) <u>The boundary relocation or adjustment must not result in the creation of additional titles. Not result in any additional lot;</u></p> <p>(iv) <u>Create one lot of at least 8000m2 in area.</u></p>
FS1379.36	Hamilton City Council	Opposes 877.21:
FS1387.1464	Mercury NZ Limited	Opposes 877.21.
471.28	Andrew Wood for CKL	<p>Amend Rule 22.4.1.4 Boundary relocation, so that a subdivision activity that fails a rule defaults to either a restricted discretionary activity or discretionary activity at worst.</p> <p>AND</p> <p>Any consequential amendments necessary.</p>
FS1388.454	Mercury NZ Limited	Opposes 471.28
680.235	Federated Farmers of New Zealand	<p>Add a new Controlled Activity rule to Section 22.4 Subdivision as follows: <u>Subdivision to adjust a common boundary – Controlled activity Despite rule 22.4.1.2, subdivision is a controlled activity if: (1) 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. Control is reserved over area and shape of certificates of title easements</u></p> <p>AND Any consequential changes needed to give effect to this relief.</p> <p>AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone</p>
FS1308.100	The Surveying Company	Support 680.235
FS1379.239	Hamilton City Council	Oppose 680.235
FS1387.222	Mercury NZ Limited for Mercury D	Oppose 680.235

10.3.1 Analysis

Overview

286. This section addresses a variety of submission points received on Rule 22.4.1.4. I note that some of these changes will be addressed after this section.

Submissions

287. A number of submissions sought to retain the rule or amend it with multiple changes to Rule 22.4.1.4; some sought to delete the rule and provide more enabling provisions; and some sought to amend the activity status of the Rule.

Analysis

288. The submissions from Dorothy Chipman [323.1] and Andrew and Christine Gore [330.159] do not specify what relief they are seeking. Given that I am unclear what relief is being sought by both submission points, I recommend rejecting both of these points.
289. Brent Trail [345.6] seeks to replace the word “lot” with “record of title” in criteria RDI (a)(iii) and (iv) and RDI(b). I agree that the terminology needs to be changed, but recommend that the term “allotment” be used in replacement of the term “lot” as this is the term included in the National Planning Standards, which is consistent with S218 of the RMA. Further the term “record of title” refers to the computer register that records the land title, not the land itself being subdivided.
290. A submission point from the Waikato District Council [697.827] suggests amendments to Rule 22.4.1.4 introducing the definition “viable record of title”, removing the date in criterion (a)(i), amending the sentence structure in clause (iv) and adding an additional matter of discretion as clause (v) for fragmentation and usability of land for rural purposes.
291. A viable record is defined in the Proposed District Plan as meaning “*a Record of Title that contains at least 5,000m², is not a road severance or stopped road, and can accommodate a suitable building platform as a permitted activity under Rule 22.4.9 (subdivision rule for building platform)*”. While I agree with this change, I note that the S42A report for Hearing 13 – Definitions recommends deleting the definition and including the definition as a provision within the rule. I agree with this approach as the definition only relates to the boundary relocation rule and rural hamlet rule. I also agree that the revised wording provided by Waikato District Council provides clarity to the rule and the additional matter of discretion is appropriate for managing the effects of fragmentation and the use of the land for rural productive purposes.
292. A submission from CDL Land New Zealand Limited [612.3] seeks to amend Rule 22.4.1.4 RDI to reflect a number of changes similar to other submitters, with the inclusion of a new rule which provides for lots to be 3,000m² inside the Urban Expansion Area (UEA). This point is opposed by Hamilton City Council [FS1379.213] and Mercury NZ Limited [FS1387.7]. Given my position in respect to PRI on the UEA, I do not agree that lots of this density are appropriate or aligned to the objective and policy framework, which seeks to ensure the protection of the UEA for future urban development. For this reason I recommend that the submission point be rejected.
293. Federated Farmers of New Zealand [680.238] seeks to amend the activity status of a boundary relocation from a restricted discretionary activity to a controlled activity and to amend the matters of discretion to matters that control is reserved over including amalgamation of land; any change in vehicle access from a road as a result of a new proposed lot; and easements. This point is opposed by Hamilton City Council [FS1379.242] and Mercury NZ Limited [FS1387.225]. Given my previous discussions in this report in terms of the general subdivision rule, my view is that rural subdivision must be carefully managed. S104C provides Council with the option to grant or decline a restricted discretionary

activity, whereas a controlled activity must be granted. In my experience as a consent planner, I have seen a number of applications that have had significant effects on the rural zone, which were managed by having good clear matters of discretion. While a controlled activity rule can also include clear matters of control, my concern is that Council does not get the opportunity to decline the application, only to grant it. Given the strategic direction in the WRPS to minimise the effects of land fragmentation, I do not consider this activity status appropriate, therefore recommend that the Panel reject this submission point.

294. Middlemiss Farm Holdings Limited [749.21] seek to delete Rule 22.4.1.4 and to add more enabling provisions as a replacement. This point is opposed by Hamilton City Council [FS1379.329] and Mercury NZ Limited [FS1387.1251]. Without understanding what provisions the submitter is seeking to replace Rule 22.4.1.4, I cannot provide any view either way. However, should the submitter provide additional details through the exchange of evidence prior to the hearing, I can consider this then.
295. Leigh Shaw & Bradley Hall [877.21] seek to retain Rule 22.4.1.4 with amendments to reflect boundary adjustments; provide for the relocation to occur between two or more titles; add new criteria that no additional potential for permitted activity dwellings and no additional subdivision potential is created prior to that which existed prior to the subdivision; and that the boundary relocation or adjustment must not result in the creation of additional titles. This point is opposed by Hamilton City Council [FS1379.36] and Mercury NZ Limited [FS1387.1464]. While I agree with the intent of this submission, I do not agree that the rule needs to specify that it applies to boundary adjustments, as the rule in my view already accommodates boundary adjustments. The proposed restriction of the potential for additional dwelling or subdivision is a good point, but I do not agree with deletion of criterion (ii) and therefore I recommend that a new provision is added to Rule 22.4.1.4 RDI (a) as follows:
- (v) No additional potential for permitted activity dwellings and no additional subdivision potential is created beyond that which already existed prior to the subdivision occurring.
296. A submission from CKL [471.28] seeks to amend the activity status from a restricted discretionary to a discretionary activity at worst and indicates that non-complying activities should be strategically used where subdivision is discouraged. I am unclear what the submitter is referring to in this point, as the rule defaults to a discretionary activity rule. Therefore I reject this point. However, should the submitter choose to provide additional details through the exchange of evidence prior to hearing, I can consider this then.

Outcome

297. Having considered all of the submissions in this section, I have accepted some of the changes proposed, which I consider align to the intent with the boundary relocation rule and the objectives and policies included in Chapter 5 of the Proposed District Plan.
- (i) Relocate a common boundary or boundaries between two existing Records of Title. All Records of Title used in the boundary relocation subdivision must contain an area of at least 5,000m²; is not a road severance or stopped road; and is able to accommodate a suitable building platform as a permitted activity under Rule 22.4.9 (subdivision rule for building platform), that existed prior to 18 July 2018;
- (v) No additional potential for permitted activity dwellings and no additional subdivision potential is created beyond that which already existed prior to the subdivision occurring.

10.4 Minimum Lot Size Proposed

Submission point	Submitter	Decision requested
81.172	Waikato Regional Council	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.
FS1131.49	The Village Church Trust	Opposes 81.172:
FS1379.14	Hamilton City Council	Supports 81.172:
FS1386.66	Mercury NZ Limited	Opposes 81.172.
FS1308.149	The Surveying Company	Opposes 81.172:
276.13	Ted and Kathryn Letford	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.
FS1386.289	Mercury NZ Limited	Opposes 276.13
420.8	Ben Young for Madsen Lawrie Consultants Limited	Amend Rule 22.4.1.4 RDI (a)(iv) Boundary relocation to reduce the minimum lot size from 8,000m2 to 4,000m2, if not 2,500m2. OR Add a new clause to Rule 22.4.1.4 Boundary relocation (if the minimum lot size is not reduced to 2500m2) enabling boundary relocation for pre-existing lots smaller than 8,000m2 that were previously created in compliance with the Franklin section of the Operative District Plan.
FS1379.134	Hamilton City Council	Opposes 420.8: 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.
FS1388.243	Mercury NZ Limited	Opposes 420.8
440.4	Ben Young for Madsen Lawrie Consultants Limited	Amend Rule 22.4.1.4(a)(iv) Boundary Relocation, to reduce the minimum lot size resulting from a boundary relocation to at least 4,000m2 or 2,500m2 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 8000m2 that were created via compliance with the Franklin Section of the District Plan, if the minimum lot is not reduced to 2,500m2.
FS1379.141	Hamilton City Council	Opposes 440.4:
FS1388.270	Mercury NZ Limited	Opposes 440.4
441.2	Ben Young for	Amend Rule 22.4.1.4(a)(iv) Boundary Relocation, to reduce the minimum lot size

	Madsen Lawrie Consultants	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 previously been created via compliance with the Franklin Section of the District Plan if the minimum lot size is not reduced to 2,500m ² .
FS1379.143	Hamilton City Council	Opposes 441.2:
FS1388.274	Mercury NZ Limited	Opposes 441.2
444.2	Ben Young for Madsen Lawrie Consultants	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 Add a clause 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 .
FS1379.147	Hamilton City Council	Opposes 444.2:
FS1388.282	Mercury NZ Limited	Opposes 444.2
446.2	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4 (a)(iv) Boundary relocation, to reduce the minimum lot sizes 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 existing lots smaller than 8,00m ² 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 2,500m ² .
FS1379.152	Hamilton City Council	Opposes 446.2:
FS1388.301	Mercury NZ Limited	Opposes 446.2
447.9	Ben Young for Madsen Lawrie Consultants	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 the lot size is not reduced to 2,500m ² .
FS1379.157	Hamilton City Council	Opposes 447.9:
FS1388.313	Mercury NZ Limited	Opposes 447.9
449.2	Ben Young for Madsen Lawrie Consultants	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, 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 minimum lot size is not reduced to 2,500m ² .
FS1379.159	Hamilton City Council	Opposes 449.2:
453.7	Ben Young for Madsen Lawrie Consultants	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 created via compliance with the Operative District Plan- Franklin section in the event that the reduction of the minimum lot size of 2,500m ² is not accepted.
FS1379.166	Hamilton City Council	Opposes 453.7:
FS1388.330	Mercury NZ Limited	Opposes 453.7
455.2	Ben Young for Madsen Lawrie Consultants	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 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 minimum lot size is not reduced to 2,500m ² .
FS1379.168	Hamilton City Council	Opposes 455.2:
FS1388.333	Mercury NZ Limited	Opposes 455.2
456.2	Ben Young for Madsen Lawrie Consultants	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.
FS1379.172	Hamilton City Council	Opposes 456.2:
FS1388.342	Mercury NZ Limited	Opposes 456.2
459.2	Ben Young for Madsen Lawrie Consultants	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 RDI (a) (iv), enabling boundary relocation for pre-existing lots smaller than 8,000m ² that have been previously been created via compliance with the Operative District Plan- Franklin Section, if the minimum lot size is not reduced to 2,500m ² .
FS1379.176	Hamilton City Council	Opposes 459.2:
FS1388.353	Mercury NZ Limited	Opposes 459.2

460.2	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4 RDI (a) (iv) Boundary relocation, by reducing the minimum lot size to at least 4,000m ² , if not 2,500m ² OR Add a specific clause to Rule 22.4.1.4 RDI (a) (iv) Boundary relocation, to enable boundary relocation for pre-existing lots smaller than 8,000m ² that have been created via compliance with the District Plan- Franklin Section, if the minimum lot size is not reduced to 2,500m ² .
FS1388.362	Mercury NZ Limited	Opposes 460.2:
FS1379.180	Hamilton City Council	Opposes 460.2:
467.11	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4 (a)(iv) Boundary relocation, to reduce the minimum lot size from 8,000m ² to 4,000m ² or 2,500m ² 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 8,000m ² 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 2,500m ² .
FS1379.187	Hamilton City Council	Opposes 467.11:
FS1388.437	Mercury NZ Limited	Opposes 467.11
838.10	Madsen Lawrie Consultants	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 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.
662.19	Blue Wallace Surveyors Limited	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 AND Amend Rule 22.4.1.4 RDI (a)(iv) Boundary relocation as follows: <i>(iv) Create one lot of at least 8,000m² in area.</i>
FS1387.108	Mercury NZ Limited	Opposes 662.19

10.4.1 Analysis

Overview

298. The following section addresses the minimum lot size of 8,000m² proposed in Rule 22.4.1.4 RDI (a)(iv)

Submissions

299. Several submissions were received proposing to amend Rule 22.4.1.4 RDI (a)(iv) seeking a variety of new minimum lot sizes.

Analysis

300. Most submitters seek to reduce the minimum lot size from 8,000m² to lot sizes ranging from 2,500m². Without re-iterating the previous discussion regarding minimum lot size in the General Subdivision rule, my position remains the same, that 8,000m² is an appropriate lot size that aligns with the outcomes that the Proposed District plan is seeking from the density provisions in Chapter 5 for the Rural Environment. I also note the further submissions from Hamilton City Council which oppose all of these points, as they do not align with the WRPS or Future Proof Strategy.
301. I agree with the intent of the submission from the Waikato Regional Council [81.172], but am unsure what the specific relief is that they are seeking. It could be that a maximum lot size is provided in the rule to prevent inappropriate subdivision; however my understanding is that a maximum lot size has not been included in this provision to enable boundary adjustments to occur between landholdings. Given that there is no specific relief sought I cannot accept this submission point. However, should the Waikato Regional Council provide additional details through the exchange of evidence prior to the hearing, I can consider it at that point.

Outcome

302. Given my position in respect to the General subdivision provisions minimum lot size, my view is that the subdivision framework must be consistent in order to give effect to the higher order documents. I therefore do not agree that a reduction in the minimum lot size is appropriate for the reasons set out in section X of my report above.

10.5 Title Date and Number of Titles

Submission point	Submitter	Decision requested
345.5	Brent Trail	Delete Rule 22.4.1.4 RDI (a)(i) Boundary relocation.
FS1386.485	Mercury NZ Limited	Opposes 345.5
922.3	John Rowe	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.
FS1387.1472	Mercury NZ Limited	Opposes 922.3
489.3	Ann-Maree Gladding	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.
FS1388.478	Mercury NZ Limited	Opposes 489.3
782.3	Jack Macdonald	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.
FS1379.324	Hamilton City Council	Opposes 782.3:
FS1387.1228	Mercury NZ Limited	Opposes 782.3
838.24	Madsen Lawrie Consultants	Amend Rule 22.4.1.4(a)(i) Boundary relocation to remove specification of a date for titles undergoing the boundary relocation.
FS1387.1380	Mercury NZ Limited	Opposes 838.24.
420.3	Ben Young for Madsen Lawrie Consultants Limited	Amend Rule 22.4.1.4 RD1 (a)(i) Boundary relocation, to remove specification of a date for titles undergoing the boundary relocation.
FS1379.132	Hamilton City Council	Opposes 420.3:
FS1388.238	Mercury NZ Limited	Opposes 420.3
440.3	Ben Young for Madsen Lawrie Consultants Limited	Amend Rule 22.4.1.4(a)(i) Boundary Relocation, to remove the specification of a date for titles undergoing the boundary relocation.
FS1379.140	Hamilton City Council	Opposes 440.3:
FS1388.269	Mercury NZ Limited	Opposes 440.3
441.1	Ben Young for Madsen Lawrie Consultants	Delete the specified date for titles undergoing the boundary relocation in Rule 22.4.1.4(a)(i) Boundary Relocation.
FS1379.146	Hamilton City Council	Opposes 444.1:
FS1388.281	Mercury NZ Limited	Opposes 444.1
444.1	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4(a)(i) Boundary Relocation, by removing the specification of a date for titles undergoing a boundary relocation.
FS1379.146	Hamilton City Council	Opposes 444.1:
FS1388.281	Mercury NZ Limited	Opposes 444.1
446.1	Ben Young for Madsen Lawrie Consultants	Delete the date specification for titles undergoing boundary relocations in Rule 22.4.1.4 (a)(i) Boundary relocation.
FS1379.151	Hamilton City	Opposes 446.1:

	Council	
FS1388.300	Mercury NZ Limited	Opposes 446.1
447.8	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4(a)(i) Boundary relocation, to remove specification of a date for titles undergoing the boundary relocation.
FS1379.156	Hamilton City Council	Opposes 447.8:
FS1388.312	Mercury NZ Limited	Opposes 447.8
449.1	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4 (a) (i) Boundary relocation, by removing the specification of a date for titles undergoing the boundary relocation.
FS1379.158	Hamilton City Council	Opposes 449.1:
453.6	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4 (a) (i) Boundary relocation, by removing the specification of a date for titles undergoing the boundary relocation.
FS1379.165	Hamilton City Council	Opposes 453.6:
FS1388.329	Mercury NZ Limited	Opposes 453.6
455.1	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4 (a) (i) Boundary relocation by removing the specification of a date for titles undergoing the boundary relocation.
FS1379.167	Hamilton City Council	Opposes 455.1:
FS1388.332	Mercury NZ Limited	Opposes 455.1
456.1	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4 (a) (i) Boundary relocation, by removing the specification of a date for titles undergoing the boundary relocation.
FS1379.171	Hamilton City Council	Opposes 456.1:
FS1388.341	Mercury NZ Limited	Opposes 456.1
459.1	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4 (a) (i) Boundary relocation, by removing the specification of a date for titles undergoing the boundary relocation.
FS1379.175	Hamilton City Council	Opposes 459.1:
FS1388.352	Mercury NZ Limited	Opposes 459.1

460.1	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4 RD1 (a) (i) Boundary relocation, by removing specification of a date for titles undergoing the boundary relocation.
FS1379.179	Hamilton City Council	Opposes 460.1:
FS1388.361	Mercury NZ Limited	Opposes 460.1
467.4	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.4 (a)(i) Boundary relocation, to remove the specification of a date for titles undergoing the boundary relocation.
FS1379.188	Hamilton City Council	Opposes 467.4:
FS1388.435	Mercury NZ Limited	Opposes 467.4.
695.95	Sharp Planning Solutions Limited	Delete the date component of Rule 22.4.1.4 RD1(a) Subdivision – Boundary relocation.
FS1387.331	Mercury NZ Limited	Opposes 695.95
471.20	Andrew Wood for CKL	Amend Rule 22.4.1.4 RD1 (a)(i) Boundary relocation, as follows: <i>(i) Relocate a common boundary or boundaries between two <u>or more</u> Records of Title that existed prior to 18 July 2018;</i> AND Any consequential amendments necessary.
FS1379.191	Hamilton City Council	Opposes 471.20:
Number of Titles		
106.9	Bruce and Dorothy Chipman	Amend Rule 22.4.1.4 Boundary Relocation, to read as follows: <i>(a) The boundary relocation must:</i> <i>(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...</i>
FS1386.86	Mercury NZ Limited	Opposes 106.9
683.1	Carolyn Watson	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; AND Amend Rule 22.4.1.4 RD1 (a)(i) Boundary relocation, as follows: <i>(a) The boundary relocation must:</i> <i>(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;</i>
FS1379.251	Hamilton City Council	Opposes 683.1:
FS1387.247	Mercury NZ Limited	Opposes 683.1

746.109	The Surveying Company	Amend Rule 22.4.1.4- Boundary relocation as follows: (a) <i>The boundary relocation must:</i> (i) <i>Relocate a common boundary or boundaries between two <u>or more</u> existing Records of Title or <u>consented lots</u> that existed prior to 18 July 2018.</i>
FSI379.288	Hamilton City Council	Opposes 746.109:
FSI387.973	Mercury NZ Limited	Opposes 746.109
751.50	Chanel Hargrave and Travis Miller	Amend Rule 22.4.1.4 RD1 (a) (i) Boundary relocation as follows: (a) <i>The boundary relocation must:</i> (i) <i>Relocate a common boundary or boundaries between two <u>or more</u> existing Records of Title or <u>consented lots</u> that existed prior to 18 July 2018.</i>
943.30	McCracken Surveys Limited	Amend Rule 22.4.1.4 RD1 (a) (i)- Boundary relocation, as follows; (i) <i>Relocate a common boundary or boundaries between two <u>or more</u> existing Records of Title that existed prior to 18 July 2018;</i>
943.40	McCracken Surveys Limited	Amend Rule 22.4.1.4 RD1 (a)(i) - Boundary relocation as follows: (i) <i>Relocate a common boundary or boundaries between two <u>or more</u> existing Records of Title that existed prior to 18 July 2018;</i>
FSI379.366	Hamilton City Council	Opposes 943.40:
332.10	Gwyneth & Barrie Smith	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: RD1 (a) <i>The boundary relocation must:</i> (i) <i>Relocate a common boundary or boundaries between two or more existing Records of Title or <u>consented lots</u> that existed prior to 18 July 2018;</i> ... (b) <i>Council's discretion is restricted to the following matters:</i> ... (v) <i><u>effects on high class soils, farm management and productivity.</u></i>
FSI379.86	Hamilton City Council	Opposes 332.10:
686.18	Reid Crawford Farms Limited	Retain Rule 22.4.1.4 Boundary relocation as notified, except for amendments sought below; AND Amend Rule 22.4.1.4 Boundary Relocation, as follows: (a) <i>The boundary relocation must:</i> (i) <i>Relocate a common boundary or boundaries between two or more existing Records of Title or <u>consented lots</u> that existed prior to 18th July 2018.</i> (b) <i>Council's discretion is restricted to the following matters:</i> (v) <i><u>Effects on high class soils, farm management and productivity.</u></i>
FSI379.252	Hamilton City Council	Opposes 686.18:
FSI387.269	Mercury NZ	Opposes 686.18

	Limited	
544.15	KR & BC Summerville	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: <i>RDI</i> <i>(a) The boundary relocation must:</i> <i>(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;</i> ...
FSI379.197	Hamilton City Council	Opposes 544.15:
FSI388.765	Mercury NZ Limited	Opposes 544.15

10.5.1 Analysis of Title date and number of titles

Overview

303. Rule 22.4.1.4 RDI (a)(i) provides for two titles to boundary relocate where the title date is prior to 18 July 2018. This provision is largely consistent with the operative Waikato and Franklin section provisions, with the exception of the title date.

Submissions

304. A number of submissions seek to retain Rule 22.4.1.4 RDI (a)(i) with amendments to change the number of titles and the title date of 18 July 2018. One submission seeks to delete the provision.

Analysis

Date of Title

305. I agree with the above submitter's that the title date restriction is unduly onerous, especially given that this rule is about re-configuring existing titles and does not provide for any additional lots to be created. The proposed title date was introduced in the notified provisions, but would have limited effect based on the number of rural titles which exist at that date, therefore I consider it to be irrelevant and serve no purpose in the same way that the 6 December 1997 title date does for the Prohibited and General Subdivision rules.

Number of Titles

306. I do not agree that more than two titles should be able to be relocated, as this is where the Rural Hamlet provision would apply and aims to ensure that lots are consolidated in way that ensures that fragmentation productive rural land is minimal.

Outcome

307. Based on the above analysis of the title date and number of titles, I consider the deletion of the date to be appropriate given that it does not have any significant effect or purpose. In regards to the number of titles that can utilise the boundary relocation rule, I disagree with

submitters who seek relief for the rule to provide for more than two titles to be relocated. My view is that boundary relocations need to be tightly controlled to ensure that the consequences of them are not detrimental to the strategic objectives and policies, as set out in Chapter 5 the Proposed Plan for the Rural Environment.

10.6 Additional Matters of Discretion

Submission point	Submitter	Decision requested
106.11	Bruce and Dorothy Chipman	Add the following matter of discretion to Rule 22.4.1.4 Boundary Relocation: <i>(v) Effects on farm management and productivity.</i>
FS1386.88	Mercury NZ Limited	Opposes 106.11
544.10	KR & BC Summerville	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 RDI(b) Boundary relocation, as follows: <i>(v) Effects on high class soils, farm management and productivity.</i>
FS1388.762	Mercury NZ Limited	Opposes 544.10
683.2	Carolyn Watson	Add a new matter of discretion to Rule 22.4.1.4 RDI(b) Boundary relocation, as follows: <i>(b) Council's discretion is restricted to the following matters:</i> ... <i>(v) effects on high class soils, farm management and productivity.</i>
FS1387.248	Mercury NZ Limited	Opposes 683.2
746.142	The Surveying Company	Add a new matter of discretion to Rule 22.4.1.4-Boundary relocation as follows: <i>Effects on high class soils, farm management and productivity.</i>
FS1387.985	Mercury NZ Limited	Opposes 746.142.
751.61	Chanel Hargrave and Travis Miller	Add a new matter of discretion to Rule 22.4.1.4 RDI (b) as follows: <i>(v) Effects on high class soils, farm management and productivity.</i>
FS1387.1100	Mercury NZ Limited	Opposes 751.61
405.68	Counties Power Limited	Add a matter of discretion to Rule 22.4.1.4 RDI(b) Boundary relocation as follows: <i>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets:</i>

10.6.1 Analysis of additional matters of discretion

Overview

308. Rule 22.4.1.4 RDI (b) provides for matters of discretion. This section covers those submissions seeking to add new matters of discretion.

Submissions

309. Five submissions were received and all sought inclusion of the effects on farm management, productivity and high class soils as matters of discretion. One submission sought to include provision for the operation, maintenance, upgrading and development of existing infrastructure assets.

Analysis

310. I agree with including the additional matters of discretion to Rule 22.4.1.4 RDI(b), as I consider that the effects on high class soils, farm management and productivity are key issues associated with boundary relocations. This is supported by the objectives and policies contained in Chapter 5 for the Rural Environment, as well as Policy 14.2 of the WRPS in regards to soils.
311. Counties Power Limited [405.68] seeks to add a new matter of discretion to RDI(b) to provide for the consideration of existing infrastructure assets. Similar to the General Subdivision rule, I agree with this point as it provides for the consideration of existing infrastructure, which is supported by the Development Principles set out in Chapter 6 of the WRPS.

Outcome

312. Based on the above analysis of the additional matters of discretion relating to managing the effects of boundary relocations on high class soils, farm management and productivity; and existing infrastructure, my view is that the matters are valid considerations that should apply to boundary relocations. Both matters also align with the higher order policy direction as discussed above.

10.7 Recommendations

313. For the reasons above I recommend that the Hearings Panel:

General submissions:

- **Reject** the submission from Dorothy Chapman [323.1]. **Therefore, accepting** the further submissions from Mercury NZ Limited [FSI 386.376].
- **Reject** the submission from Andrew and Christine Gore [330.159]. **Therefore, accepting** the further submissions from Mercury NZ Limited [FSI 386.417].
- **Reject** the submission from McCracken Surveys Limited [943.11]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 387.1566].
- **Accept in part** the submission from Brent Trail [345.6]. **Therefore, accepting in part** the further submissions from Mercury NZ Limited [FSI 386.486].
- **Accept in part** the submission from Waikato District Council [697.827]. **Therefore, accepting in part** the further submissions from Mercury NZ Limited [FSI 387.702].
- **Reject** the submission from CDL Land New Zealand Limited [612.3]. **Therefore, accepting** the further submissions from Hamilton City Council [FSI 379.213] and Mercury NZ Limited [FSI 387.7].

- **Reject** the submission from Federated Farmers [680.238]. **Therefore, accepting** the further submissions from Hamilton City Council [FSI379.242] and Mercury NZ Limited [FSI387.225].
- **Reject** the submission from Middlemiss Farm Holdings [794.21]. **Therefore, accepting** the further submissions from Hamilton City Council [FSI379.329] and Mercury NZ Limited [FSI387.1251].
- **Accept in part** the submission from Leigh Michael Shaw & Bradley John Hall [877.21]. **Therefore, accepting in part** the further submissions from Hamilton City Council [FSI379.36] and Mercury NZ Limited [FSI387.1464].
- **Reject** the submission from Andrew Wood for CKL [471.28]. **Therefore, accepting** the further submission Mercury NZ Limited [FSI388.454].
- **Reject** the submission from Federated Farmers [680.35]. **Therefore, rejecting** the further submission from The Surveying Company [FSI308.100] and **accepting** the further submissions from Hamilton City Council [FSI379.239] and Mercury NZ Limited [FSI387.222].

Minimum Lot Size Proposed

- **Reject** submission from Waikato Regional Council [81.172]. **Therefore, accepting** further submission from Village Church Trust [FSI31.49], Mercury NZ Limited [FSI386.66] and the Surveying Company [FSI308.149] and **rejecting** the further submission from Hamilton City Council [FSI379.14].
- **Accept in part** submission from Ted and Katherine Langsford [276.13] insofar as the retention of the rule to no longer require titles to be held in the same ownership. **Therefore, rejecting** further submission from Mercury NZ Limited [FSI386.289]
- **Reject** submissions from Ben Young for Madsen Lawrie Consultants Limited [440.4], [420.8], [441.2], [444.2], [446.2], [447.9], [449.2], [453.7], [455.2], [456.2], [459.2], [460.2], [467.11]. **Therefore, accepting** further submissions from Hamilton City Council [FSI379.148] [FSI379.134], [FSI379.141], [FSI379.143], [FSI379.147], [FSI379.152], [FSI379.157], [FSI379.159], [FSI379.166], [FSI379.68], [FSI379.172], [FSI379.176], [FSI379.180], [FSI379.187] and Mercury NZ Limited [FSI388.284], [FSI388.243], [FSI388.270], [FSI388.274], [FSI388.282], [FSI388.301], [FSI388.313], [FSI388.330], [FSI388.333], [FSI388.342], [FSI388.353], [FSI388.362], [FSI388.437].
- **Reject** submission from Madsen Lawrie Consultants [838.10].
- **Accept in part** submission from Blue Wallace Surveyors Limited [662.19] insofar as the retention of the rule to no longer require titles to be held in the same ownership. **Therefore, accepting in part** further submission from Mercury NZ Limited [FSI387.108].

Title Date and Number of Titles

- **Reject** submission from Brent Trail [345.5]. **Therefore, accepting** further submission from Mercury NZ Limited [FSI386.485].
- **Reject** submission from John Rowe [922.3]. **Therefore, accepting** further submission from Mercury NZ Limited [FSI387.1472].
- **Reject** submission from Ann Maree Gladding [489.3]. **Therefore, accepting** further submission from Mercury NZ Limited [FSI387.478].
- **Reject** submission from Jack Macdonald [782.3]. **Therefore, accepting** further submissions from Hamilton City Council [FSI379.324] and Mercury NZ Limited [FSI387.1228].

- **Accept** submission from Madsen Lawrie Consultants [838.24]. **Therefore, accepting** further submission from Mercury NZ Limited [FS/387.1380].
- **Accept** submissions from Ben Young from Madsen Lawrie Consultants Limited [420.3], [440.3], [441.11], [444.1], [446.1], [447.8], [449.1], [453.6], [455.1], [456.1], [459.1], [460.1], [467.4]. **Therefore, rejecting** further submissions from Hamilton City Council [FS/379.132], [FS/379.140], [FS/379.146], [FS/379.146], [FS/379.151], [FS/379.156], [FS/379.158], [FS/379.165], [FS/379.167], [FS/379.171], [FS/379.175], [FS/379.179], [FS/379.188] and Mercury NZ Limited [FS/388.238], [FS/388.269], [FS/388.281], [FS/388.300], [FS/388.312], [FS/388.329], [FS/388.341], [FS/388.352], [FS/388.361], [FS/388.435].
- **Accept** submission from Sharp Planning Solutions Limited [695.95]. **Therefore, rejecting** further submission from Mercury NZ Limited [FS/387.331].
- **Accept in part** submission from Andrew Wood for CKL [471.20]. **Therefore, accepting in part** further submission from Hamilton City Council [FS/379.191].
- **Reject** submission from Bruce and Dorothy Chipman [106.9]. **Therefore, accepting** further submission from Mercury NZ Limited [FS/386.86].
- **Reject** submission from Carolyn Watson [683.1]. **Therefore, accepting** further submissions from Hamilton City Council [FS/379.251] and Mercury NZ Limited [FS/387.247].
- **Reject** submission from The Surveying Company [746.109]. **Therefore, accepting** further submissions from Hamilton City Council [FS/379.288] and Mercury NZ Limited [FS/387.973].
- **Reject** submission from Chanel Hargrave and Travis Miller [751.50].
- **Accept in part** submission from McCracken Surveys Limited [943.30] insofar as deleting the date.
- **Accept in part** submission from McCracken Surveys Limited [943.40]. **Therefore, accepting in part** further submission from Hamilton City Council [FS/379.366].
- **Accept in part** submission from Gwyneth and Barrie Smith [332.10] insofar as the matter of discretion regarding effects on high class soils, farm management and productivity. **Therefore, accepting in part** further submission from Hamilton City Council [FS/379.86].
- **Accept in part** submission from Reid Crawford Farms Limited [686.18] insofar as the matter of discretion regarding effects on high class soils, farm management and productivity. **Therefore, accepting in part** further submission from Hamilton City Council [FS/379.252] and Mercury NZ Limited [FS/387.269].
- **Reject** submission from KR & BC Summerville [544.15]. **Therefore, accepting** further submission from Hamilton City Council [FS/379.197] and Mercury NZ Limited [FS/388.465].

Additional Matters of discretion

- **Accept** submission from Bruce and Dorothy Chipman [106.11]. **Therefore, rejecting** further submission from Mercury NZ Limited [FS/386.88].
- **Accept** submission from KR & BC Summerville [544.10]. **Therefore, rejecting** further submission from Mercury NZ Limited [FS/388.762].
- **Accept** submission from Carolyn Watson [683.2]. **Therefore, rejecting** further submission from Mercury NZ Limited [FS/387.248].
- **Accept** submission from The Surveying Company [746.142]. **Therefore, rejecting** further submission from Mercury NZ Limited [FS/387.985].
- **Accept** submission from Chanel Hargrave and Travis Miller [751.61]. **Therefore, rejecting** further submission from Mercury NZ Limited [FS/387.1100].
- **Accept** submission from Counties Power Limited [405.68].

10.8 Recommended amendments

314. The following amendments are recommended:

22.4.1.4 Boundary relocation

RDI	<p>(a) The boundary relocation must:</p> <ul style="list-style-type: none"> (i) Relocate a common boundary or boundaries between two existing Records of Title. <u>All Records of Title used in the boundary relocation subdivision must contain an area of at least 5,000m²; is not a road severance or stopped road; and is able to accommodate a suitable building platform as a permitted activity under Rule 22.4.9 (subdivision rule for building platform), that existed prior to 18 July 2018;</u> (ii) The Records of Title must form a continuous landholding; (iii) Not result in any additional lots allotments; (iv) <u>Create one lot allotment</u> of at least 8000m² in area. (v) <u>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> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) subdivision layout and design including dimension, shape and orientation of the proposed lots allotment; (ii) effects on rural character and amenity values; (iii) effects on landscape values; and (iv) potential for reverse sensitivity effects. (v) <u>Effects on high class soils, farm management and productivity.</u>⁶ (vi) <u>The subdivision layout and design having regard to the operation, maintenance, upgrading and development of existing infrastructure assets.</u>
DI	A boundary relocation that does not comply with Rule 22.4.1.4 RDI
<u>NCI</u>	<u>A boundary relocation within the Urban Expansion Area.</u>

10.9 Section 32AA evaluation

315. The key change to Rule 22.4.1.4 RDI is the removal of the date in clause (a)(i). I have also included some additional matters of discretion raised by submitters and recommended changes to some of the wording of the rule to ensure that correct terminology is used.

316. The following points evaluate the recommended changes under Section 32AA of the RMA.

10.9.1 Other reasonably-practicable options

317. The removal of the date was the key amendment as a result of submissions. The alternative options would be to leave it in the rule as notified or find an alternative, more meaningful date. Unlike the prohibited and general subdivision provisions, boundary relocations involve existing titles and are often relocated to either re-consolidate rural farmland or if a landowner seeks to reduce one title and create a much larger balance area. In my view, in terms of the effect of the date, while the date of notification prevents any new titles from being relocated, it does not prevent any that existed before that date. Given that the Rural Zone has 16,679 titles in total, a larger proportion of these will have been issued before the date in question, hence it has no bearing on applications for boundary relocations. I also consider it unfair to restrict landowners who want to undertaken a genuine boundary relocation simply because they have a more recent title. I did consider whether an

⁶ Submissions [106.11], [544.10], [683.2], [746.142], [751.61]

alternative date would be a good option, but again I found this to be unreasonable given the rule provides for existing titles to relocate and in many cases, there are more beneficial outcomes from the boundary relocation, such as the creation of larger landholdings.

318. In regards to the additional matters of discretion, I did not consider alternative options, as the specific matters of discretion were put forward by submitters and I considered the wording to be aligned to the objectives being sought via the boundary relocation subdivision pathway.

10.9.2 Effectiveness and efficiency

319. The recommended amendments are in keeping with the higher order planning documents, including the WRPS and the objectives and policies contained in Chapter 5 of the Proposed District Plan for the rural environment.

10.9.3 Costs and benefits

320. In my view any additional costs are eliminated by the removal of the date requirement, which could have required some landowners to apply for boundary relocations as discretionary activity consents. The benefits are that this cost will now be eliminated and further the rule would provide more flexibility to landowners to make applications, which may result in a better use of the landholding. The additional matters will also provide a more robust assessment of the effects of the boundary relocation subdivision.

10.9.4 Risk of acting or not acting

321. There are risks in not acting. If the rule is not amended, this will prevent some landowners from applying for a boundary relocation as a restricted discretionary activity. I consider this change needs to be made in order to make the provision fair. Further the additional matters need to be included in the provision to ensure the effects on soils and infrastructure are appropriately assessed at the time of subdivision application.

10.9.5 Decision about most appropriate option

322. For the reasons above, the amendment to the rule is considered to be the most appropriate way to achieve the objective and policies in Chapter 5 for the Rural Environment.

11 Rule 22.4.1.5 – Rural Hamlet Subdivision

11.1 Introduction

323. Rule 22.4.1.5 - Rural Hamlet Subdivision provides for a boundary relocation involving multiple existing titles. The rule enables a cluster of 3-4 titles of 8,000m² – 1.6ha to be created, with a balance area of at least 20ha. While a rural hamlet subdivision does not create additional records of title from a subdivision overall, it does result in additional rural-residential development, which is managed through the matters of discretion in the restricted discretionary activity rule. Where the criteria in Rule 22.4.15 RDI cannot be met, the activity is a non-complying activity.

324. The notified version of Rule 22.4.1.5 is as follows:

RDI	(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions: <ul style="list-style-type: none"> (i) It results in 3 to 5 proposed lots being clustered together;
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	<p>(ii) All existing Records of Title form one continuous landholding;</p> <p>(iii) Each proposed lot has a minimum area of 8,000m².</p> <p>(iv) Each proposed lot has a maximum area of 1.6ha;</p> <p>(v) The proposed balance lot has a minimum area of 20ha; and</p> <p>(vi) It does not create any additional lots beyond the number of existing Records of Title.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) subdivision layout and design including dimension, shape and orientation of the proposed lots;</p> <p>(ii) effects on rural character and amenity values;</p> <p>(iii) effects on landscape values;</p> <p>(iv) potential for reverse sensitivity effects;</p> <p>(v) extent of earthworks including earthworks for the location of building platforms and access ways.</p>
NCI	Subdivision that does not comply with Rule 22.4.1.5 RDI.

11.2 Submissions

325. 42 original submission points and 51 further submissions were made on Rule 22.4.1.5 seeking largely to retain the rule or amend it. One submission seeks to delete it and add more enabling provisions.

326. The main themes, which will be discussed and analysed individually below were as follows:

- Submissions on the rule generally;
- Balance lot size of the rural hamlet subdivision;
- Number of titles;
- Rural Hamlets on High Class Soils;
- Servicing Rural Hamlets;
- Definitions;
- Activity Status;
- Reverse Sensitivity.

Submission point	Submitter	Decision requested
330.160	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.1.5 Rural Hamlet Subdivision.
680.239	Federated Farmers of New Zealand	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.
FS1129.72	Auckland Council	Opposes 680.239.
372.21	Steve van Kampen for Auckland Council	Amend Rule 22.4.1.5 Rural Hamlet Subdivision, to be limited and focused around existing towns and villages.
FS1308.27	The Surveying Company	Opposes 372.21:
FS1330.21	Middlemiss Farm	Opposes 372.21:

	Holdings Limited	
697.828	Waikato District Council	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 <u>a 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 8,000m2. (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 <u>viable Records of Title.</u>
794.22	Middlemiss Farm Holdings Limited on behalf of	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 submission.
943.41	McCracken Surveys Limited	Amend Rule 22.4.1.5 (a)(i) and (iii) - Rural Hamlet Subdivision, to clarify to confirm that to 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 AND Amend the heading of Rule 22.4.1.5 - Rural Hamlet Subdivision as follows: <u>22.4.1.5 Rural Hamlet <i>Boundary Relocation Subdivision</i></u>
695.96	Sharp Planning Solutions Limited	Amend Rule 22.4.1.5 Rural Hamlet Subdivision, to include a transferable rural lot right subdivision.
FSI 129.74	Auckland Council	Opposes 695.96:
FSI 138.28	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 695.96:
FSI 1379.267	Hamilton City Council	Opposes 695.96:
391.1	Lachie Cameron and Donna Watts	Add new Rule 22.4.10 Subdivision - Country Living Hamlet, as follows (or similar wording and alternative activity status as necessary): <u>22.4.10 Subdivision- Country Living Hamlet RD1</u> <u>(a) Subdivision to create a Country Living Hamlet within the Rural Zone must comply with the following conditions:</u> (i) <u>The Record of Title to be subdivided must be at least 104.5ha in area;</u> (ii) <u>The Record of Title must contain lots which are not contiguous;</u> (iii) <u>The lot to be developed must have a maximum area of 4.5 ha;</u> <u>This lot must be subdivided in accordance with Chapter 23 Country Living Zone and is not subject to Chapter 22 Rural Zone.</u> (b) <u>Council's discretion is restricted to the following matters:</u> (i) <u>Subdivision layout and design including dimension, shape and orientation of the proposed lots;</u> (ii) <u>Effects on rural character and amenity values;</u> (iii) <u>Effects on landscape values;</u> (iv) <u>Potential for reverse sensitivity effects.</u> NCI <u>(a) Subdivision that does not comply with Rule 22.4.10 RD1.</u>

FSI388.98	Mercury NZ Limited	Opposes 391.1.
FSI277.131	Waikato Regional Council	Opposes 391.1:
394.22	Gwenith Sophie Francis	<p>Add a new rule to Section 22.4 Subdivision for farm park subdivision, that provides for:</p> <p>(i) 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;</p> <p>(ii) Development is lined with a farm management plan to ensure long term environmentally sustainable farming practices.</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>
FSI277.132	Waikato Regional Council	Opposes 394.22:
FSI379.112	Hamilton City Council	Opposes 394.22:
FSI062.36	Andrew and Christine Gore	Opposes 394.22:
FSI388.122	Mercury NZ Limited	Opposes 394.22
923.156	Waikato District Health Board	Amend Rule 22.4.1.5(v) Rural Hamlet Subdivision to provide for a minimum 40ha balance lot.
81.173	Waikato Regional Council	Amend Rule 22.4.1.5(v) Rural Hamlet Subdivision to provide for a minimum 40ha balance lot.
FSI170.1	Bhaady Miller and Simon Upton	Opposes 81.173:
FSI287.6	Blue Wallace Surveyors Ltd	Opposes 81.173:
FSI330.16	Middlemiss Farm Holdings Limited	Opposes 81.173:
FSI379.15	Hamilton City Council	Supports 81.173:
FSI308.150	The Surveying Company	Opposes 81.173:
106.10	Bruce and Dorothy Chipman	<p>Amend Rule 22.4.1.5 Rural Hamlet Subdivision as follows:</p> <p>(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions:</p> <p>...</p> <p>(iii) Each proposed lot has a minimum area of <u>5,000m2</u> 8,000m2.</p> <p>(iv) Each proposed lot has a maximum area of <u>1.0ha</u> 1.6ha.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>...</p> <p>(vi) <u>Effects on rural productivity and fragmentation of high class soils.</u></p>

FS1386.87	Mercury NZ Limited	Opposes 106.10
276.14	Ted and Kathryn Letford	Amend Rule 22.4.1.5 RDI (a) (iii) Rural Hamlet Subdivision to reduce the 8000m2 minimum area requirement.
FS1379.56	Hamilton City Council	Opposes 276.14:
345.8	Brent Trail	Amend Rule 22.4.1.5 RDI (iv) Rural Hamlet Subdivision as follows: <i>(iv) Each proposed lot has a maximum area of 1.6ha <u>except the balance title, which should be as follows</u></i> OR Amend Rule 22.4.1.5 RDI (iv) into one bullet point as follows: <i>(iv) Each proposed lot has a maximum area of 1.6ha <u>except for</u> (iv) the proposed balance lot <u>record of title which</u> has a minimum area of 20ha; and (vi) <u>(v)</u> It does not create any additional lots beyond the number of existing Records of Title.</i>
662.20	Blue Wallace Surveyors Limited	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 AND Amend Rule 22.4.1.5 RDI (a)(iii) Rural Hamlet Subdivision as follows: <i>(iii) Each proposed lot has a minimum area of <u>83,000m2</u>.</i>
FS1379.223	Hamilton City Council	Opposes 662.20:
756.2	Simon Upton	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.
797.35	Fonterra Limited	Retain Rule 22.4.1.5 (b)(iv) Rural Hamlet subdivision as notified.
FS1387.1274	Mercury NZ Limited	Opposes 797.35.
489.4	Ann-Maree Gladding	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 subdivision to be a more workable approach.
FS1379.193	Hamilton City Council	Opposes 489.4:
782.4	Jack Macdonald	Delete the maximum number of titles from Rule 22.4.1.5 Rural Hamlet Subdivision.
922.4	John Rowe	Delete the maximum number of titles from Rule 22.4.1.5 Rural Hamlet Subdivision.
943.68	McCracken Surveys Limited	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.

FS1379.370	Hamilton City Council	Opposes 943.68:
332.16	Gwyneth & Barrie Smith	<p>Retain Rule 22.4.1.5 Rural Hamlet Subdivision, except for the amendments sought below</p> <p>AND</p> <p>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:</p> <p><i>RD1</i></p> <p><i>(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions:</i></p> <p><i>(i) it results in 3 to 5 proposed lots being clustered together;</i></p> <p><i>(ii) All existing Records of Title <u>and/or consented lots</u> form one continuous landholding;</i></p> <p><i>(iii) Each proposed lot has a maximum area of 85,000m²;</i></p> <p><i>(iv) Each proposed lot has a maximum area of 1.60ha;</i></p> <p><i>(v) The proposed balance lot has a minimum area of 20ha; and</i></p> <p><i>(vi) It does not create any additional lots beyond the number of existing Records of Title.</i></p> <p><i>(b) Council's discretion is restricted to the following matters:</i></p> <p><i>(i) subdivision layout and design including dimension, shape and orientation of the proposed lots <u>and specified building areas</u>;</i></p> <p><i>(ii) effects on rural character and amenity values;</i></p> <p><i>(iii) effects on landscape values;</i></p> <p><i>(iv) potential for reverse sensitivity effects;</i></p> <p><i>(v) extent of earthworks including earthworks for the location of building platforms and access ways.;</i></p> <p><i>(vi) effects on rural productivity and fragmentation of high class soils.</i></p>
FS1129.69	Auckland Council	Opposes 332.16:
FS1379.87	Hamilton City Council	Opposes 332.16:
686.19	Reid Crawford Farms Limited	<p>Amend Rule 22.4.1.5 Rural Hamlet Subdivision, to allow for relocation of consented lots and reduce lot size requirements as follows:</p> <p><i>(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions:</i></p> <p><i>(i) It results in 3-5 proposed lots being clustered together;</i></p> <p><i>(ii) All existing Records of Title <u>and/or consented lots</u> form one continuous landholding;</i></p> <p><i>(iii) Each proposed lot has a minimum of 85,000m²;</i></p> <p><i>(iv) Each proposed lot has a maximum of 1.60ha;</i></p> <p><i>(v) The proposed balance lot has a minimum area of 20ha;</i></p> <p><i>(vi) It does not create any additional lots beyond the number of existing Records of Title.</i></p> <p><i>(b) Council's discretion is restricted to the following matters:</i></p> <p><i>(i) Subdivision layout and design including dimension, shape and orientation of the proposed lots and <u>specified building areas</u>;</i></p>

		<p>(ii) Subdivision layout and design including dimension, shape and orientation of the proposed lots;</p> <p>(iii) Effects on rural character and amenity values;</p> <p>(iv) Effects on landscape values;</p> <p>(v) Potential for reverse sensitivity effects;</p> <p>(vi) Extent of earthworks including earthworks for the location of the building platforms and access ways;</p> <p><u>(viii) Effects on rural productivity and fragmentation of high class soils.</u></p>
FS1379.253	Hamilton City Council	Opposes 686.19:
FS1129.73	Auckland Council	Opposes 686.19:
544.13	KR & BC Summerville	<p>Retain Rule 22.4.1.5 Rural Hamlet Subdivision, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 22.4.1.5 RDI Rural Hamlet Subdivision, as follows:</p> <p>(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions:</p> <p>(i) it results in 3 to 5 proposed lots being clustered together;</p> <p>(ii) All existing Records of Title <u>and/or consented lots</u> form one continuous landholding;</p> <p>(iii) Each proposed lot has a minimum area of 8000m² <u>5000m²</u>;</p> <p>(iv) Each proposed lot has a maximum area of 1.6ha <u>1.0ha</u>;</p> <p>(v) The proposed balance lot has a minimum area of 20 ha; and</p> <p>(vi) It does not create any additional lots beyond the number of existing Records of Title.</p>
FS1129.71	Auckland Council	Opposes 544.13:
FS1379.196	Hamilton City Council	Opposes 544.13:
746.110	The Surveying Company	<p>Amend Rule 22.4.1.5 RDI (a)-Rural Hamlet Subdivision to 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:</p> <p>(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions:</p> <p>(i) It results in 3 to 5 proposed lots being clustered together;</p> <p>(ii) All existing Records of Title <u>and/or consented lots</u> form one continuous landholding;</p> <p>(iii) Each proposed lot has a minimum of 85,000m² <u>85,000m²</u>;</p> <p>(iv) Each proposed lot has a maximum area of 1.60ha <u>1.60ha</u>;</p> <p>...</p> <p>AND</p> <p>Amend the matters of discretion in Rule 22.4.1.5 RDI (b)- Rural Hamlet Subdivision as follows: (b) Council's discretion is restricted to the following matters:</p> <p>(i) subdivision layout and design including dimension, shape and orientation of the proposed lots <u>and specified building areas</u>;</p> <p>...</p> <p><u>(vii) effects on rural productivity and fragmentation of high class soils.</u></p>
FS1379.289	Hamilton City	Opposes 746.110:

	Council	
751.51	Chanel Hargrave and Travis Miller	<p>Retain Rule 22.4.1.5 Rural Hamlet Subdivision except for the amendments sought below.</p> <p>AND</p> <p>Amend Rule 22.4.1.5 Rural Hamlet Subdivision to enable the relocation of consented lots and reduce lot size as follows:</p> <p>(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions:</p> <p>(i) It results in 3 to 5 proposed lots being clustered together</p> <p>(ii) All existing Records of Title <u>and/or consented lots</u> form one continuous landholding;</p> <p>(iii) Each proposed lot has a minimum area of 8000 <u>5,000m²</u>;</p> <p>(iv) Each proposed lot has a maximum area of 1.6ha;</p> <p>(v) The proposed balance lot has a minimum area of 20ha; and</p> <p>(vi) It does not create any additional lots beyond the number of existing Records of Title;</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) subdivision layout and design including dimension, shape and orientation of the proposed lots <u>and specified building areas</u>;</p> <p>(ii) effects on rural character and amenity values;</p> <p>(iii) effects on landscape values;</p> <p>(iv) potential for reverse sensitivity effects;</p> <p>(v) extent of earthworks including earthworks for the location of the building platforms and access ways;</p> <p><u>(vi) effects on rural productivity and fragmentation of high class soils.</u></p>
FS1379.298	Hamilton City Council	Opposes 751.51:
938.2	Neil and Linda Porritt	<p>Amend Rule 22.4.1.5 Rural Hamlet Subdivision, as follows:</p> <p>RD I</p> <p>(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions:</p> <p>(i) It results in 3 to 5 <u>6</u> proposed lots being clustered together;</p> <p>(ii) All existing Records of Title form one continuous landholding;</p> <p>(iii) Each proposed lot has a minimum area of 8,000 <u>5,000m²</u>.</p> <p>(iv) Each proposed lot has a maximum area of 1.6ha;</p> <p>(v) The proposed balance lot has a minimum area of 20ha; and</p> <p>(vi) It does not create any additional lots beyond the number of existing Records of Title.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) subdivision layout and design including dimension, shape and orientation of the proposed lots;</p> <p>(ii) effects on rural character and amenity values;</p> <p>(iii) effects on landscape values;</p> <p>(iv) potential for reverse sensitivity effects;</p> <p>(v) extent of earthworks including earthworks for the location of building platforms and</p>

		<p>access ways.</p> <p><u>DI</u></p> <p><u>Rural Hamlet Subdivision that does not comply with Rule 22.4.1.5 RDI, conditions (a)(ii)-(iv)</u></p> <p><u>NCI</u></p> <p><u>Rural Hamlet Subdivision that does not comply with Rule 22.4.1.5 RDI, condition (a)(i).</u></p>
FS1379.364	Hamilton City Council	Opposes 938.2:
FS1308.174	The Surveying Company	Opposes 938.2: No
544.14	KR & BC Summerville	<p>Retain Rule 22.4.1.5 Rural Hamlet Subdivision, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 22.4.1.5 RDI(b) Rural Hamlet Subdivision, as follows:</p> <p><i>(b) Council's discretion is restricted to the following matters:</i></p> <p><i>(i) subdivision layout and design including dimension, shape and orientation of the proposed lots and <u>specified building areas</u>;</i></p> <p>...</p> <p><i><u>(vi) effects on rural productivity and fragmentation of high class soils.</u></i></p>
345.7	Brent Trail	Amend Rule 22.4.1.5 RDI (a) Rural Hamlet Subdivision, to replace the word "lot" with "record of title".
419.39	Lucy Deverall for Horticulture New Zealand	<p>Add a new clause (vii) to Rule 22.4.1.5 RDI (a) Rural Hamlet Subdivision, as follows:</p> <p><i>(a) Subdivision to create a Rural Hamlet must comply with the following conditions:</i></p> <p>...</p> <p><i><u>(vii) the proposed lots must not be located on high class soils</u></i></p> <p>AND</p> <p>Add a new matter of discretion to Rule 22.4.1.5 RDI (b) Rural Hamlet Subdivision as follows:</p> <p><i><u>(vi) the extent to which water conservation measures and, where appropriate, low impact stormwater design and facilities have been applied.</u></i></p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>
FS1330.30	Middlemiss Farm Holdings Limited	Opposes 419.39:
FS1308.37	The Surveying Company	Opposes 419.39
466.25	Brendan Balle for Balle Bros Group Limited	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.
FS1308.58	The Surveying Company	Opposes 466.25:

Provision of infrastructure		
81.171	Waikato Regional Council	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.
FSI114.2	Fire and Emergency New Zealand	Supports 81.171:
FSI371.3	Lakeside Development Limited	Supports 81.171:
FSI176.17	Watercare Services Ltd	Supports 81.171:
FSI308.148	The Surveying Company	Supports 81.171:
378.37	Fire and Emergency New Zealand	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: <i>(a) Subdivision must comply with all of the following conditions:...</i> <i><u>(xi) Proposed lots must be connected to water supply sufficient for firefighting purposes.</u></i> <i>(b) Council's discretion is restricted to the following matters:...</i> <i><u>Provision of infrastructure, including water supply for firefighting purposes.</u></i> AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FSI035.143	Pareoranga Te Kata	Supports 378.37:
FSI134.86	Counties Power Limited	Supports 378.37:
405.69	Counties Power Limited	Add a matter of discretion to Rule 22.4.1.5 RD1 (b) Rural Hamlet Subdivision as follows: <i><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></i>
FSI211.51	First Gas Limited on behalf of First Gas	Supports 405.69:
Definitions		
394.31	Gwenith Sophie Francis	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.
FSI342.71	Federated Farmers	Opposes 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.
FSI388.128	Mercury NZ Limited	Opposes 394.31.
471.21	Andrew Wood for	Add "Rural Hamlet Subdivision" as a defined term in Chapter 13 Definitions in

	CKL	the context of Rule 22.4.15 Rural Hamlet Subdivision. AND Any consequential amendments necessary.
FS1388.451	Mercury NZ Limited	Opposes 471.21.
695.79	Sharp Planning Solutions Ltd	Add a definition of "Rural Hamlet Subdivision" in Chapter 13 Definitions.
FS1387.325	Mercury NZ Limited	Opposes 691.24.
777.11	Radio New Zealand	Add a new definition for "rural hamlet" to Chapter 13 Definitions.
FS1387.1179	Mercury NZ Limited	Opposes 777.11.
Activity status		
471.29	Andrew Wood for CKL	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.
489.13	Ann-Maree Gladding	Amend Rule 22.4.1.5 NCI 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.
FS1129.70	Auckland Council	Opposes 489.13:
782.12	Jack Macdonald	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).
922.12	John Rowe	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).
Reverse sensitivity		
581.35	Penny Gallagher for Synlait Milk Limited	Amend Rule 22.4.1.5 RDI(b)(iv) Rural Hamlet Subdivision as follows: <i>(iv) potential for <u>subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity effects</u>;</i>
FS1341.52	Hynds Pipe Systems Limited	Supports 581.35:
FS1330.48	Middlemiss Farm Holdings Limited	Opposes 581.35: Provision does not need amendment.
FS1188.6	Stonehill Trustee Limited	Supports 581.35:

11.3 Analysis

11.3.1 General submissions

Overview

327. Rural Hamlet subdivision in the notified version of the Plan is not a new provision. The rule currently exists in the Operative Waikato section of the plan in Rule 25.71A for a boundary relocation, provide for as a restricted discretionary activity. The only key difference is that the default activity status if the rule cannot be complied with is a discretionary activity, not a non-complying activity as proposed. The rule also required the records of title to be held in the same ownership.
328. This section of the report considers the general submissions relating to rural hamlets.

Submissions

329. One submission sought to retain the rule as notified; while many submissions sought to either amend or add new provisions.

Analysis

330. The submission from Andrew and Christine Gore [330.160] does not specify what relief is sought, therefore I can only recommend rejecting the point due to the lack of information.
331. A submission received from Auckland Council [372.21] seeks to amend Rule 22.4.1.5 to be limited and focused around existing towns and villages. While I agree with the intent of this submission point, the submission does not suggest any methods for achieving this. Without sufficient information to consider this point, I cannot form an opinion. Should the submitter provide further detail in the exchange of evidence prior to this hearing, I can consider it then.
332. A submission received from Waikato District Council [697.828] seeks to amend Rule 22.4.1.5 RDI (a) to refer to a single cluster of 3- 5 lots in criterion (a)(i) and to include the term “viable record of title” in clause (vi).
333. I agree that reference to a single cluster of 3-5 lots provides clarity to the rule, ensuring that the proposed new lots are contained in one location and not placed in “ad hoc” locations within the property subject to the rural hamlet subdivision. As a consequential change I consider that the wording “being clustered together” becomes superfluous.
334. A viable record is defined in the Proposed District Plan as “*a Record of Title that contains at least 5,000m², is not a road severance or stopped road, and can accommodate a suitable building platform as a permitted activity under Rule 22.4.9 (subdivision rule for building platform)*”. While I agree with this change, I note that the s42A report for Hearing 13 – Definitions recommends deleting the definition and including it as a provision within the rule. I agree with this approach as the definition only relates to the boundary relocation rule and rural hamlet rule. As such I recommend the following wording
335. A submission from Brent Trail [345.7] seeks to amend the rule to replace the word “lot” with “record of title”. Similar to previous comments in respect to the terminology, I consider that the term “allotment” should be used.
336. A submission point received from Middlemiss Farm Holdings Limited [794.22] seeks to delete the rule and add more enabling provisions. However the submission does not provide any further detail as to the relief sought. Without sufficient information to consider

this point, I cannot form an opinion. Should the submitter provide further detail in the exchange of evidence prior to this hearing, I can consider it then.

337. A submission point received from McCracken Surveys Limited [943.41] seeks to amend clause (a)(i) and (iii) to confirm that six continuous records of title can be relocated to allow for the maximum 5 small lots between 8,000m² – 1.6ha and one balance allotment greater than 20ha. The submission also seeks to amend the heading of the Rule to “Rural Hamlet Boundary Relocation Subdivision”. I agree in part with this submission, as the rule is not clear as to whether the number of lots being clustered together, includes the balance title or not. I note that the Operative Rule 25.71A also provides for a maximum of 5 titles and in Rule 25.71A.1(d) it is clear that the boundary relocation creates one certificate of title of at least 20ha, and the remaining certificates of title each have an area no less than 8,000m² and no more than 1.6ha. I therefore agree that the rule needs to confirm that it is in fact a total of 5 viable records of title, including the balance allotment.
338. I do not agree that the heading of this rule needs to reflect the fact that it is a boundary relocation rule of multiple existing titles, as there are some differences in the rule provided in the Operative Waikato Section, such as the requirement to cluster the proposed lots into a rural hamlet.
339. While transferable subdivision provisions are discussed further in section 22 of this report, a submission received from Sharp Planning Solutions Limited [695.96] seeks to amend Rule 22.4.1.5 to include a transferable rural lot right subdivision. The submission does not provide any details in regards to how the rule could accommodate transferable subdivision within the rural hamlet rule. However given that there is further discussion on transferable subdivision provisions later in the report, this might be best addressed there.
340. A submission received from Fonterra Limited [797.35] seeks to retain Rule 22.4.1.5 (b)(iv) as notified. I agree with this submission. However as there are submissions seeking valid amendments, I cannot recommend retaining the rule as notified.

Outcome

341. As a result of the Waikato District Council, McCracken Surveys Limited and Brent Trail submissions, I recommend the following proposed wording to Rule 22.4.1.5 RD1 (a)(i):

Land contained within a maximum number of 5 Records of Title may be relocated into a Rural Hamlet resulting in a single cluster of 3 to 4 proposed allotments and one balance allotment. All Records of Title used in the Rural Hamlet subdivision must contain an area of at least 5,000m²; not be a road severance or stopped road; and be able to accommodate a suitable building platform as a permitted activity under Rule 22.4.9 (subdivision rule for building platform).

11.3.2 Balance lot size of Rural Hamlet Subdivision

Provision

342. Rule 22.4.1.5 RD1 (a)(v) includes a balance title of 20ha, which is based on the notified version of the rule and is similar to the Operative Waikato District Plan provisions included in Rule 25.71A.

Submission

343. Only one submission has been received on this provision from the Waikato Regional Council [81.173].

Analysis

344. The submissions received from the Waikato Regional Council [81.173] and the Waikato District Health Board [923.156] seek to amend Rule 22.4.1.5(v) to provide for a minimum 40ha balance lot.
345. I agree that the provision for rural hamlet subdivision should be consistent with the general subdivision provision requirement given the direction provided in higher order policy direction such as the WRPS and Future Proof Growth Strategy. I note also that Hamilton City Council supports this point, to ensure that development on the periphery of Hamilton is reduced.
346. I will not re-iterate the analysis undertaken for the general subdivision provisions in respect to the difference between the 20ha notified requirement and the proposed 40ha requirement, however my view is that by increasing the balance lot size to 40ha for rural hamlet subdivision, this ensures the retention of larger landholdings. The balance is that the rural hamlet rule does provide opportunity for rural-residential lifestyle lots from existing titles, but still ensures that a large area of productive land avoids being fragmented if the landowner were to develop the titles without the relocation.
347. For these reasons, I consider changing the minimum balance area of 20ha to 40ha to be appropriate and aligns with the higher order strategic direction in the WRPS, future proof and the objectives and policies in Chapter 5 of the Proposed District Plan for the rural environment, particularly Policy 5.2.3 (a) which aims to minimise the fragmentation of productive rural land, particularly where high class soils are located.

11.3.3 Minimum and Maximum Lot sizes

Overview of Provision

348. Rule 22.4.1.5 RDI (a)(iii) and (iv) includes a requirement for the minimum and maximum lot sizes, which also align with the Operative Waikato District Plan provisions.

Submissions

349. Several submissions have been received seeking to amend both clauses (a)(iii) and (iv), particularly to reduce the minimum lot size of 8,000m².

Analysis

350. Most of the submissions received seek to reduce the minimum lot size below the 8,000m² requirement, with 5,000m² being a popular choice of minimum lot size. Some of the submissions do seek to amend the 1.6ha maximum lot size to 1ha.
351. A submission received from Lachie Cameron and Donna Watts [391.1] seeks to add a new rule allowing for a “Country Living Hamlet”, which requires records of title to be at least 104.5ha; not contiguous; and have a maximum area of 4.5ha. The rule appears to relate not only to the rural zone, but also the Country Living Zone (requiring the land to be subdivided

in accordance with the Country Living Zone rules). Upon further reading of the reasons for this submission, it would appear that the rule would apply only to submitter's properties at Te Ohaki Road, Huntly providing the opportunity for this property to be subdivided to a Country Living zone density.

352. I agree with the further submission from the Waikato Regional Council [FS1277.131], that the proposed subdivision provisions cannot provide for ad hoc rural residential development and must give effect to Policy 6.17 and implementation method 6.1.5 of the WRPS. I do not consider providing for Country Living density subdivision for one landowner is fair or conducive to good environmental outcomes for the Rural Zone.
353. A submission received from Gwenith Francis [394.22] seeks to add a new rule to accommodate farm park subdivision, providing one new site per 4ha from a parent title that is at least 20ha and minimum lot sizes of 5,000m². My response to this point is that the rural hamlet provision is not entirely the same as a farm park subdivision, which I have seen many examples of. It is specifically designed to be small-scale, by involving only 5 records of title. I also do not agree with the submitters' suggestion of one new site per 4ha from a 20ha title with the minimum lot size being 5,000m². Similar to the above point, this does not give effect to the WRPS provisions, nor does it align with the Future Proof strategy which aims to concentrate development in and around existing towns and villages and within appropriately-zoned areas, such as the Country Living Zone.
354. Given that I have provided extensive discussion in respect to the options for reducing the minimum lot size in the general subdivision provisions in this report, I do not think that there is value in repeating the same analysis here. However, I do consider that a consistent approach to the minimum lot size is required across the subdivision pathway framework because there is no reason for lot sizes to be smaller in one provision and larger in another. This approach would not align with the objectives and policies in the Proposed District Plan and in terms of practicalities for consent planners it would be very difficult to justify applications when the plan provides for different lot sizes across the rural zone.
355. I note that Fonterra Limited [797.35] seek to retain clause (b)(iv) as notified. Given the above analysis, I agree with this point.

Outcome

356. As a result of the above discussion on both the minimum and maximum lot sizes, I do not recommend any changes to Rule 22.4.1.5 RDI (a)(iii) and (iv). In my view the proposed rule needs to be consistent with the other subdivision pathways to ensure the higher order direction in the WRPS, future proof strategy and Chapter 5 are met.

11.3.4 Number of Titles

Overview

357. Rule 22.4.1.5 RDI (a)(i) provides for between 3 and 5 records of title to be used for a rural hamlet subdivision. This clause applies the same number as that included in the Waikato Operative District Plan Rule 25.71A for boundary relocation.

Submissions

358. A number of submissions have been received seeking to either amend the rule to allow more than 3-5 titles to be used in the subdivision or to delete the provision in its entirety.

Analysis

359. A number of submitters seek to enable more lots to be used than the proposed 3 to 5 existing records of title, which includes the balance lot. Some submitters seek a specific number of titles, such as the submission from McCracken Surveys Limited [943.68] which suggests that up to 8 titles, along with the minimum lot size also be reduced.
360. Ann-Maree Gladding [489.4], Jack MacDonald [782.4] and John Rowe [922.4] seek to delete the maximum number of titles, which would effectively make the provision unlimited.
361. While the provision relates to existing titles, which could in effect be developed now if the landowner chooses to do so, the rural hamlet provision provides an opportunity for development to be clustered into small 'hamlets'; the key word being "small".
362. If I were of a mind to accept the submissions seeking to delete this restriction on 5 titles being used (which includes the balance lot), this could have the potential to open the floodgates for landowners in the district who own a large number of titles (of which there are several, given that most large farms comprise multiple titles) to undertake subdivision. Although there is an argument that the outcome minimises land fragmentation by clustering the titles together, it will result an overall increase in rural-residential development and my concern is that other effects associated with subdivision development such as the effects on rural character and amenity and reverse sensitivity effects become an issue.
363. As the WRPS Chapter 6A principles require that new development occur in a manner that provides clear delineation between urban areas and rural areas and should not result in incompatible adjacent land uses, in particular rural activities, my view is that rural residential development must be carefully managed in this provision.
364. I do wish to highlight the principles in 6A specific to rural-residential development, which clearly state that new rural-residential development should be more strongly controlled where demand is high and minimises visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping.

Outcomes

365. Based on the guidance from the WRPS 6A principles, I consider that there is a real risk that if the rural hamlet subdivision rule is not tightly controlled, that rural-residential development will have a significant impact on the rural zone and the rural hamlet will no longer be small scale, therefore defeating the purpose of the subdivision opportunity, which does have the benefit of retaining larger landholdings. For this reason I consider the limit of 3-5 records of title, including the balance lot as notified in the Proposed District Plan to be appropriate. However, I do recommend making the rule clear it allows for a cluster of between 3 and 4 rural residential allotments and the balance record of title (which must be over 40ha).

11.3.5 Rural Hamlets on High Class Soils

Overview

366. Currently there are no provisions relating to the protection of high class soils in the notified version of the rule. Neither is this the case with the Operative Waikato rule 25.71A. This section of the report addresses submission points which raise high class soils as an issue.

Submissions

367. A number of submissions seek to add additional provisions to Rule 22.4.1.5 RDI in relation to effects on high class soils.

Analysis

368. A submission received from Bruce and Dorothy Chipman [106.10] seeks to include an additional matter of discretion in (b) relating to effects on rural productivity and fragmentation of high class soils. Similarly, a submission point from KR & BC Summerville [544.14] seeks to retain Rule 22.4.1.5, but suggests amendments to RDI(b) to include provision for specified building areas and effects on rural productivity and fragmentation of high class soils. Submissions also received from Horticulture New Zealand [419.39] and Balle Bros Group Limited [466.25] seek to amend Rule 22.4.1.5 to ensure that proposed lots are not located on high class soils, except where primary productive use is no longer viable.
369. To ensure consistency across the subdivision pathways, I agree with the above submissions that a provision is required to ensure that the new lots resulting from the rural hamlet are not located on high class soils. I am of a mind to recommend that a similar approach be taken as the general subdivision rules. However the issue of applying a 15% requirement to each lot would enable a significant loss in high class soils. I therefore consider that all new rural hamlet lots should avoid locating on any high class soils. Based on the information presented above in respect to the number of properties across the district that fully contain high class soils, in most cases landowners should be able to locate the lot away from high class soils. A rule in the plan requires a more rigorous assessment as a non-complying activity when the rule cannot be met. However, I agree that it is also appropriate to include a new matter of discretion to enable an assessment of high class soils. Inclusion of a new matter of discretion in my view aligns with Policy 14.2 in the WRPS and policy 5.2.2 and 5.2.3 in the Proposed Waikato District Plan.

Outcome

370. As highlighted in the analysis, I consider that a new rule to ensure that new allotments created by the rural hamlet subdivision, excluding the balance lot area, is required to ensure the protection of high class soils. I don't consider that a similar rule to the general subdivision requirements should be used, which is for only one additional lot. Rural hamlets, while not creating additional lots, will result in additional rural-residential development, and to ensure alignment with the rule with the higher-order direction on soils in the WRPS and Proposed District Plan Chapter 5 objectives and policies, the rule will need to ensure that the smaller lots are not located on high class soils. For clarity, the balance lot is not subject to the same restrictions, as this will be a larger landholding used for primary production purposes. I recommend the following rule:

(vii) The proposed allotments, excluding the balance allotment must not be located on any high class soils.

371. In addition to the above rule, I also agree that a matter of discretion in RDI(b) is appropriate and similarly aligns with the higher order direction on high class soils. I therefore recommend that the following matter of discretion be added to the rule:

(vi) Effects on rural productivity and fragmentation of high class soils.

11.3.6 Servicing Rural Hamlets

Overview of Provisions

372. As notified Rule 22.4.1.5 RDI does not provide for infrastructure as a requirement of the subdivision. Neither does it support existing infrastructure providers with their current operations.
This section of the report responds to those submissions seeking amendments in respect of infrastructure and servicing of rural hamlet subdivisions.

Submissions

373. Several matters have been raised in submissions in relation to the provision of infrastructure, in particular the provision of water supply, particularly for firefighting; wastewater services and stormwater management. Additionally infrastructure providers have submitted seeking the inclusion of new matters of discretion to ensure that their operations are not impacted.

Analysis

374. Fire and Emergency New Zealand [378.37] seeks amendments to Rule 22.4.1.5 RDI to include provision for lots to be connected to water supply sufficient for firefighting purposes, with applications becoming a non-complying activity where such supply is not available.
375. While I agree with the intent of this submission, it is important to note that much of the Rural Zone is not serviced; therefore a requirement in the rule to connect to a water supply with sufficient volume and pressure to meet firefighting standards is unlikely to be practicable. I am therefore concerned about the practical application of such a rule and what this means for a subdivision consent.
376. I note that this point was addressed in the Country Living Zone hearing by Ms Chibnall who also agreed that there were issues in terms of what was needed in order to ensure that this rule is met. In her closing statement, a new matter of discretion was added for the provision of infrastructure, including water supply accessible for firefighting. As I have mentioned previously in this report, in most rural locations (with the exception of those that have access to trickle feed supply) most landowners will have at least 25,000 – 50,000L of water available for their own water supply. However it is not always practical during summer months to require a rural landowner to hold a significant amount of rainwater for fire fighting purposes and if not used or is un-replenished, the water risks becoming stagnant in the tank.
377. Counties Power, similarly seek to add a matter of discretion to ensure that subdivision layout and design has regard to the impact on the operation, maintenance, upgrading and development of existing infrastructure assets. This is to ensure that assets do not become landlocked.

378. A submission received from Waikato Regional Council [81.171] seeks to add an additional matter to Rule 22.4.1.5 RDI (b) to include the availability of water supply, wastewater services and stormwater management. Similarly Counties Power Limited [405.69] seeks that a new matter of discretion be added to the rule to include consideration of subdivision layout and design and how this may impact on the operation, maintenance, upgrading and development of existing infrastructure assets.
149. Horticulture New Zealand [419.39] also suggests that a new clause be added to the rule and proposes a new matter of discretion, having regard to the extent to which water conservation measures have been undertaken and low impact stormwater design and facilities have been applied. While I agree with the intent of this point, I am not entirely clear what they are anticipating with the provision in respect to water conservation measures and low impact stormwater design and facilities. In term of rural subdivision, this could be interpreted in a number of different ways. Given that I am not clear on the outcomes of this provision, I suggest that more information might assist, and encourage Horticulture New Zealand to provide additional information in the exchange of evidence prior to the hearing. At that time I can review it and make a recommendation.
379. Without repeating similar discussion in previous hearing reports, I agree that further provision should be made in 22.4.1.5 RDI (b) for existing infrastructure. Similar to the position already taken in the Country Living Zone hearing and put forward in Ms Chibnalls closing statement, I recommend that a similar matter of discretion be added to ensure that subdivision layout and design in regard to how this may impact the operation, maintenance, upgrading and development of infrastructure assets, or give rise to reverse sensitivity effects on existing land transport networks.
380. Including an additional matter of discretion, as recommended in my view aligns with the directions included in Chapter 6 of the WRPS, in particular the development principles in 6A d).

Outcome

381. For these reasons I recommend that the Panel accept in part the submission from Fire and Emergency insofar as recommending that a new matter of discretion be added to Rule 22.4.1.5 RDI(b). Further to this I recommend that the panel accept the other submission point from Counties Power relating to the provision of infrastructure given that it aligns with Chapter 6 of the WRPS, in particular with the development principles in 6A d). I therefore recommend that the following additional matters be added to the rule:

(b) Council's discretion is restricted to the following matters:

...

The provision of infrastructure, including water supply accessible for firefighting.

The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets, or give rise to reverse sensitivity effects.

11.3.7 Definitions

Overview

383. A number of definitions have been provided in the Proposed District Plan which relate to rural subdivision. However submitters have raised additional definition matters in submissions, which I will address in this section.

Submissions

384. Four submissions were received seeking definitions for “farm park” and “rural hamlet subdivision” to be added to Chapter 13 – definitions.

Analysis

385. A submission received from Gwenith Francis [394.31] seeks to add a definition of “Farm Park” to Chapter 13 Definitions. The submission does not provide any proposed definition or reasons for this submission. “Farm Park” is not a term used in the Proposed District Plan, although I note that the term was used when Council first released its draft version of the proposed district plan, prior to notification. However the rule which Council had drafted prior to notification also provides for a larger number of titles (up to 12).
150. Rural hamlet subdivision utilises existing titles and is of small scale in comparison with examples of farm parks that I am familiar with, which are generally larger scale and have a connection with the balance landholding, which is retained for farming purposes. I therefore consider that a “farm park” is not the same as a rural hamlet, so there is not reason to include this term in the plan, given that the rule provides only for rural hamlet.
151. Submissions received from CKL [471.21], Sharp Planning Solutions Limited [695.79] and Radio New Zealand [777.11] all seek to add “Rural Hamlet Subdivision” as a defined term to Chapter 13, to help avoid confusion in the application of the rule. However, I note that these submissions do not make any suggestions as to what the definition should be, other than reference Rule 22.4.1.5. My view is that it is unnecessary to define rural hamlet subdivision, as the plan does not define other types of subdivision and it is not helpful to simply reference the Rule.

Outcomes

386. For the above reasons, I recommend that the Panel do not accept the submissions relating to “farm park” and “Rural Subdivision”. I consider the definition of “farm park” not to be appropriate in terms of the rural framework which is of a smaller scale than what a farm park may suggest. Further, I do not consider that a definition for rural hamlet is necessary and should not simply make reference to the rule.

11.3.8 Activity Status

Overview

387. Rule 22.4.1.5, as notified cascades from a restricted discretionary activity status to a non-complying activity status, which differs from the Operative Waikato section provisions which cascade to a discretionary activity. This section discusses submissions proposing to amend the activity status cascade.

Submissions

388. Four submissions seek to amend the Rule 22.4.1.5. cascade from a non-complying activity status to a discretionary activity status.

Analysis

389. Submissions received from CKL [471.29] seek to amend the activity status to cascade to restricted discretionary activity or a discretionary activity worst case upon non-compliance with the standards. Similarly Ann-Maree Gladding [489.13], Jack Macdonald [782.12] and John Rowe [922.12] seeks to amend NCI to become a discretionary activity status. This point is opposed by Auckland Council [FS1129.70].

392. While the proposed rule would better align with the previous Operative District Plan provisions for a boundary relocation, I consider that in order for the Rural Hamlet rule to align with the higher order direction of the WRPS, the future Proof growth strategy and the Proposed Objectives and Policies of the Proposed District Plan, subdivision enabling the creation of rural-residential lifestyle development must be tightly controlled to ensure that there are no adverse outcomes from the provisions that will impact on the use of rural land for primary productive activities.
393. As I have highlighted previously in this report, a non-complying activity status provides a more rigorous assessment of a subdivision application pursuant to S104D, than a discretionary activity status would, which also sets a high threshold for applications that cannot achieve compliance as a restricted discretionary activity, meaning that Council should not want to be receiving these types of applications unless certain circumstances exist that perhaps have merit in terms of the S104D test.

Outcome

394. In order to meet the higher order directives of the WRPS, Future Proof growth strategy and Chapter 5 of the Proposed District Plan, the activity status default must remain a non-complying activity status to ensure that any adverse effects of a rural hamlet subdivision are assessed with rigour to ensure that Council are enabling appropriate subdivision within the rural zone.

11.3.9 Reverse Sensitivity

Overview

395. Rule 22.4.1.5 RDI (b) (iv) provides a matter of discretion for reverse sensitivity effects. This provision is similar to that provided for in the boundary rule in 25.71A of the Operative Waikato District Plan.

Submission

396. A submission from Synlait Milk Limited [581.35] seeks to amend the current matter of discretion relating to reverse sensitivity effects.

Analysis

397. The submission received from Synlait Milk Limited [581.35] seeks to amend Rule 22.4.1.5 RDI (b)(iv) to reflect that subdivision adversely affects adjoining activities through reverse sensitivity effects. This point is supported by Hynds Pipe Systems Limited [FS1341.52] and Stonehill Trustee Limited [FS118.6], particularly where development is located within close proximity to industrial activities.
398. I consider that industrial activities such as those operated by Synlait Milk Limited do require some level of assurance that the district plan will provide assessment criteria to ensure that the effects of subdivision are managed in respect to potential impacts from reverse sensitivity. The matter proposed is drafted in a way that it can apply generally to all rural operations and activities where reverse sensitivity matters may be an issue.
399. Given that the objectives and policies provided for in Policy 5.3.7 of the Proposed District Plan seek to address reverse sensitivity effects, I consider this recommended provision to align with this direction.

Outcome

400. I therefore recommend the following amendments to Rule 22.4.1.5 RDI (b)(iv) as follows:

(iv) potential for subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity effects;

11.4 Recommendations

401. For the reasons above I recommend that the Hearings Panel:

General submissions:

- **Reject** the submission from Andrew and Christine Gore [330.160].
- **Reject** the submission from Auckland Council [372.21]. **Therefore, accepting** the further submissions from The Surveying Company [FS1308.27] and Middlemiss Farm Holdings Limited [FS1330.21].
- **Accept in part** the submission from Federated Farmers [680.239]. **Therefore, accepting in part** the further submission from Auckland Council [FS1129.72]
- **Accept** the submission from Waikato District Council [697.828].
- **Reject** the submission from Middlemiss Farm Holdings Limited [794.22].
- **Reject** the submission from McCracken Surveys Limited [943.41].
- **Reject** the submission from Sharp Plannings Solutions [695.96]. **Therefore, accepting** the further submissions from Auckland Council [FS1129.74], and Hamilton City Council [FS1379267] and rejecting the further submission from Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust [FS1138.28]
- **Reject** the submission from Brent Trail [345.8].
- **Accept in part** the submission from Fonterra Limited [797.35]. **Therefore, accepting in part** the further submission from Mercury NZ Limited [FS1387.1274]

Balance lot size of Rural Hamlet Subdivision:

- **Accept** the submission from Waikato Regional Council [81.173] and Waikato District Health Board [923.156]. **Therefore, rejecting** the further submissions from Bhaady Miller and Simon Uption [FS1170.1], Blue Wallace Surveyors Limited [FS1287.6], Middlemiss Farm Holdings Limited [FS1330.16], Hamilton City Council [FS1379.15] and The Surveying Company [FS1308.150]

Minimum and Maximum lot sizes:

- **Reject** the submission from Lachie Cameron and Donna Watts [391.1]. **Therefore, accepting** the further submissions from Mercury NZ Limited [FS1388.98] and Waikato Regional Council [FS1277.131].
- **Reject** the submission from Gwenith Sophie Francis [394.22]. **Therefore, accepting** the further submissions from Waikato Regional Council [FS1277.132], Hamilton City Council [FS1379.112], Andrew and Christine Gore [FS1062.36] and Mercury NZ Limited [FS1388.122].
- **Reject** the submission from Bruce and Dorothy Chipman [106.10]. **Therefore, accepting** the further submission from Mercury NZ Limited [FS1386.87].
- **Reject** the submission from Ted and Kathryn Letford [276.14]. **Therefore, accepting** the further submission from Hamilton City Council [FS1379.56].

- **Reject** the submission from Blue Wallace Surveyors Limited [662.20]. **Therefore, accepting** the further submission from Hamilton City Council [FSI 379.223].
- **Reject** the submission from Simon Upton [756.2].
- **Reject** the submission from McCracken Surveys Limited [943.68]. **Therefore, accepting** the further submission from Hamilton City Council [FSI 379.370].
- **Accept in part** the submission from Gwyneth & Barrie Smith [332.16] insofar as the matter of discretion relating to high class soils. **Therefore, accepting in part** the further submissions from Auckland Council [FSI 129.69] and Hamilton City Council [FSI 379.87].
- **Accept in part** the submission from Reid Crawford Farms Limited [686.19]. Insofar as the matter of discretion relating to high class soils. **Therefore, accepting in part** the further submissions from Auckland Council [FSI 129.73] and Hamilton City Council [FSI 379.253].
- **Reject** the submission from KR & BC Summerville [544.13]. **Therefore, accepting** the further submissions from Auckland Council [FSI 129.71] and Hamilton City Council [FSI 379.196].
- **Accept in part** the submission from The Surveying Company [746.110] insofar as the matter of discretion relating to high class soils. **Therefore, accepting in part** the further submission from Hamilton City Council [FSI 379.29].
- **Accept in part** the submission from Chanel Hargrave and Travis Miller [751.51] insofar as the matter of discretion relating to high class soils. **Therefore, accepting in part** the further submission from Hamilton City Council [FSI 379.298].
- **Reject** the submission from Neil and Linda Porritt [938.2]. **Therefore, accepting** the further submissions from Hamilton City Council [FSI 379.364] and The Surveying Company [FSI 308.174].

Number of Titles:

- **Reject** the submission from Ann-Maree Gladding [489.4]. **Therefore, accepting** the further submission from Hamilton City Council [FSI 379.193].
- **Reject** the submission from Jack Macdonald [782.4].
- **Reject** the submission from John Rowe [922.4].

Rural Hamlets on High Class Soils:

- **Accept** the submission from Balle Bros Group Limited [466.25]. **Therefore, arejecting** the further submissions from The Surveying Company [FSI 308.58].
- **Accept in part** the submission from KR & BC Summerville [544.14].
- **Accept in part** the submission from Horticulture New Zealand [419.39]. **Therefore, accepting in part** the further submissions from Middlemiss Farm Holdings Limited [FSI 330.30] and The Surveying Company [FSI 308.37].

Servicing Rural Hamlets:

- **Accept** the submission from Waikato Regional Council [81.171]. **Therefore, accepting** the further submissions from Fire and Emergency New Zealand

[FSI 114.2], Lakeside Development Limited [FSI 371.3], Watercare Services Ltd [FSI 176.17] and The Surveying Company [FSI 308.148].

- **Accept in part** the submission from Fire and Emergency New Zealand [378.37]. **Therefore, accepting in part** the further submissions from Pareoranga Te Kata [FSI 035.143] and Counties Power Limited [FSI 134.86].
- **Accept** the submission from Counties Power Limited [405.69]. **Therefore, accepting** the further submissions from First Gas Limited [FSI 211.51].

Definitions:

- **Reject** the submission from Gwenith Sophie Francis [FSI 342.71]. **Therefore, accepting** the further submissions from Federated Farmers [FSI 342.1] and Mercury NZ Limited [FSI 388.128].
- **Reject** the submission from Andrew Wood for CKL [471.21]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 388.451].
- **Reject** the submission from Sharp Planning Solutions Ltd [695.79]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 387.325].
- **Reject** the submission from Radio New Zealand [777.11]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 387.1179].

Activity Status:

- **Reject** the submission from Andrew Wood for CKL [471.29].
- **Reject** the submission from Ann-Maree Gladding [489.13]. **Therefore, accepting** the further submission from Auckland Council [FSI 129.70].
- **Reject** the submission from Jack Macdonald [782.12].
- **Reject** the submission from John Rowe [922.12].

Reverse Sensitivity:

- **Accept** the submission from Synlait Milk Limited [581.35]. **Therefore, accepting** the further submissions from Hynds Pipe Systems Limited [FSI 341.52], Stonehill Trustee Limited [FSI 188.6] and **rejecting** the further submission point from Middlemiss Farm Holdings Limited [FSI 330.48].

11.5 Recommended amendments

402. The following amendments are recommended, noting the consequential change from Rule 22.4.1.1 PRI:

Rule 22.4.1.1 Rural Hamlet Subdivision

RDI	<p>(a) Subdivision to create a Rural Hamlet must comply with all of the following conditions:</p> <p>(i) It results in 3 to 5 proposed lots being clustered together; Land contained within a maximum number of 5 Records of Title may be relocated into a Rural Hamlet resulting in a single cluster of 3 to 4 proposed allotments and one balance allotment. All Records of Title used in the Rural Hamlet subdivision must contain an area of at least 5,000m²; not be a road severance or stopped road; and be able to accommodate a suitable building platform as a permitted activity under Rule 22.4.9 (subdivision rule for building platform).</p> <p>(ii) All existing Records of Title form one continuous landholding;</p> <p>(iii) Each proposed lot allotment, with the exception of the balance area, has a minimum area of 8,000m².</p> <p>(iv) Each proposed lot allotment, with the exception of the balance area, has a maximum area of</p>
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	<p>1.6ha;</p> <p>(v) The proposed balance lot allotment has a minimum area of <u>240ha</u>; and</p> <p>(vi) It does not create any additional lot allotments beyond the number of existing Records of Title.</p> <p><u>(vii) The proposed allotments, excluding the balance allotment, must not be located on any high class soils.</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) subdivision layout and design including dimension, shape and orientation of the proposed lot allotment;</p> <p>(ii) effects on rural character and amenity values;</p> <p>(iii) effects on landscape values;</p> <p>(iv) potential for <u>subdivision and subsequent activities to adversely affect adjoining activities through</u> reverse sensitivity effects;</p> <p>(v) extent of earthworks including earthworks for the location of building platforms and access ways.</p> <p><u>(vi) effects on rural productivity and fragmentation of high class soils.</u></p> <p><u>(vii) the provision of infrastructure, including water supply accessible for firefighting.</u></p> <p><u>(viii) the subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets.</u></p>
NC1	Subdivision that does not comply with Rule 22.4.1.5 RDI.
<u>NC2</u>	<u>A rural hamlet subdivision within the Urban Expansion Area.⁷</u>

11.6 Section 32AA evaluation

403. As I have recommended changes to Rule 22.4.1.5, a s32AA evaluation is required.
404. The key changes I have recommended to Rule 22.4.1.5 include:
- amendments to clause (a)(i) to incorporate the definition of “viable record of title” as recommended by the submission from the Waikato District Council.
 - amended wording to clause (a)(i) to make it clear how many titles, excluding the balance allotment apply to the rule;
 - a new provision to restrict the new rural-residential lots from landing on high class soils
 - a new matter of discretion relating to the effects on high class soils;
 - a new matter of discretion relating to the provision of infrastructure, including for fire fighting; and
 - a new matter of discretion relating to subdivision layout and design and how these may impact the maintenance, upgrading and development of existing infrastructure assets.
405. The following points evaluate the recommended change under Section 42AA of the RMA.

11.6.1 Other reasonably-practicable options

406. Given that all points raised through the submissions were relatively specific points, I did consider the option of not making amendments to clause (a)(i) or adding the additional matters of discretion. However I considered that all of these changes added clarity to the rule and provided more stringent matters of discretion which a rural hamlet subdivision proposal would be assessed against. Doing nothing was not really an option, as all of the

⁷ Consequential change from Rule 22.4.1.1 PR1.

changes aligned with the higher order directions and provided a better provision which would ensure that subdivision effects are well controlled.

11.6.2 Effectiveness and efficiency

407. The recommended amendments in my view all align with the WRPS, Future Proof Growth Strategy and the Objectives and Policies included in Chapter 5 of the Proposed Waikato District Plan, particularly in respect to Policy 14.2 of the WRPS in regards to high class soils.

11.6.3 Costs and benefits

408. I do not consider there to be any significant costs in respect to the changes proposed, as most of the changes sought only affect the assessment undertaken at the time of subdivision application. Further the revised clause (a)(i) ensures titles that are less than 5,000m²; a road severance; stopped road or inability to provide a building platform cannot be used to benefit from this provision for subdivision.
409. The benefits are that the new rule and additional matters of discretion relating to high class soils will ensure the protection of the high class soils for primary productive activities.
410. The additional matters of discretion relating to the provision of infrastructure and consideration of existing infrastructure assets ensures that an appropriate assessment is undertaken at the time of resource consent.

11.6.4 Risk of acting or not acting

411. In my view, there is a risk in not acting. If I were to choose the “do nothing” option, there would be a risk that the provision would not achieve the best outcomes, particularly in respect to high class soils. Given that the proposed amendments were not provided for in the notified version of the Proposed District Plan, inclusion of the additional provision provides more strength to the rule. Additionally, given the known benefits, particularly in respect to the protection of the high class soils, the risk of not acting is the potential loss of high class soils and impacts from the lack of infrastructure or on existing infrastructure assets.

11.6.5 Decision about most appropriate option

412. For the reasons above, the amendment to the policy is considered to be the most appropriate way to achieve the objectives and policies contained in the WRPS and Chapter 5 of the Proposed District Plan.

12 Rule 22.4.1.6 – Conservation Lot Subdivision

12.1 Introduction

413. Rule 22.4.1.6 is an incentivised provision, which provides an opportunity for subdivision where the physical and legal protection of a Significant Natural Area (SNA) is undertaken. The rule differentiates between protection within the Hamilton Ecological Basin Area shown below in Figure 13 and outside of this area and provides for 1 incentive lot within the Hamilton Ecological Basin Area where at least 1ha of SNA is protected. Outside of this area, up to 3 incentive lots can be achieved from protecting 2ha or greater.

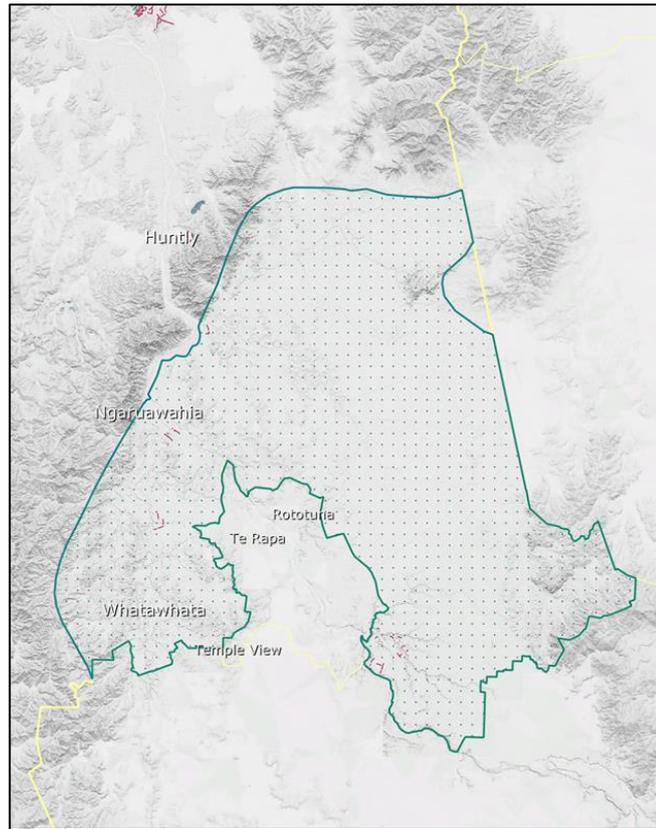


Figure 13. Map of Hamilton Ecological Basin

414. Conservation house lots (Rule 25.73) and Environmental Lots (22B.11) are currently provided for in both the Waikato and Franklin Sections of the Operative Waikato District Plan with differing requirements for the area of indigenous vegetation, wetland or habitat required to qualify for subdivision. In the Franklin area, the rules depend on whether a property is inside or outside of the Environmental Enhancement Overlay Area (EEOA).

415. The notified version of Rule 22.4.1.6 is as follows:

22.4.1.6 Conservation lot subdivision

RDI	(a) The subdivision must comply with all of the following conditions:										
	(i) The lot must contain a contiguous area of existing Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the table below:										
	<table border="1"> <thead> <tr> <th>Contiguous area to be legally protected (hectares)</th> <th>Maximum number of new Records of Title</th> </tr> </thead> <tbody> <tr> <td>Between 1ha and 2ha in area within the Hamilton Basin</td> <td style="text-align: center;">1</td> </tr> <tr> <td>Less than 2ha in all other areas</td> <td style="text-align: center;">0</td> </tr> <tr> <td>2ha to less than 5ha</td> <td style="text-align: center;">1</td> </tr> <tr> <td>5ha to less than 10ha</td> <td style="text-align: center;">2</td> </tr> </tbody> </table>	Contiguous area to be legally protected (hectares)	Maximum number of new Records of Title	Between 1ha and 2ha in area within the Hamilton Basin	1	Less than 2ha in all other areas	0	2ha to less than 5ha	1	5ha to less than 10ha	2
	Contiguous area to be legally protected (hectares)	Maximum number of new Records of Title									
	Between 1ha and 2ha in area within the Hamilton Basin	1									
Less than 2ha in all other areas	0										
2ha to less than 5ha	1										
5ha to less than 10ha	2										

	10ha or more	3
	<ul style="list-style-type: none"> (ii) The area of Significant Natural Area is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity); (iii) The Significant Natural Area is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977; (iv) The subdivision proposes to legally protect all areas of Significant Natural Area by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977; (v) An ecological management plan is prepared to address ongoing management of the covenant area to ensure that the Significant Natural Area is self-sustaining and that plan: <ul style="list-style-type: none"> A. Addresses fencing requirements for the covenant area; B. Addresses ongoing pest plant and animal control; C. Identifies any enhancement or edge planting required within the covenant area; (vi) All proposed lots are a minimum size of 8,000m²; (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>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Subdivision layout and proximity of building platforms to Significant Natural Area; (ii) Matters contained in an ecological management plan for the covenant area; (iii) Effects of the subdivision on rural character and amenity values; (iv) Extent of earthworks including earthworks for the location of building platforms and access ways. 	
NCI	A conservation lot subdivision that does not comply with Rule 22.4.1.6 RDI.	

12.2 Submissions

416. 121 original submission points and 34 further submission points were received on Rule 22.4.1.6 seeking a variety of outcomes, including:

- a. to retain Rule 22.4.1.6;
- b. to amend Rule 22.4.1.6 to provide for enhancement and restoration planting;
- c. to enable smaller areas of SNA to qualify for subdivision;
- d. to allow for additional lots where protection is being undertaken; and
- e. to reduce additional lot sizes.

417. Due to the number of submissions received, I have structured my discussion around themes.

12.3 General Submissions

General Submissions		
273.12	Russell Luders	No specific decision is sought, but the submission opposes Rule 22.4.1.6 RDI (a) Conservation Lot Subdivision.
345.10	Brent Trail	No specific decision sought, but submission opposes Rule 22.4.1.6 RDI (a)(iii) and (iv) Conservation lot subdivision.
706.9	Francis and Susan Turton	No specific decision sought, but submission opposes Rule 22.4.1.6 RDI (a)

		Conservation lot subdivision.
466.72	Brendan Balle for Balle Bros Group Limited	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.
489.5	Ann-Maree Gladding	Amend Rule 22.4.1.6 RDI (a) Conservation lot subdivision, to allow for conservation lot subdivisions by way of riparian planting; AND Amend Rule 22.4.1.6 RDI (a) Conservation lot, to provide clarification on enhancement planting to Significant Natural Areas.
567.36	Ngati Tamaoho Trust	Amend Rule 22.4.1.6 Conservation lot subdivision by adding a separate box for wetland protection.
798.32	Ngati Ata	Amend Rule 22.4.1.6 Conservation lot subdivision to include wetland protection in a separate box.
922.5	John Rowe	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.
746.152	The Surveying Company	Amend the Proposed District Plan to be enabling of improving both biodiversity and water quality within the Waikato Catchment, including adding provisions for ecological enhancement and/or restoration of appropriate areas into the Conservation Lot Subdivision rules.
782.5	Jack Macdonald	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.
302.31	Jeremy Talbot for Barker & Associates Limited on behalf of EnviroWaste New Zealand Limited	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.
FS1287.11	Blue Wallace Surveyors Limited	Supports 302.31:
662.21	Blue Wallace Surveyors Limited	Retain Rule 22.4.1.6 RDI Conservation lot subdivision, except for the amendments sought below AND Amend Rule 22.4.1.6 RDI (a)(i) Conservation lot subdivision as follows: <i>(i) The lot must contain a contiguous area of existing Significant Natural Area, <u>or</u> environmental conditions favourable to extending a Significant Natural Area, either as shown on the planning maps or as...</i>
766.55	Nicky Hogarth for Holcim (New Zealand) Limited	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.
433.61	Mischa Davis for Auckland Waikato Fish and Game Council	<p>Add two new subdivision rules in Rule 22.4.1.6 that provides for Environmental Benefits Lots, as follows:</p> <p><u>Discretionary activity</u></p> <p><u>An environmental benefit lot subdivision is a discretionary activity if the following conditions are met:</u></p> <p><u>1. The site to be subdivided offers the opportunity to achieve at least one of the following:</u></p> <p><u>a) Restoration or enhancement of an identified under-represented ecosystem; or</u></p> <p><u>b) Restoration of indigenous biodiversity; or</u></p> <p><u>c) Enhancement of indigenous biodiversity; or</u></p> <p><u>d) Creation of a buffer to an under-represented or threatened indigenous ecosystem/s; or</u></p> <p><u>e) Creation of an ecological stepping stone or corridor to link indigenous ecosystems; or</u></p> <p><u>f) Restoration or enhancement of a wetland or dune habitat; or</u></p> <p><u>g) Legal protection and restoration or enhancement of a modified or degraded area of natural character.</u></p> <p><u>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</u></p> <p><u>3. The minimum area of new lot created is 5000m²; and</u></p> <p><u>4. The application is accompanied by a report prepared by a suitably qualified professional that:</u></p> <p><u>a) Identifies the area/feature to be created, restored or enhanced and protected; and</u></p> <p><u>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</u></p> <p><u>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.</u></p> <p><u>d) Specifies how the area/feature will be legally protected in perpetuity; and</u></p> <p><u>5. The new lots created are not dependent upon public water and wastewater infrastructure.</u></p> <p><u>6. No more than four environmental benefit lots are created per lot.</u></p> <p><u>Non-complying activity</u></p> <p><u>Any activity that does not meet a condition for a discretionary activity is a non-complying activity.</u></p> <p>AND/OR</p> <p>Any alternative relief to address the issues and concerns raised in the submission.</p>

FS1251.1	Nesdam Trust & Fisk Madsen Trust	Supports 433.61
FS1268.10	Jennie Hayman	Supports 433.61:
FS1330.42	Middlemiss Farm Holdings Limited	Supports 433.61:
FS1342.126	Federated Farmers	Supports 433.61:
FS1223.90	Mercury NZ Limited	Supports 433.61
794.26	Middlemiss Farm Holdings Limited on behalf of	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.
794.32	Middlemiss Farm Holdings Limited on behalf of	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: <i>(b) In situ opportunity in all rural zones but which are subject to overlay rules for outstanding landscapes, features etc.</i> <i>(c) Lot yields</i> <ul style="list-style-type: none"> • <i>Restoration planting: 1 new lot for every 2ha minimum</i> • <i>Retirement succession: 1 new lot for every 4ha minimum</i> • <i>Wetland establishment: 1 new lot for every 0.5ha establishment (excluding buffer areas)</i> • <i>Riparian protection: 1 new lot for every 1.5ha minimum (minimum width of 10m and an average minimum of 15m either side of the stream bank or wetland.</i> <i>(d) the submitter considers whether a maximum cap be applied</i> <i>(e) lots with sizes ranging between 5000m2 and 1.5ha.</i> <i>(f) clustering of lots is encouraged but not required as it is a design response issue and site dependent.</i> 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: <i>(a) Site specific design led approach to the identification of protection/enhancement areas, lot boundaries and building platforms;</i> <i>(b) Priority provided for the LENZ 4 most at-risk land, wetlands and streams;</i> <i>(c) Opportunity for linkages to other existing or future ecological areas;</i> <i>(d) The qualities and features of the resources to be protected/enhanced;</i> <i>(e) Locating accessways and building platforms, where practicable;</i> <ul style="list-style-type: none"> • <i>off elite soils;</i> • <i>where reverse sensitivity risk is managed;</i> • <i>to maintain rural production (broadly defined); and</i> • <i>to maintain and enhance rural amenity values.</i> <i>(f) The ecological and other benefits of the enhancement; and</i> <i>(g) Legal long-term protection and maintenance mechanisms.</i> AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.
FS1343.1	Bruce Cameron	Supports 794.32:
FS1342.220	Federated Farmers	Supports 794.32:

FSI379.332	Hamilton City Council	Opposes 794.32:
FSI387.1254	Mercury NZ Limited	Opposes 794.32:
332.15	Gwyneth & Barrie Smith	<p>Retain Rule 22.4.1.6 Conservation lot subdivision, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 22.4.1.6 Conservation lot subdivision as follows:</p> <p>RD1</p> <p>(a) The subdivision must comply with all of the following conditions:</p> <p>(i) The lot must contain:</p> <p><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</u></p> <p><u>B. a contiguous area, to be enhanced and/or restored;</u></p> <p>in accordance with the table below:</p> <p>...</p> <p>(ii) <u>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);</u></p> <p>(iii) <u>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.</u></p> <p>(iv) <u>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.</u></p> <p>(v) <u>An ecological management plan is prepared to address the ongoing management of the covenant <u>protected</u> area to ensure that the Significant Natural Area <u>area to be protected</u> is a self-sustaining and that plan:</u></p> <p>A. <u>Addresses fencing requirement for the covenant <u>protected</u> area;</u></p> <p>B. <u>Addresses ongoing pest plan and animal control;</u></p> <p>C. <u>Identifies any enhancement <u>and/or restoration</u> or edge planting required within the covenant <u>protected</u> area to be protected.</u></p> <p>...</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) <u>Subdivision layout and proximity of building platforms to Significant Natural Area <u>the area to be protected</u>;</u></p> <p>(ii) <u>Matters contained in an ecological management plan for the covenant <u>protected</u> area;</u></p> <p>(iii) <u>Effects of the subdivision on <u>localised</u> rural character and amenity values;</u></p> <p>(iv) <u>Extent of earthworks including earthworks for the location of building</u></p>

		<p>platform and access ways;</p> <p><u>(v) Mechanism of legal protection for the area to be protected.</u></p> <p><u>DI</u></p> <p><u>(a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6(vi-vii) RDI.</u></p> <p><u>(b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii) RDI.</u></p> <p>...</p>
362.17	CYK Limited	<p>Amend clauses (a) and (b) in Rule 22.4.1.6 (a) Conservation Lot subdivision, as follows:</p> <p>(a) The subdivision must comply with all of the following conditions:</p> <p>(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, <u>or a contiguous area, to be enhanced and/or restored in accordance with the table below:</u></p> <p>...</p> <p>(ii) <u>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);</u></p> <p>(iii) <u>The Significance 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 1977 legal protection;</u></p> <p>(iv) <u>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 1977;</u></p> <p>(v) <u>An ecological management plan is prepared to address ongoing management of the covenant protected area to ensure that the Significant Natural Area <u>area to be protected</u> is self-sustaining and that plan:</u></p> <p>A. <u>Addresses fencing requirements for the covenant protected area;</u> B. <u>Addresses ongoing pest plant and animal control;</u> C. <u>Identifies any enhancement <u>and/or restoration</u> or edge planting required within the covenant area to be protected;</u></p> <p>(vi) <u>All proposed lots are a minimum size of 8,000m²;</u></p> <p>(vii) <u>All proposed lots excluding the balance lot, must each have a maximum area of 1.6ha;</u></p> <p>(viii) <u>This rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement;</u></p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) <u>Subdivision layout and proximity of building platforms to Significant Natural Area the area to be protected;</u></p>

		<p>(ii) Matters contain in an ecological management plan for the covenant <u>protected area</u>;</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 platforms and access ways.</p> <p><u>(v) Mechanism of legal protection for the area to be protected.</u></p>
690.11	Paramjit & Taranpal Singh	<p>Amend Rule 22.4.1.6 Conservation lot subdivision, as follows:</p> <p>(i) The lot must contain:</p> <p><u>(A) a contiguous area of existing Significant Natural Area either as shown on the planning maps and/or;</u></p> <p><u>(B) a contiguous area, to be enhanced and/or restored;</u></p> <p>As determined by an experience and suitably qualified ecologist in accordance with the table below:</p> <p>(ii) <u>The area of Significant Natural area, and/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);</u></p> <p><u>(iii) The Significant Natural Area or area to be restored is not already subject to legal protection a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act.</u></p> <p><u>(iv) The subdivision proposes to legally protect all areas of Significant Natural Area and/or area to be restored by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth National Trust Act.</u></p> <p><u>(v) An ecological management plan is prepared to address the ongoing management of the covenant <u>protected area</u> to ensure that Significant Natural Area <u>area to be protected</u> is self-sustaining and that plan:</u></p> <p>A. Addresses fencing requirement for the covenant <u>protected area</u>;</p> <p>B. Addresses ongoing pest plan and animal control;</p> <p>C. Identifies any enhancement <u>and/or restoration or edge</u> planting required within the covenant <u>area to be protected</u>.</p> <p>(vi) All proposed lots...</p> <p>(vii) Subdivision entitlement.</p> <p>(b) Council's discretion is restricted to the following matters.</p> <p>(i) Subdivision layout and proximity of building platforms to Significant Natural Area <u>the area to be protected</u>;</p> <p>(ii) Matters contained in an ecological management plan for the covenant <u>protected area</u>.</p> <p>(iii) Effects of the subdivision on <u>localised</u> rural character and amenity values;</p>

		<p>(iv) <i>Extent of earthworks including earthworks for the location of building platform and access ways.</i></p> <p><u>(v) Mechanism of legal protection for the area to be protected.</u></p>
877.22	Leigh Michael Shaw & Bradley John Hall	<p>Retain Rule 22.4.1.6 Conservation lot subdivision, except for the amendments sought below.</p> <p>AND</p> <p>Amend Rule 22.4.1.6 Conservation lot subdivision as follows:</p> <p>(a) <i>The subdivision must comply with all of the following conditions:</i></p> <p>(i) <i>The lot must contain:</i></p> <p><u>A. a contiguous area of existing Significant Natural Area either as shown on the planning maps, and/or</u></p> <p><u>B. a contiguous area, to be protected, enhanced and/or restored.</u></p> <p><i>as determined by an experienced and suitably qualified ecologist in accordance with the table below...</i></p> <p>(ii) <i>The area of Significant Natural Area, and/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);</i></p> <p>(iii) The Significant Natural Area or area to be restored is not already subject to legal protection a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act.</p> <p>(iv) The subdivision proposes to legally protect all areas of Significant Natural Area and/or area to be restored by way of conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth Natural Trust Act.</p> <p>(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 self sustaining and that plan:</p> <p>A. Addresses fencing requirement for the covenant protected area;</p> <p>B. Addresses ongoing pest plan and animal control;</p> <p>C. Identifies any enhancement and/or restoration or edge planting required within the covenant area to be protected.</p> <p>(vi).....</p> <p>(b) <i>Council's discretion is restricted to the following matters:</i></p> <p>(i) <i>Subdivision layout and proximity of building platforms to Significant Natural Area the area to be protected;</i></p> <p>(ii) Matters 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) <i>Extent of earthworks for the location of building platform and accessways.</i></p>

		<u>(v) Mechanism of legal protection for the area to be protected.</u>
746.111	The Surveying Company	<p>Amend Rule 22.4.1.6 RDI -Conservation lot subdivision as follows:</p> <p>(i) The lot must contain:</p> <p><u>A. a contiguous area of existing Significant Natural Area either as shown on the planning maps, and/ or</u></p> <p><u>B. a contiguous area, to be enhanced and/or restored;</u></p> <p>as determined by an experienced and suitably qualified ecologist in accordance with the table below...:</p> <p>(ii) The area of Significant Natural Area, <u>and/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);</p> <p>(iii) The Significant Natural Area <u>or area to be restored is not already subject to legal protection a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act.</u></p> <p>(iv) The subdivision proposes to legally protect all areas of Significant Natural Area <u>and/or area to be restored by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth Natural Trust Act.</u></p> <p>(v) An ecological management plan is prepared to address the ongoing management of the covenant <u>protected</u> area to ensure that the Significant Natural Area <u>area to be protected</u> is a self-sustaining and that plan:</p> <p>A. Addresses fencing requirement for the covenant <u>protected</u> area;</p> <p>B. Addresses ongoing pest plan and animal control;</p> <p>C. Identifies any enhancement <u>and/or restoration or edge</u> planting required within the covenant area to be protected.</p> <p>...</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Subdivision layout and proximity of building platforms to Significant Natural Area <u>the area to be protected</u>;</p> <p>(ii) Matters contained in an ecological management plan for the covenant <u>protected</u> 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;</p> <p><u>(v) Mechanism of legal protection for the area to be protected.</u></p>
FS1293.55	Department of Conservation	Supports 746.111:
FS1062.104	Andrew and Christine Gore	Supports 746.111:

514.17	DP & LJ Ramsey Limited	<p>Retain Rule 22.4.1.5 Conservation lot subdivision, except for the amendments sought below AND Amend Rule 22.4.1.6 Conservation lot Subdivision, as follows:</p> <p>(i) The lot must contain:</p> <p><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</u></p> <p><u>B. a contiguous area, to be enhanced and/or restored;</u></p> <p>in accordance with the table below:</p> <p>(ii) <u>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);</u></p> <p>(iii) <u>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.</u></p> <p>(iv) <u>The subdivision proposes to legally protect all areas of Significant Natural Area or area to be restored by way of a covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act.</u></p> <p>(v) <u>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:</u></p> <p>A. <u>Addresses fencing requirements for the covenant protected area;</u> B. <u>Addresses ongoing pest plant and animal control;</u> C. <u>Identifies any enhancement and/or restoration or edge planting required within the covenant area to be protected;</u> (b) <u>Council's discretion is restricted to the following matters:</u></p> <p>(i) <u>Subdivision layout and proximity of building platforms to Significant Natural Area the area to be protected;</u> (ii) <u>Matters contained in an ecological management plan for the covenant protected area;</u> (iii) <u>Effects of the subdivision on localised rural character and amenity values;</u> (iv) <u>Extent of earthworks including earthworks for the location of building platforms and access ways.</u> (v) <u>Mechanism of legal protection for the area to be protected.</u></p>
529.17	Wilcox Properties Limited	<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:</p> <p>The lot must contain:</p> <p><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</u></p>

		<p><u>B. a contiguous area, to be enhanced and/or restored</u> in accordance with the table below: (see table in PDP)</p> <ol style="list-style-type: none"> 1. <u>The area of Significant Natural Area, 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); 2. <u>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 1977 legal protection.</u> 3. <u>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 1977;</u> 4. <u>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:</u> <ol style="list-style-type: none"> 1. <u>Addresses fencing requirements for the covenant protected area;</u> 2. <u>Addresses ongoing pest plant and animal control;</u> 3. <u>Identifies any enhancement <u>and/or restoration</u> or edge-planting required within the covenant area <u>to be protected.</u></u> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> 1. <u>Subdivision layout and proximity of building platforms to Significant Natural Area <u>the area to be protected;</u></u> 2. <u>Matters contained in an ecological management plan for the covenant protected area;</u> 3. <u>Effects of the subdivision on <u>localised</u> rural character and amenity values;</u> 4. <u>Extent of earthworks including earthworks for the location of building platforms and access ways.</u> 5. <u>Mechanism of legal protection for the area to be protected</u>
540.17	Glen Alvon Farms Limited	<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: RD I (a) <u>The subdivision must comply with all of the following conditions:</u> (i) <u>The lot must contain:</u> <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 <u>which meets;</u> or</u> <u>B. a contiguous area, to be enhanced and/or restored; in accordance with the table below:</u> ... (ii) <u>The area of Significant Natural Area, <u>or area to be enhanced and/or restored,</u></u></p>

		<p>is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity);</p> <p>(iii) The Significant Natural Area <u>or area to be restored</u> is not already subject to a conservation covenant pursuant to the Reserves Act 1999 or the Queen Elizabeth II National Trust Act 1977; <u>legal protection.</u></p> <p>(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 1999 or the Queen Elizabeth II National Trust Act 1977;</u></p> <p>(v) An ecological management plan is prepared to address ongoing management of the covenant <u>protected area</u> to ensure that the Significant Natural Area <u>area to be protected</u> is self-sustaining and that plan:</p> <p>A. Addresses fencing requirements for the covenant <u>protected area</u>;</p> <p>B. Addresses ongoing pest plant and animal control;</p> <p>C. Identifies any enhancement and/or <u>restoration</u> or edge planting required within the covenant <u>area to be protected</u>;</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> 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 area</u>; iii. Effects of the subdivision on localised 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>
FS1062.86	Andrew and Christine Gore	Supports 540.17:
686.10	Reid Crawford Farms Limited	<p>Amend Rule 22.4.1.6 Conservation lot subdivision, as follows:</p> <p>(i) The lot must contain:</p> <p><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</u></p> <p><u>(B) a contiguous area, to be enhanced and/or restored;</u></p> <p><i>In accordance with the table below:</i></p> <p>(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);</p> <p>(iii) The Significant Natural Area <u>or area to be restored</u> is not already subject to</p>

		<p>Legal protection a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act .</p> <p>(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.</p> <p>(v) An ecological management plan is prepared to address the ongoing management of the <u>covenant protected</u> area to ensure that Significant Natural Area <u>area to be protected</u> is self-sustaining and that plan:</p> <p>A. Addresses fencing requirement for the <u>covenant protected</u> area;</p> <p>B. Addresses ongoing pest plan and animal control;</p> <p>C. Identifies any enhancement <u>and/or restoration or edge</u> planting required within the covenant area to be protected.</p> <p>(vi) All proposed lots... (vii) Subdivision entitlement. (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) Mechanism of legal protection for the area to be protected.</p>
751.52	Chanel Hargrave and Travis Miller	<p>Amend Rule 22.4.1.6 Conservation lot subdivision as follows: RD I (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; and/or</u> <u>B. a contiguous area, to be protected, enhanced and/or restored</u> as determined by an experienced and suitably qualified ecologist in accordance with the table below: ... (ii) The area of Significant Natural Area, <u>and/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</u> is not already subject to legal protection a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977; (iv) The subdivision proposes to legally protect all areas of Significant Natural Areas <u>and/or areas to be restored</u> by way of a conservation covenant pursuant to</p>

		<p>the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;</p> <p>(v) An ecological management plan is prepared to address ongoing management of the covenant <u>protected</u> area to ensure that that the Significant Natural Area <u>area to be protected</u> is self-sustaining and that plan:</p> <p>A. Addresses fencing requirement for the covenant <u>protected</u> area B. Addresses ongoing pest plant and animal control; C. Identifies any enhancement <u>and/or restoration</u> or edge planting required within the covenant <u>area to be protected</u>.</p> <p>...</p> <p>(b) Council's discretion is rested 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 platforms and access ways. (v) <u>Mechanism of legal protection for the area to be protected</u>.</p>
540.18	Glen Alvon Farms Limited	<p>Retain Rule 22.4.1.6 Conservation lot subdivision, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 22.4.1.6 RDI (b) Conservation lot subdivision, as follows:</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) Subdivision layout and proximity of building platforms to Significant Natural Area <u>the area to be protected</u>;</p> <p>(ii) Matters contained in an ecological management plan for the covenant <u>protected</u> 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 platforms and access ways.</p> <p><u>(v) Mechanism of legal protection for the area to be protected</u>.</p>
680.240	Federated Farmers of New Zealand	<p>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 1977 or the Queen Elizabeth II National Trust Act 1977, <u>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);</u> ... (vii) This rule of its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement; <u>(b) Where subdivision to create a conservation lot may be inappropriate due to the sensitive nature of the location, or unsuitability due to</u></p>

		<p><u>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.</u> (c) (b) Council's discretion is restricted to the following matters:... 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 129.75	Auckland Council	Oppose 680.240
FSI 138.31	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Support 680.240
751.62	Chanel Hargrave and Travis Miller	Add a new discretionary rule 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>
330.4	Andrew and Christine Gore	Amend the Proposed District Plan to allow subdivision where a property is planted and creates an ecological area for the future.
845.8	Grace M Wilcock	Amend the Proposed District Plan to ensure that Significant Natural Area land area is included as part of land calculations for possible future subdivision.

12.3.1 Analysis

Submissions where no specific relief is sought

418. Submissions received from Russell Luders [273.12] and Francis and Susan Turton [706.9] do not seek any specific relief, but oppose Rule 22.4.1.6 RDI (a). Similarly a submission from Brent Trail [345.10] also does not seek any specific relief but opposes Rule 22.4.1.6 RDI (a)(iii) and (iv). Given that the relief sought is not clear, I cannot determine what relief the submitters are seeking.

Enhancement/Restoration Planting

419. Submissions received from Balle Bros Group Limited [466.72] seek to amend the matters of discretion in Rule 22.4.1.6 to include compliance with criteria set out in section 11A of the Waikato Regional Policy Statement. While I agree with the intent of this submission point,

Rule 22.4.1.6 RDI(a)(ii) already makes provision for the proposal to be assessed against the criteria set out in section 11A of the WRPS through Appendix 2 of the District Plan, therefore I do not consider this needs to be replicated in the matters of discretion.

420. Several submission points were received seeking to amend Rule 22.4.1.6 RDI(a) to provide for ecological enhancement/restoration planting in a variety of different ways (i.e. riparian planting, wetland restoration, planting up Significant Natural Areas). I agree with these submission points and consider that provision needs to be made for an additional rule that provides an option for enhancement/restoration planting to undertake revegetation or enhancement planting. In this regard, I have worked with Council's ecologist John Turner to develop a discretionary activity provision, as follows:

<u>DI</u>	<p><u>Restoration or Enhancement Planting</u></p> <p><u>(a) Despite Rule 22.4.1.6 RDI above, where an area of existing SNA comprising indigenous vegetation, wetland or habitat does not comply with the minimum area requirements provided in either Table 1 or Table 2 above, revegetation or enhancement planting may be undertaken in order to enhance an existing SNA Area to meet the minimum area requirements for an SNA area provided in either Table 1 or Table 2 above, provided the following the following criteria is met:</u></p> <p><u>(i) The proposed subdivision meets the following criteria set out as follows:</u></p> <p><u>A. Each separate area included in the Significant Natural Area total must be assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity);</u></p> <p><u>B. The Significant Natural Area is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;</u></p> <p><u>C. The subdivision proposes to legally protect all areas of Significant Natural Area by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;</u></p> <p><u>D. All proposed lots are to be a minimum size of 8,000m²;</u></p> <p><u>E. All proposed lots excluding the balance lot, must each have a maximum area of 1.6ha;</u></p> <p><u>F. This rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement;</u></p> <p><u>G. Where the land to be subdivided contain high class soil (as determined by a property scale site specific Land Use Capability Assessment prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of the total land area as high class soils within the allotment.</u></p> <p><u>(ii) A planting plan, prepared by a suitably qualified expert has been implemented for a minimum period of 12 months for the SNA area being restored or enhanced prior to an application to Council being made;</u></p> <p><u>(iii) A planting management plan prepared by suitably qualified expert is provided demonstrating how the planting will be managed until maturity is reached (i.e. replacement planting if plants die etc);</u></p> <p><u>(iv) A weed and pest management plan prepared by a suitably qualified expert is provided demonstrating how the landowner proposes to manage weeds and animal pests within the area proposed for protection on an ongoing basis;</u></p> <p><u>(v) A fencing plan is provided demonstrating that the restoration or enhancement planting is protected from stock intrusion.</u></p>
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421. The provision aims to focus on areas of existing SNA that do not meet the minimum size requirements set out in RDI(a)(i). The provision proposed also requires planting to be planned and implemented a minimum of 12 months prior to an application being lodged with Council and requires a planting management and weed / pest management plan; and fencing plan. These provisions would ensure that the restoration/enhancement planting is

appropriately managed and contributes to the ecological values associated with the existing SNA.

422. I consider this approach gives effect to the WRPS relating to biodiversity, as well as the objective and policy framework in the PDP for protecting biodiversity in Chapter 3, particularly Objective 3.2.1 which states that *indigenous biodiversity in Significant Natural Areas is protected and enhanced*. Policy 3.2.7 is specific to managing Significant Natural Areas and aims to “*promote the management of Significant Natural Areas in a way that protects their long-term ecological functioning and indigenous biodiversity values...*”.

12.4 Requirements of the feature

423. The following submissions received seek to amend characteristics of a qualifying feature:

Submission point	Submitter	Decision requested
Retention of the rule		
81.174	Waikato Regional Council	Retain Rule 22.4.1.6 Conservation lot subdivision.
FS1138.32	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 81.174:
FS1315.19	Lochiel Farmlands Limited	Supports 81.174:
102.2	Lawrence and Audrey Cummings on behalf of Waiawa Downs Limited	Retain Rule 22.4.1.6 Conservation lot subdivision in its entirety.
330.3	Andrew and Christine Gore	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.
FS1386.428	Mercury NZ Limited	Opposes 330.3
345.9	Brent Trail	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.
345.11	Brent Trail	Retain Rule 22.4.1.6 RDI(a)(v) Conservation lot subdivision.
345.13	Brent Trail	Retain Rule 22.4.1.6 RDI(a)(viii) Conservation lot subdivision.
345.24	Brent Trail	Retain Rule 22.4.1.6 RDI(b) Conservation lot subdivision.
349.23	Kim Robinson on behalf of Lochiel Farmlands Limited	Retain Rule 22.4.1.6 Conservation lot subdivision.
571.1	Michael James Honiss on behalf of MK & NL Honiss	Retain Rule 22.4.1.6 Conservation lot subdivision; specifically the minimum 1ha of significant natural area required for a conservation lot subdivision.

690.10	Paramjit & Taranpal Singh	Retain the table in Rule 22.4.1.6 (a) (i) Conservation lot subdivision.
724.11	Sue Robertson for Tamahere Community Committee	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.
General submissions		
746.112	The Surveying Company	Amend Rule 22.4.1.6 RD1 (iii)-Conservation Lot Subdivision to remove reference to Queen Elizabeth II and the Reserves Act.
FS1062.105	Andrew and Christine Gore	<i>Supports 746.112: • It is important that policy reflects strong environmental consideration.</i>
751.53	Chanel Hargrave and Travis Miller	Delete specific references to Queen Elizabeth II National Trust Act 1977 and the Reserves Act 1977 within Rule 22.4.1.6RD1(a)(iii) Conservation lot subdivision.
394.20	Gwenith Sophie Francis	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.
794.23	Middlemiss Farm Holdings Limited on behalf of	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.
FS1308.133	The Surveying Company	Supports 794.23:
794.28	Middlemiss Farm Holdings Limited on behalf of	Amend the Proposed District Plan by introducing provisions from the Auckland Unitary Plan, including incentivised subdivision rules for the General Rural Area for Ecological benefit. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.
419.40	Lucy Deverall for Horticulture New Zealand	Add a new clause (ix) to Rule 22.4.1.6 RD1 (a) Conservation lot subdivision, as follows: <i>(a) The subdivision must comply with all of the following conditions:</i> ... <i><u>(ix) the proposed lots must not be located on high class soils.</u></i>

		<p>AND</p> <p>Add two new matters of discretion to Rule 22.4.1.6 RDI (b) Conservation lot subdivision, as follows:</p> <p><u>(v) potential for reverse sensitivity effects:</u></p> <p><u>(vi) the extent to which water conservation measures and, where appropriate, low impact stormwater design and facilities have been applied.</u></p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>
FS1308.38	The Surveying Company	Opposes 419.40:.
FS1330.31	Middlemiss Farm Holdings Limited	Opposes 419.40:
FS1268.9	Jennie Hayman	Opposes 419.40:
FS1171.28	Phoebe Watson for Barker & Associates on behalf of T&G Global	Supports 419.40:
471.30	Andrew Wood for CKL	<p>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.</p> <p>AND</p> <p>Any consequential amendments necessary.</p>
372.22	Steve van Kampen for Auckland Council	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.
FS1138.34	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 372.22:
330.161	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.1.6 Conservation lot subdivision.
751.36	Chanel Hargrave and Travis Miller	No specific decision is sought, but submission supports the incentivisation of legally and physically protecting Significant Natural Areas and other areas of existing biodiversity.
405.70	Counties Power Limited	<p>Add a matter of discretion to Rule 22.4.1.6 RDI (b) Conservation lot subdivision as follows:</p> <p><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></p>

FS1211.52	First Gas Limited on behalf of First Gas	Supports 405.70:
466.73	Brendan Balle for Balle Bros Group Limited	Add a new matter of discretion to Rule 22.4.1.6 Conservation lot subdivision regarding the potential for reverse sensitivity effects.
Size of Feature		
437.2	KCH Trust	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: <i>The area of Significant Natural Area is assessed by a suitably-qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity, a consequence of such assessment can be that the mapped Significant Natural Area may increase or decrease;</i> AND Any other relief or amendments to address the concerns outlined in the submission.
466.71	Brendan Balle for Balle Bros Group Limited	Amend Rule 22.4.1.6 Conservation lot subdivision to allow for ground truthing of Significant Natural Areas.
Contiguous area requirement		
441.4	Ben Young for Madsen Lawrie Consultants	Add clarification and further description of the term "contiguous area" as used in Rule 22.4.1.6 RD1 (a)(i) Conservation Lot Subdivision.
444.4	Ben Young for Madsen Lawrie Consultants	Add clarification and further description of the term 'contiguous area' in the context of Rule 22.4.1.6(a)(i) Conservation lot subdivision.
446.4	Ben Young for Madsen Lawrie Consultants	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.
447.2	Ben Young for Madsen Lawrie Consultants	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.
449.4	Ben Young for Madsen Lawrie Consultants	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.
455.4	Ben Young for Madsen Lawrie Consultants	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.
456.4	Ben Young for Madsen Lawrie Consultants	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.
459.4	Ben Young for Madsen Lawrie	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.

	Consultants	
460.4	Ben Young for Madsen Lawrie Consultants	Amend the Proposed District Plan to clarify and further describe a "contiguous area" as contained in Rule 22.4.1.6- Conservation lot subdivision.
467.5	Ben Young for Madsen Lawrie Consultants	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.
471.22	Andrew Wood for CKL	Amend Rule 22.4.1.6 RDI (a)(i) Conservation lot subdivision, as follows: <i>(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:</i> AND Any consequential amendments necessary.
943.31	McCracken Surveys Limited	Amend Rule 22.4.1.6 RDI (a) (i) Conservation lot subdivision, as follows: <i>(i) The lot 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:</i>
441.10	Ben Young for Madsen Lawrie Consultants	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.
444.13	Ben Young for Madsen Lawrie Consultants	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.
446.13	Ben Young for Madsen Lawrie Consultants	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.
447.13	Ben Young for Madsen Lawrie Consultants	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.
449.13	Ben Young for Madsen Lawrie Consultants	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.
455.13	Ben Young for Madsen Lawrie Consultants	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.
456.13	Ben Young for Madsen Lawrie Consultants	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.
459.13	Ben Young for Madsen Lawrie Consultants	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.
460.13	Ben Young for	Amend the Proposed District Plan to clarify and further describe a "Significant Natural

	Madsen Lawrie Consultants	Area" in the context of Rule 22.4.1.6 Conservation lot subdivision.
467.10	Ben Young for Madsen Lawrie Consultants	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.
838.19	Madsen Lawrie Consultants	Add clarification of the term "Significant Natural Area" in the context of Rule 22.4.1.6(a)(i) Conservation lot subdivision.
838.12	Madsen Lawrie Consultants	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.

12.4.1 Analysis

424. A number of submissions supported Rule 22.4.1.6, or parts of the rule, as notified.
425. The rule provides an opportunity for landowners to protect existing areas of SNA on their properties which are contiguous. The rule sets the minimum areas for protection, both within the Hamilton Ecological Area and outside. I consider the rule to be a positive trade in terms of incentivising the protection of SNAs for subdivision development and agree with submitter's that it should be retained in the District Plan as a subdivision pathway. However, I consider there are amendments that would improve the rule sought by submitters, therefore cannot accept the provisions, as notified.
426. A submission point from Andrew and Christine Gore [330.3] seeks to retain the rule, but allow an additional subdivision right to protect ecological areas and for the contiguous area to be determined by an ecologist. I agree that an ecologist is best placed to determine the area of the feature to be protected and whether the areas are contiguous. It should be noted that other submitters have sought to remove the contiguous requirement and I agree. This amendment will have the effect of the ecologist only needing to evaluate the area proposed for protection. I have recommended changes to the rule to reflect the removal of the contiguous requirement.
427. Submissions received from The Surveying Company [746.112] and Chanel Hargrave and Travis Miller [751.53] seek to amend Rule 22.4.1.6 RD1 (iii) to remove reference to Queen Elizabeth II Trust and the Reserves Act. The submission suggests in its reasons that other mechanisms may be more appropriate, including the vesting in Council as Esplanade Reserve or the protection by way of S221 Consent Notice.
428. In order to address this point I have sought legal advice from Council's legal advisor's Tompkins Wake to understand the differences between these forms of legal protection. In short, while vesting in Council as Esplanade Reserve or a S221 notice are options, vesting in Council passes the obligation from the landowner to Council and it is not current practice at Waikato District Council to take on the management and protection of areas of indigenous vegetation or wetland.
152. In respect to the S221 notices, I am concerned that if I accept a consent notice as an appropriate mechanism, there is a risk to Council that landowners could remove these from their records of title, hence defeating the purpose of the conservation "benefit". For these reasons, I recommend that the Panel reject these submission points and favour using the

Reserves Act or the Queen Elizabeth II Trust to ensure legal protection of the feature in perpetuity.

153. A submission from Gwenith Francis [394.20] seeks to amend Rule 22.4.1.6 by incorporating the provisions from the (former) Auckland Council District Plan (Rodney Section). However, the submission does not detail which provisions it is referring to specifically. I have reviewed E39 of the Auckland Unitary Plan and note that the thresholds for subdivision eligibility are greater than proposed in the notified version of the Waikato District Plan, and provide for a maximum of 3 lots in-situ, which is similar to the notified rule. As I am unclear as to which provisions the submitter would like to see incorporated into Rule 22.4.1.6, I suggest that further details may be provided through the exchange of evidence prior to the hearing which I can then consider.
154. Middlemiss Farm Holdings [794.23] seek to delete Rule 22.4.1.6 and add more enabling provisions as a replacement, however this submitter does not provide any recommended examples of provisions. However another point [794.28] from Middlemiss Farm Holdings suggests incentivised subdivision rules similar to the Auckland Unitary Plan (E39). As mentioned above, I have reviewed the Auckland Unitary Plan provisions, and consider that the notified Rule 22.4.1.6 provides a more enabling framework, with a 1ha minimum area proposed within the Hamilton Ecological Basin and 2ha minimum outside of this area, with a second lot provided at 5ha and third lot at 10ha. The Auckland Unitary provisions have a 5ha starting point and provide a second lot at 10ha, and third lot at 15ha. In response to other submissions, I have recommended more enabling provisions within the Hamilton Ecological Area, bringing the minimum size threshold to 5,000m², and have introduced a new discretionary activity rule for restoration and enhancement planting, which includes similar criteria as section 15.6 of Appendix 15 of the Auckland Unitary Plan. As I am unclear as to which provisions the submitter would like to see become more enabling, I suggest that further details be provided through the exchange of evidence prior to the hearing, which I can then consider.
429. Horticulture New Zealand [419.40] seeks to add a new clause to Rule 22.4.1.6 RDI (a) in respect to lots not being located on high class soils. The submission also seeks to add two additional matters of discretion to RDI(b) for reverse sensitivity effects and the extent to which water conservation measures and low impact stormwater design and facilities have been applied.
430. I agree with both Horticulture New Zealand in respect to proposed lots not being located on high class soils and with further submitters that this rule is a fine balance between ecological values and the protection of high class soils. For this reason, I consider that a similar approach should be taken to the general subdivision provisions to ensure that the conservation lot provisions do not lead to the loss of high class soils, which is a risk given the number of potential additional lots that may potentially be generated. However, I also agree with the points raised by further submitters that a matter of discretion should be included, hence I recommend a rule restricting the additional lot to contain only 15% of high class soils and a matter of discretion to assess the effects on high class soils.
- (ix) Where the land to be subdivided contain high class soil (as determined by a property scale site specific Land Use Capability Assessment prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of the total land area as high class soils within the allotment.
- (v) Effects on rural productivity and the availability of high class soils.

431. With regards to additional matters of discretion, I agree with the inclusion of an additional matter for reverse sensitivity effects. However, I am unclear about the intention of the additional matter regarding water conservation measures and low impact stormwater design and facilities, as I am not clear what outcomes this matter of discretion seeks to achieve.
432. A submission received from CKL [471.30] seeks to amend the rule so that a subdivision activity that fails the criteria defaults to either a restricted discretionary or discretionary activity at worst. I disagree with this point, as I have recommended an intermediate option for restoration/enhancement planting as a discretionary activity where the criteria in RDI cannot be met. I have considered whether the rule could be a controlled activity, but this would mean that Council must grant the consent under s104A, whereas s104C provides Council with the opportunity to grant or refuse consent. In my experiences, there are always applications for conservation lot subdivision that need more rigour applied to their assessment than others, therefore s104C in my view provides a good balance if the criteria can be met.
433. In regards to the non-complying activity status, I reiterate that in certain circumstances some applications require a more rigorous assessment than others and where features are under-sized or not of significant value, this in my view warrants scrutiny in terms of the effects of the proposed subdivision and the objectives and policies. Where the provisions rely on a benefit such as the legal protection of indigenous vegetation, wetland or habitat features, it needs to be of significant value in order to be eligible.
437. The submission from Auckland Council [372.22] does not provide any specific decision sought, but supports further S32 analysis to consider the potential costs and benefits of conservation lots. I agree with the intent of this point, therefore recommend that the Panel accept it in part, as there are known costs to conservation lot subdivision. However, Council has not investigated these in any level of detail from the ecological assessment through to the physical work required by the resource consent (i.e. fencing, planting etc).
438. A submission from Chanel Hargrave and Travis Miller [751.36] also does not provide any specific decision sought, but supports the incentivisation of legal and physical protection of SNAs and other areas of existing biodiversity. While I agree with the intent of this point, I am unclear what relief is being sought given that the rule provides for this. I therefore recommend rejecting this point.
439. The submission received from Counties Power Limited [405.70] seeks to add a matter of discretion to Rule 22.4.1.6 RDI (b) to ensure that subdivision layout and design takes into account the operation, maintenance, upgrading and development of existing infrastructure. I agree with this point for the same reasons I have recommended that this provision be included in the other subdivision rules, therefore recommend the following:
- (viii) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets.
440. A submission point received from Balle Bros Group Limited [466.73] seeks to add a new matter of discretion to Rule 22.4.1.6 regarding the potential for reverse sensitive effects. I agree with this point and consider that a conservation lot subdivision can generate the same

potential effects as a general subdivision, therefore should be assessed as part of the application for resource consent. I therefore recommend including the following matter of discretion:

(vii) Potential for reverse sensitivity effects

Size of the SNA feature

441. A submission point received from KCH Trust [437.2] seeks to amend the assessment of SNA required by Rule 22.4.1.6 (a)(ii) to specifically refer to an outcome of the assessment being an increase or decrease in the boundary of the mapped SNA area. Similarly, a submission point from Balle Bros Group Limited [466.71] seeks to amend the rule to allow for ground truthing of SNAs.
442. I have considered the above two points in conjunction with the work currently being undertaken in relation to the SNA topic (Hearing 21A) which does look at ground truthing of some identified SNA areas based on submissions received. In terms of Rule 22.4.1.6, I consider that this is best addressed by amending the requirement to have the feature assessed by an ecologist, but would not necessarily mean that the SNA area needs to be re-mapped.

Contiguous Area Requirement

443. Submissions received from Madsen Lawrie Consultants seeks to amend Rule 22.4.1.6 RDI (a)(i) to clarify and further describe a “contiguous area”. Submission points from CKL [471.22] and McCracken Surveys Limited [943.31] seeks to delete the word “contiguous” from the rule.
444. My view is that the requirement for a “contiguous area” has both advantages and disadvantages. For instance a record of title may contain multiple areas of SNA in different locations within a property or an area of SNA that may be contiguous with another area of SNA on an adjoining property. Conversely, not having the contiguous area requirement puts more emphasis on the assessment of the feature undertaken by the ecologist, as currently required by clause (a)(i) anyway.
445. After further discussion with Council’s S42 author for the Significant Natural Area’s hearing topic, Ms Chibnall and Council’s ecologist, Mr Turner, I have concluded that the reference to a contiguous area is irrelevant and prefer that the rules require an SNA to be determined by an experienced and suitably qualified ecologist. Further with the proposed amendments to enable restoration/enhancement planting this may also enable areas to be connected in order to become contiguous. Therefore I recommend accepting the above points.

Clarification of the term Significant Natural Area

446. Submissions received from Madsen Lawrie Consultants seek clarification of the description of the term Significant Natural Area in the context of Rule 22.4.1.6(a)(i). My view is that Appendix 2 of the Proposed District Plan addresses this and Rule 22.4.1.6(a)(i) does not need to go to that level of detail given that it is well set out in Appendix 2. Further discussion of Appendix 1 criteria will be had in Hearing 21A in reference to SNAs. Given

this, I defer this submission point to be discussed in more detail at the Hearing for SNAs. I therefore reject this point.

12.5 Eligibility of Lots

447. The following submissions relate to the number of lot able to be achieved through the Conservation Lot provisions:

Submission point	Submitter	Decision requested
62.1	Tara Wrigley	Amend Rule 22.4.1.6(i) Conservation lot subdivision by inserting a new row to the table regarding the Whaanga Coast as follows: <i>Contiguous Area to be legally protected (hectares):</i> <u>Between 1ha and 2ha in areas within the Whaanga Coast</u> <i>Maximum number of new Records of Title: 1</i>
69.2	Lucy Stallworthy	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 lot subdivision to read as follows: <u>1ha to less than 5ha</u>
FS1386.56	Mercury NZ Limited	Opposes 69.2
70.2	Ben Stallworthy	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 1ha 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.
FS1386.58	Mercury NZ Limited	Opposes 70.2
697.841	Waikato District Council	Amend Rule 22.4.1.6 Conservation lot subdivision, to provide further clarity in the table between areas inside and outside of the Hamilton Basin Ecological Management Area. Refer to Page 510 of the submission for details.

62.2	Tara Wrigley	<p>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:</p> <p><i>Less than 2ha in all other areas: 0 1</i></p> <p><i>2ha to less than 5ha: + 2</i></p> <p><i>5ha to less than 10ha: 2 3</i></p> <p><i>10ha or more: 3 4</i></p>
394.21	Gwenith Sophie Francis	<p>Amend the number of lots to be created per area of ecological enhancement, restoration or protection to be calculated from the date that the Proposed District Plan was notified.</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>
FS1388.121	Mercury NZ Limited	Opposes 394.21.
466.26	Brendan Balle for Balle Bros Group Limited	Amend Rule 22.4.1.6 RD1 (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 number of new Records of Title”.
481.2	Bruce and Kirstie Hill for Culverden Farm	Amend the approach and number of conservation lots that can be created from Significant Natural Areas in Rule 22.4.1.6 RD1 Conservation lot subdivision, by properly accounting for by a transaction which is commensurate with the value of area concerned.
FS1138.30	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 481.2: in part.
481.11	Bruce and Kirstie Hill for Culverden Farm	<p>Amend the number of conservation lots that can be created from Significant Natural Areas in Rule 22.4.1.6 RD1 Conservation lot subdivision, particularly for Significant Natural Areas under 5ha and over 10ha.</p> <p>AND</p> <p>Offer suitable monetary compensation for all Significant Natural Areas proportional to the size of the Significant Natural Area.</p>
FS1267.2	Dermot Murphy	<p>Supports 481.11: 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. (e.g. 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.</p>

482.10	Kirstie Hill on behalf of Hill Country Farmers Group	Amend the number of conservation lots that can be created from Significant Natural Areas in Rule 22.4.1.6 RD1 Conservation 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.
794.30	Middlemiss Farm Holdings Limited on behalf of	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 5000m ² to 1.5ha. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.
943.50	McCracken Surveys Limited	Amend Rule 22.4.1.6 RD1 (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.
20.1	Glenn Morse	Amend the table in Rule 22.4.1.6 (a)(i) Conservation lot subdivision to reduce the minimum 2ha area of Significant Natural Area to be legally protected to 1ha to enable more development.
365.2	Delta Property Group	Amend Rule 22.4.1.6 RD1 (a) Conservation Lot Subdivision, as follows: <i>(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:</i> Contiguous area to be legally protected (hectares) Maximum number of new Records of Title Between 1ha and 2ha in area within the Hamilton Basin 1 Less than 2ha in all other areas 0 2ha to less than 5ha 2 5ha or more to less than 10ha 3 10ha or more 3 ... <i>(vii) In cases where high class soils exist onsite, and exist within the parent title, all proposed lots</i> AND Add a new clause to Rule 22.4.1.6 RD1 (a) Conservation Lot Subdivision as follows: <i>(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;</i>
440.5	Ben Young for Madsen Lawrie	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

	Consultants Limited	notified.
441.3	Ben Young for Madsen Lawrie Consultants	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.
444.3	Ben Young for Madsen Lawrie Consultants	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.
446.3	Ben Young for Madsen Lawrie Consultants	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.
447.1	Ben Young for Madsen Lawrie Consultants	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.
449.3	Ben Young for Madsen Lawrie Consultants	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.
455.3	Ben Young for Madsen Lawrie Consultants	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.
456.3	Ben Young for Madsen Lawrie Consultants	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.
459.3	Ben Young for Madsen Lawrie Consultants	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.
460.3	Ben Young for Madsen Lawrie Consultants	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.
467.12	Ben Young for Madsen Lawrie Consultants	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.
838.11	Madsen Lawrie Consultants	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.

12.5.1 Analysis

448. A number of submissions were received seeking amendments to Rule 22.4.1.6 RDI (a)(i), which includes the minimum requirements for protection of SNA both inside the Hamilton Basin Ecological Area and outside of it. The main themes of the submissions were to either retain the provision as notified or provide more incentive for subdivision by protecting smaller areas of SNA. Some of these submissions also sought specific relief for particular areas of the district. A few submissions sought clarity in regards to Table 1.
449. As I mentioned previously in the introduction, conservation lot provisions are not new to the District Plan. However given the very limited extent of indigenous vegetation and habitat of indigenous fauna remaining within the Hamilton Ecological Basin and consequent

smaller area of SNA's, the proposed rule sought to provide a more lenient framework within the Hamilton Ecological Basin, therefore Table I was designed to provide for areas both inside and outside the Ecological Basin.

450. In order to address the above submissions, it is important to understand the number of titles affected by SNA's and the number of eligible titles for subdivision. To determine the level of subdivision that could potentially be generated from the proposed provisions, Council's GIS team provided two scenarios, one based on what was notified and a second based on the following:
- Reducing the minimum threshold inside the Hamilton Basin Ecological Area from 1ha to 5,000m² with an additional lot entitlement being achieved at 1 hectare.
 - Reducing the minimum threshold from outside the Hamilton Basin Ecological Area from 2ha to 1ha and providing an additional lot entitlement for each category and a fourth lot entitlement for protecting 10ha or more.

SNAs inside the Hamilton Basin Ecological Area

Option 1 - Rule as notified	SNA size (ha)	Number of lots granted	Number of titles	Conservation lots created
	>=0.5 and <1	none	77	0
	>=1	1	206	206
	TOTAL		206	206

Option 2 – Alternative	SNA size (ha)	Number of lots granted	Number of titles	Conservation lots created
	>=0.5 and <1	1	77	77
	>=1	2	206	412
	TOTAL		283	489

Table 13.

451. Using the alternative option suggested above in **Table 13**, inside the Hamilton Ecological Basin there is the potential for **283** additional lots (beyond that allowed by the notified version) to be created by reducing the minimum lot size threshold to a 5,000m² area in order for an SNA to be eligible and by increasing the number of incentive lots to 2 if more than 1ha of SNA is protected.
452. In reliance on advice from Mr Turner in respect to the 5,000m² minimum area, he agrees that this reduced area for protection is appropriate for areas of SNA within the Hamilton Ecological Basin, as SNA are much smaller and fewer within this area and any protection or environmental enhancement within the Hamilton Basin should be encouraged.
453. Based on Mr Turner's advice and the potential yield shown in **Table 14**, and in addition to the number of additional titles that can be achieved outside of the Hamilton Basin Ecological Area, I consider the best option would be to reduce the minimum threshold, but only

provide for 1 incentive lot in this area to ensure the effects of rural-residential development do not significantly outweigh the benefits being gained from this provision. It is also important to ensure that the provision gives effect to the WRPS, Future Proof growth strategy and the objectives and policies in the Proposed District Plan, particularly Policy 3.2.8.

SNA's outside the Hamilton Basin Ecological Area

Option 1 - rules as notified	SNA size (ha)	Number of lots granted	Number of titles	Conservation lots created
	>=1 and <2	none	343	0
	>=2 and <5	1	389	389
	>=5 and <10	2	241	482
	>=10	3	351	1053
	TOTAL		981	1924

Option 2 - alternative	SNA size (ha)	Number of lots granted	Number of titles	Conservation lots created
	>=1 and <2	1	343	343
	>=2 and <5	2	389	778
	>=5 and <10	3	241	723
	>=10	4	351	1404
	TOTAL		1324	3248

Table 14.

454. Using the alternative option suggested above outside of the Hamilton Ecological Basin there is the potential for **1324** additional lots (beyond that allowed by the notified version) to be created by reducing the minimum lot size threshold to a 1ha area in order for an SNA to be eligible and by increasing the number of incentive lots in each category up to 4 if protecting more than 10ha of SNA. Based on this potential yield and in addition to the number of additional titles that can be achieved inside of the Hamilton Basin Ecological Area, I consider the best option would be to retain the notified version of the rule for this area.
455. Based on the numbers shown above, the total number of potential titles eligible for subdivision could generate **2,207** additional lots for the areas both inside and outside of the Hamilton Ecological Basin Area, which is a significant number when compared to the General Subdivision provisions addressed earlier in this report.
456. In order to give effect to the WRPS Development Principles in Chapter 6A; the Future Proof Strategy and the objectives and policies in the Proposed District Plan, I recommend taking a conservation approach to this provision given that there is no qualifying title size like the general subdivision requirements and if the rule is too lenient in terms of qualifying SNA size, the effects of rural-residential development in the rural zone could be prolific. My key point is that as long as the landowner has the required area of SNA is meeting the requirements of Appendix 2, and can accommodate a new lot of 8,000m² – 1.6ha, subdivision is an option.

457. I consider that the recommended amendments to this rule still provide some limited opportunities and incentives for subdivision within the Hamilton Basin Ecological area, where SNA are far smaller and far fewer. Given that this area is also located in close proximity to Hamilton City, a balance needs to be had between the incentive to subdivide and the protection of the biodiversity. By providing an even more conservative approach to subdivision opportunities outside of the Hamilton Basin Ecological area, where more features of larger SNA area exist, this in my view strikes a good balance and still ensures that the provision gives effect to the higher order policy direction.

12.6 Lot Size

458. The following submissions are in relation to lot size:

Submission point	Submitter	Decision requested
276.15	Ted and Kathryn Letford	Amend Rule 22.4.1.6 RDI (vi) and (vii) Conservation lot subdivision, to enable smaller lots.
279.1	Robbie Bennett	Amend Rule 22.4.1.6 (a) (vi) Conservation lot subdivision to allow for a minimum lot size of 5,000m ² .
345.12	Brent Trail	Amend Rule 22.4.1.6 RDI(a)(vi) Conservation lot subdivision, to have a minimum lot size of 5000m ² . 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%.
362.11	CYK Limited	Add a new discretionary activity to Rule 22.4.1.6 Conservation lot subdivision, as follows: <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) RDI.</u> <u>(b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii) RDI.</u>
514.11	DP & LJ Ramsey Limited	Add a new discretionary activity to Rule 22.4.1.6 Conservation lot subdivision, as follows: <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) RDI.</u> <u>(b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii) RDI.</u>
529.11	Wilcox Properties Limited	Add a new discretionary activity to Rule 22.4.1.6 Conservation lot subdivision, as follows: <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) RDI.</u>

		<i>(b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6 (vi-vii) RDI.</i>
FS1062.70	Andrew and Christine Gore	Supports 529.11:
540.10	Glen Alvon Farms Limited	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>DI</u> <i>(a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6(vi-vii) RDI.</i> <i>(b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii) RDI.</i>
686.13	Reid Crawford Farms Limited	Add new discretionary activity to Rule 22.4.1.6 Conservation lot subdivision, as follows: <u>DI</u> <i>(a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6 (vi-vii) RDI.</i> <i>(b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6 (vi-vii) RDI.</i>
877.23	Leigh Michael Shaw & Bradley John Hall	Add a discretionary rule to Rule 22.4.1.6 Conservation lot subdivision as follows: <u>DI</u> <i>(a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6 RDI (vi-vii)</i> <i>(b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6 RDI (vi-vii).</i>
690.13	Paramjit & Taranpal Singh	Add a new discretionary activity to Rule 22.4.1.6 as follows: <u>DI</u> <i>(a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6 (vi-vii) RDI.</i> <i>(b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6 (vi-vii) RDI.</i>
746.143	The Surveying Company	Add a new discretionary rule to Rule 22.4.1.6- Conservation lot subdivision as follows: <u>DI</u> <i>(a) Conservation lot subdivision around an existing dwelling and associated curtilage that</i>

		<i>does not comply with Rule 22.4.1.6(vi-vii) RDI.</i> <i>(b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii) RDI.</i>
441.11	Ben Young for Madsen Lawrie Consultants	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 .
444.10	Ben Young for Madsen Lawrie Consultants	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 .
446.10	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.6 (a)(vi) Conservation lot subdivision to reduce the minimum lot size from 8,000m ² to 2,500m ² or 4,000m ² .
447.3	Ben Young for Madsen Lawrie Consultants	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 4,000m ² .
FS1062.45	Andrew and Christine Gore	Supports 447.3:
449.10	Ben Young for Madsen Lawrie Consultants	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 .
455.10	Ben Young for Madsen Lawrie Consultants	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 .
FS1388.339	Mercury NZ Limited	Opposes 455.10
456.10	Ben Young for Madsen Lawrie Consultants	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 .
FS1388.348	Mercury NZ Limited	Opposes 456.10
459.10	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.6 RDI (a) (vi) Conservation lot subdivision, by reducing the minimum lot size requirement to 2,500m ² , or 4,000m ² .
FS1388.359	Mercury NZ Limited	Opposes 459.10
460.10	Ben Young for Madsen Lawrie Consultants	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 .
FS1388.368	Mercury NZ Limited	Opposes 460.10
467.6	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.6 (a)(vi) Conservation lot subdivision, to reduce the minimum lot size requirement from 8,000m ² to 4,000m ² or 2,500m ² .
838.13	Madsen Lawrie Consultants	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 4,000m ² .
441.12	Ben Young for Madsen Lawrie	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.

	Consultants	
444.11	Ben Young for Madsen Lawrie Consultants	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.
446.11	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.6 (a)(vii) Conservation lot subdivision, to increase the maximum lot size to more than 1.6ha for proposed lots (excluding the balance lot).
447.4	Ben Young for Madsen Lawrie Consultants	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.
449.11	Ben Young for Madsen Lawrie Consultants	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.
455.11	Ben Young for Madsen Lawrie Consultants	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.
456.11	Ben Young for Madsen Lawrie Consultants	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.
459.11	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.6 RDI (a) (vii) Conservation lot subdivision, by increasing the maximum lot size for proposed lots (excluding the balance lot) to more than 1.6ha.
460.11	Ben Young for Madsen Lawrie Consultants	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.
467.7	Ben Young for Madsen Lawrie Consultants	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.
838.14	Madsen Lawrie Consultants	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.
877.24	Leigh Michael Shaw & Bradley John Hall	Retain Rule 22.4.1.6(a)(vi) and (vii) Conservation lot subdivision which enables the creation of a vacant lot between 8000m ² and 1.6ha as a Restricted Discretionary Activity.

12.6.1 Analysis

459. The minimum lot size for conservation lots set out in Rule 22.4.1.6 RDI (a) (vi) and (vii) is currently 8,000m² – 1.6ha, which is consistent with the size requirements for the other rural zone subdivision pathways identified in the plan.
460. A number of submissions have been received seeking to retain the lot size requirements, however most seek to reduce the minimum size below the threshold in the notified version. The requested minimum lot size ranges from 2,500m² to 5,000m². Similarly submissions seek to increase the maximum lot size area above 1.6ha, up to 3ha or a percentage of the total land area.

461. I consider it important for the plan to provide a consistent approach to the minimum lot size in the rural zone, therefore apply my previous points of discussion in respect to the General Subdivision, boundary relocation and rural hamlet subdivision requirements to this rule. Without re-iterating the entire analysis of the 8,000m² minimum area and 1.6ha maximum area, I do not consider any justifiable reason why the resulting density from conservation lot subdivision should be any different from the other subdivision pathways in the rural zone. In order to give effect to the objectives and policies contained in the WRPS, Future Proof Strategy and Proposed Waikato District Plan, a consistent approach is necessary.
462. A number of submissions were received seeking to add a new discretionary activity rule providing for conservation lots around an existing dwelling and associated curtilage as well as established rural activities that do not comply with Rule 22.4.1.6 RDI (vi-vii). Similar to my previous views on these submissions, there would need to be site specific reasons for reducing the proposed 8,000m² to a lesser area or increasing the 1.6ha maximum. It is my view that it is important that these non-compliances be assessed with careful consideration, which I consider is provided by a non-complying activity status. If there are genuine reasons for subdivision being below or above these thresholds, this would be taken into account as part of a non-complying activity and tested in terms of both effects and the objectives and policies in accordance with s104D.
463. In my experience, I would agree that there are many rural properties where an existing dwelling means that the effects of a subdivision are already part of the existing environment. However, where the subdivision demonstrates that the adverse effects of the proposal are minimal and there is good reason for the proposed lot to fall outside of the minimum or maximum thresholds, generally resource consent is granted. However what I would not want to see is the thresholds being tested simply because the proposal is subdividing an existing dwelling or rural activity. In my opinion this scenario should not be treated any differently from a subdivision where a vacant title is being proposed. The key consideration in my mind is what the effect of the subdivision will be, and does it align with the higher policy direction.

Summary

464. While conservation lot subdivision is an incentivised provision in the District Plan, my view is that it should not trump other competing resource management priorities, such as the effects on high class soils and primary production activities in the rural zone. To ensure consistency across the subdivision provisions, I consider both the minimum and maximum lot size areas should be retained in order to give effect to the higher order policy direction contained in the WRPS, Future Proof Strategy and the Proposed District Plan, particularly Chapter 5. Further it is my view that a non-complying activity status is an appropriate activity status for applications where the proposed lots do not comply with the minimum or maximum lot size requirements. S104D in my view applies a rigorous assessment to ensure that subdivision is appropriate and balanced in terms of its effects.

12.7 Previous subdivision entitlement

465. The following submissions relate to the requirement to ensure that a landowner has not previously undertaken subdivision using the conservation lot rules in previous district plans (effectively “double dipping”):

Submission point	Submitter	Decision requested

440.6	Ben Young for Madsen Lawrie Consultants Limited	Amend Rule 22.4.1.6 RD1 (viii) Conservation Lot Subdivision, as follows: <i>This rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement;</i>
447.10	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.6 (viii) Conservation lot subdivision, to remove reference to "or its equivalent in a previous District Plan".
467.8	Ben Young for Madsen Lawrie Consultants	Amend Rule 22.4.1.6 (a)(viii) Conservation lot subdivision, as follows: <i>This rule or its equivalent in a previous District Plan has not previously been used to gain an additional subdivision entitlement;</i>
838.15	Madsen Lawrie Consultants	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.
695.97	Sharp Planning Solutions Limited	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.
FS1168.127	Horticulture New Zealand	Supports 695.97: 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.

12.7.1 Analysis

466. Submissions received from Madsen Lawrie Consultants Limited seek to amend Rule 22.4.1.6 RD1 (viii) to remove reference to equivalent district plan provisions and consider that the rule should only reference any feature protected under the Proposed District Plan. Similarly a submission from Sharp Planning Solutions Limited [695.97] seeks to apply a discretionary activity status to a conservation lot subdivision utilising land already subject to legal protection, where the land has not previously been subdivided.
467. I do not agree with the submissions seeking to remove this provision, as my view is that if subdivision has already been undertaken on a property, whether all features were protected or not, the cumulative effects of additional subdivision undertaken contribute to the fragmentation of primary productive land, reduction in high class soils, increased reverse sensitivity and loss of rural character and amenity. I consider that if there is a case with merit, this can still be determined using the non-complying activity pathway.
468. In terms of cases where legal protection has already occurred but without a subdivision having been undertaken as a benefit, I do not agree that it should now qualify, as the SNA has already been legally protected and there is no benefit for the District, only the landowner in terms of subdivision entitlement.

12.8 Recommendations

469. For the reasons above I recommend that the Hearings Panel:

General

- **Reject** the submissions from Russell Luders [273.12], Brent Trail [245.10], Francis and Susan Turton [706.9], Balle Bros Group Limited [466.72].

- **Accept in part** the submissions from Ann-Maree Gladding [489.5], Ngati Tamaoho Trust [567.36], Ngati Ata [798.32], John Rowe [922.5], The Surveying Company [746.152].
the submission from Jack Macdonald [782.5].
- **Accept in part** the submission from EnviroWaste New Zealand Limited [302.31].
Therefore, accepting in part the further submission from Blue Wallace Surveyors [FSI287.11].
- **Accept in part** the submission from Blue Wallace Surveyors [662.21], Holcim (New Zealand) Limited [766.55].
- **Accept in part** the submission from Auckland Waikato Fish and Game [433.61].
Therefore, accepting the further submissions from Nesdam Trust & Fisk Madsen Trust [FSI251.], Jennie Hayman [FSI268.10], Middlemiss Farm Holdings Limited [FSI330.42], Federated Farmers [FSI342.126] and Mercury NZ Limited [FSI223.90].
- **Accept in part** the submission from Middlemiss Farm Holdings Limited [794.26].
- **Accept in part** the submission from Middlemiss Farm Holdings Limited [794.32].
Therefore, accepting in part the further submissions from Bruce Cameron [FSI343.1], Federated Farmers [FSI342.220], Hamilton City Council [FSI379.332] and Mercury NZ Limited [FSI387.1254].
- **Accept in part** the submission from Gwyneth & Barrie Smith [332.15].
- **Accept in part** the submission from CYK Limited [362.17].
- **Accept in part** the submission from Paramjit & Taranpal Singh [690.11].
- **Accept in part** the submission from Leigh Michael Shaw & Bradley John Hall [877.22].
- **Accept in part** the submission from The Surveying Company [746.111].
Therefore, accepting in part the further submissions from Department of Conservation [FSI293.55] and Andrew and Christine Gore [FSI062.104].
- **Accept in part** the submission from DP & LJ Ramsey Limited [514.17].
- **Accept in part** the submission from Wilcox Properties Limited [529.17].
- **Accept in part** the submission from Glen Avon Farms Limited [540.17].
Therefore, accepting in part the further submission from Andrew and Christine Gore [FSI06.86].
- **Accept in part** the submission from Reid Crawford Farms Limited [686.10].
- **Accept in part** the submission from Chanel Hargrave and Travis Miller [751.52].
- **Accept in part** the submission from Glen Alvon Farms Limited [540.18].
- **Reject** the submission from Federated Farmers [680.240]. **Therefore, accepting** the further submission from Auckland Council [FSI129.75] and **rejecting** the further submission from Pakau Trust [FSI138.31].
- **Reject** the submission from Chanel Hargrave and Travis Miller [751.62].
- **Accept in part** the submission from Andrew and Christine Gore [330.4].
- **Accept in part** the submission from Grace M Wilcock [845.8].

Requirements of the feature

- **Accept in part** the submission from Waikato Regional Council [81.174].
Therefore, accepting in part the further submissions from Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust [FSI138.32] and Lochiel Farmlands Limited [FSI315.19].

- **Accept in part** the submission from Lawrence and Audrey Cummings on behalf of Waiawa Downs Limited [102.2].
- **Accept in part** the submission from Andrew and Christine Gore [330.3].
Therefore, accepting in part the further submission from Mercury NZ Limited [FSI 386.428].
- **Accept in part** the submission from Brent Trail [345.9].
- **Accept in part** the submission from Brent Trail [345.11].
- **Accept in part** the submission from Brent Trail [345.13].
- **Accept in part** the submission from Brent Trail [345.24].
- **Accept in part** the submission from Lochiel Farmlands Limited [349.23].
- **Accept in part** the submission from Michael James Honiss on behalf of MK & NL Honiss [571.1].
- **Accept in part** the submission from Parmjit & Taranpal Singh [690.10].
- **Accept in part** the submission from Tamahere Community Committee [724.11].
- **Reject** the submission from The Surveying Company [746.112]. **Therefore, rejecting** the further submission from Andrew and Christine Gore [FSI 062.105].
- **Reject** the submission from Chanel Hargrave and Travis Miller [751.53].
- **Reject** the submission from Gwenith Sophie Francis [394.20].
- **Reject** the submission from Middlemiss Farm Holdings Limited [794.23].
Therefore, rejecting the further submission from The Surveying Company [FSI 308.133].
- **Reject** the submission from Middlemiss Farm Holdings Limited [794.28].
- **Accept in part** the submission from Horticulture New Zealand [419.40].
Therefore, accepting in part the further submissions from The Surveying Company [FSI 308.38], Middlemiss Farm Holdings Limited [FSI 330.31], Jennie Hayman [1268.9], T&G Global [FSI 171.28].
- **Reject** the submission from Andrew Wood for CKL [471.30].
- **Accept in part** the submission from Auckland Council [372.22]. **Therefore, accepting in part** the further submission from Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust [FSI 138.34].
- **Reject** the submission from Andrew and Christine Gore [330.161].
- **Accept in part** the submission from Chanel Hargrave and Travis Miller [751.36].
- **Accept** the submission from Counties Power Limited [405.70]. **Therefore, accepting** the further submission from First Gas Limited [FSI 211.52].
- **Accept** the submission from Balle Bros Group Limited [466.73].
- **Accept** the submission from KCH Trust [437.2].
- **Accept** the submission from Balle Bros Group Limited [466.71].
- **Accept in part** the submission from Ben Young for Madsen Lawrie Consultants [441.4], [444.4], [446.4], [447.2], [449.4], [455.4], [456.4], [459.4], [460.4], [467.5].
- **Accept** the submission from Andrew Wood for CKL [471.22].
- **Accept** the submission from McCracken Surveys Limited [943.31].
- **Reject** the submission from Ben Young for Madsen Lawrie Consultants [441.10], [444.13], [446.13], [447.13], [449.13], [455.13], [456.13], [459.13], [460.13], [467.10].
- **Reject** the submission from Madsen Lawrie Consultants [838.19].
- **Reject** the submission from Madsen Lawrie Consultants [838.12].

Eligibility of lots

- **Reject** the submission from Tara Wrigley [62.1].
- **Reject** the submission from Lucy Stallworthy [69.2]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 386.56].
- **Reject** the submission from Ben Stallworthy [70.2]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 386.58].
- **Accept** the submission from Waikato District Council [697.841].
- **Reject** the submission from Tara Wrigley [62.2].
- **Accept in part** the submission from Gwenith Sophie Francis [394.21]. **Therefore, accepting in part** the further submission from Mercury NZ Limited [FSI 388.121].
- **Reject** the submission from Balle Bros Group Limited [466.26].
- **Reject** the submission from Bruce and Kirstie Hill for Culverden Farm [481.2]. **Therefore rejecting** the further submission from Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust [FSI 138.30].
- **Reject** the submission from Bruce and Kirstie Hill for Culverden Farm [481.11]. **Therefore rejecting** the further submission from Dermot Murphy [FSI 267.2].
- **Reject** the submission from Middlemiss Farms Holdings Limited [794.30].
- **Accept in part** the submission from McCracken Surveys Limited [943.50] insofar as amending the table in Rule 22.4.1.6 RD1 (a).
- **Reject** the submission from Glen Morse [20.1].
- **Reject** the submission from Delta Property Group [365.2].
- **Accept in part** the submission from Ben Young for Madsen Lawrie Consultants Limited [440.5], [441.3], [444.3], [446.3], [447.1], [449.3], [455.3], [456.3], [459.3], [460.3], [467.12].
- **Accept in part** the submission from Madsen Lawrie Consultants [838.11].

Lot Size

- **Reject** the submission from Ted and Kathryn Letford [276.15].
- **Reject** the submission from Robbie Bennett [279.1].
- **Reject** the submission from Brent Trail [345.12].
- **Reject** the submission from CYK Limited [362.11].
- **Reject** the submission from DP & LJ Ramsey Limited [514.11].
- **Reject** the submission from Wilcox Properties Limited [529.11]. **Therefore, rejecting** the further submission from Andrew and Christine Gore [FSI 062.70].
- **Reject** the submission from Glen Alvon Farms Limited [540.10].
- **Reject** the submission from Reid Crawford Farms Limited [686.13].
- **Reject** the submission from Leigh Michael Shaw & Bradley John Hall [877.23].
- **Reject** the submission from Paramjit & Taranpal Singh [690.13].
- **Reject** the submission from The Surveying Company [746.143].
- **Reject** the submission from Ben Young for Madsen Lawrie Consultants [441.11], [444.10], [446.10], [447.3]. **Therefore, rejecting** the further submission from Andrew and Christine Gore [FSI 062.45].
- **Reject** the submission from Ben Young for Madsen Lawrie Consultants [449.10], [467.6].
- **Reject** the submission from Ben Young for Madsen Lawrie Consultants [455.10]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 388.339].

- **Reject** the submission from Ben Young for Madsen Lawrie Consultants [456.10]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 388.348].
- **Reject** the submission from Ben Young for Madsen Lawrie Consultants [459.10]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 388.359].
- **Reject** the submission from Ben Young for Madsen Lawrie Consultants [460.10]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 388.368].
- **Reject** the submission from Madsen Lawrie Consultants [838.13].
- **Reject** the submission from Ben Young for Madsen Lawrie Consultants [441.12], [444.11], [446.11], [447.4], [449.11], [455.11], [456.11], [459.11], [460.11], [467.7].
- **Reject** the submission from Madsen Lawrie Consultants [838.14].
- **Accept** the submission from Leigh Michael Shaw & Bradley John Hall [877.24].

Previous subdivision entitlement

- **Reject** the submission from Ben Young for Madsen Lawrie Consultants [440.6], [447.10], [467.8].
- **Reject** the submission from Madsen Lawrie Consultants [838.15].
- **Reject** the submission from Sharp Planning Solutions Limited [695.97]. **Therefore, rejecting** the further submission from Horticulture New Zealand [FSI 168.127].

12.9 Recommended amendments

470. The following amendments are recommended:

22.4.1.6 Conservation lot subdivision

RDI	<p>(a) The <u>conservation lot</u> subdivision must comply with all of the following conditions:</p> <p>(i) The <u>allotment to be subdivided lot</u> must contain a <u>contiguous area of existing</u> Significant Natural Area either as shown on the planning maps or as determined by an experienced and suitably qualified ecologist in accordance with the either <u>Table 1</u> or Table 2 below:</p> <table border="1" data-bbox="368 1442 1209 1895"> <thead> <tr> <th>Contiguous area to be legally protected (hectares)</th> <th>Maximum number of new Records of Title</th> </tr> </thead> <tbody> <tr> <td>Between 1ha and 2ha in area within the Hamilton Basin</td> <td>1</td> </tr> <tr> <td>Less than 2ha in all other areas</td> <td>0</td> </tr> <tr> <td>2ha to less than 5ha</td> <td>1</td> </tr> <tr> <td>5ha to less than 10ha</td> <td>2</td> </tr> <tr> <td>10ha or more</td> <td>3</td> </tr> </tbody> </table> <p><u>Table 1: SNA Inside the Hamilton Ecological Basin Area</u></p>	Contiguous area to be legally protected (hectares)	Maximum number of new Records of Title	Between 1ha and 2ha in area within the Hamilton Basin	1	Less than 2ha in all other areas	0	2ha to less than 5ha	1	5ha to less than 10ha	2	10ha or more	3
Contiguous area to be legally protected (hectares)	Maximum number of new Records of Title												
Between 1ha and 2ha in area within the Hamilton Basin	1												
Less than 2ha in all other areas	0												
2ha to less than 5ha	1												
5ha to less than 10ha	2												
10ha or more	3												

<u>Total area of SNA to be legally protected on an individual Record of Title</u>	<u>Maximum Number of additional lots that can be created on an individual Record of Title</u>
<u>Greater than 5,000m²</u>	<u>1</u>

Table 2: SNA outside the Hamilton Ecological Basin Area

<u>Total area of SNA to be legally protected on an individual Record of Title</u>	<u>Maximum Number of additional lots that can be created on an individual Record of Title</u>
<u>Greater than 2ha – less than 5ha</u>	<u>1</u>
<u>Greater than 5ha – less than 10ha</u>	<u>2</u>
<u>Greater than 10ha</u>	<u>3</u>

- (ii) ~~Each separate area included in the Significant Natural Area total must be~~ ~~The area of Significant Natural Area is~~ assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity);
- (iii) The Significant Natural Area is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;
- (iv) The subdivision proposes to legally protect all areas of Significant Natural Area by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;
- (v) An ecological management plan is prepared to address ongoing management of the covenant area to ensure that the Significant Natural Area values are maintained ~~is self-sustaining~~ and that plan:
- A. Addresses fencing requirements for the covenant area;
 - B. Addresses ongoing pest plant and animal control;
 - C. Identifies any enhancement or edge planting required within the covenant area;
- (vi) All proposed lots are to be a minimum size of 8,000m²;
- (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;
- (ix) Where the land to be subdivided contain high class soil (as determined by a property scale site specific Land Use Capability Assessment prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of the total land area as high class soils within the allotment.
- (b) Council's discretion is restricted to the following matters:
- (i) Subdivision layout and proximity of building platforms to the Significant Natural Area being protected;
 - (ii) Matters contained in an ecological management plan for the covenant area;
 - (iii) Effects of the subdivision on rural character and amenity values;
 - (iv) Extent of earthworks including earthworks for the location of building platforms and access ways

	<ul style="list-style-type: none"> (v) <u>Effects on rural productivity and the availability of high class soils.</u> (vi) <u>The use of spot covenants protecting individual trees or smaller areas of SNA that are not sustainable.</u> (vii) <u>Potential for reverse sensitivity effects.</u> (viii) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets.</u>
DI	<p><u>Restoration or Enhancement Planting</u></p> <p><u>(a) Despite Rule 22.4.1.6 RDI above, where an area of existing SNA comprising indigenous vegetation, wetland or habitat does not comply with the minimum area requirements provided in either Table 1 or Table 2 above, revegetation or enhancement planting may be undertaken in order to enhance an existing SNA Area to meet the minimum area requirements for an SNA area provided in either Table 1 or Table 2 above, provided the following the following criteria is met:</u></p> <ul style="list-style-type: none"> (i) <u>The proposed subdivision meets the following criteria set out as follows:</u> <ul style="list-style-type: none"> A. <u>Each separate area included in the Significant Natural Area total must be assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity);</u> B. <u>The Significant Natural Area is not already subject to a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;</u> C. <u>The subdivision proposes to legally protect all areas of Significant Natural Area by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act 1977;</u> D. <u>All proposed lots are to be a minimum size of 8,000m²;</u> E. <u>All proposed lots excluding the balance lot, must each have a maximum area of 1.6ha;</u> F. <u>This rule or its equivalent in a previous district plan has not previously been used to gain an additional subdivision entitlement;</u> G. <u>Where the land to be subdivided contain high class soil (as determined by a property scale site specific Land Use Capability Assessment prepared by a suitably qualified person), the additional allotment created by the subdivision, exclusive of the balance area, must not contain more than 15% of the total land area as high class soils within the allotment.</u> (ii) <u>A planting plan, prepared by a suitably qualified expert has been implemented for a minimum period of 12 months for the SNA area being restored or enhanced prior to an application to Council being made;</u> (iii) <u>A planting management plan prepared by suitably qualified expert is provided demonstrating how the planting will be managed until maturity is reached (i.e. replacement planting if plants die etc);</u> (iv) <u>A weed and pest management plan prepared by a suitably qualified expert is provided demonstrating how the landowner proposes to manage weeds and animal pests within the area proposed for protection on an ongoing basis;</u> (v) <u>A fencing plan is provided demonstrating that the restoration or enhancement planting is protected from stock intrusion.</u>
NCI	A conservation lot subdivision that does not comply with Rule 22.4.1.6 RDI <u>or DI</u> .

12.10 Section 32AA evaluation

471. A number of amendments have been made to Rule 22.4.1.6 RDI. However there are three key changes which I will provide further analysis on in regards to s32AA without repeating the analysis already undertaken above.
472. The first key change relates to Table 1 in Rule 22.4.1.6 RDI (a)(i), which has now been split into two tables, one for within the Hamilton Ecological Basin and one for outside the Hamilton Ecological Basin. After considering the options presented by submitters, I have recommended amending Table 1 in relation to the minimum area requirement for SNA within the Hamilton Basin Ecological area, but prefer the notified version of the rule for areas outside of the Hamilton Basin. This change means that landowners with SNA on their titles will require greater than 5,000m², as opposed to greater than 1ha in order to qualify for one lot entitlement.
473. The second key change relates to the use of the term “contiguous”, which was used in the notified version of the rules, meaning that all SNA features needed to be contiguous in order to qualify for subdivision. My recommended approach is to remove this requirement and simply rely on the expert advice of a suitably qualified ecologist to assess the area(s) of SNA (which they would need to do anyway, to ensure that each area meets the WRPS criteria contained in Appendix 2).
474. The third key change is the introduction of a new discretionary activity rule providing for enhancement/restoration planting in order to meet the minimum area requirements set out in recommended Table 1 and Table 2. This provision provided a response to the large number of submitters who wanted the opportunity to enhance existing areas of SNA and be eligible for subdivision as an incentive.
475. The changes proposed are significant for two reasons. Firstly, the proposed rule affects the number of lots that a landowner may be entitled to through the legal protection of SNA on their property. Secondly, the number of lots that can be generated from this provision when added to the potential lot yield from the general subdivision provisions, can lead to significant adverse impacts on the rural zone if a balanced approach is not taken.
476. The following points evaluate the recommended changes under Section 32AA of the RMA.

12.10.1 Other reasonably-practicable options

477. In considering the above submissions, I considered several options. As analysed above in terms of the effect of reducing the SNA area criteria, I compared the notified provisions against some alternative options as suggested by submitters. I will not repeat the analysis from above, but in short the resulting number of lots from changing the criteria was instrumental to my recommendation.
478. In terms of the other key changes, I considered the “do nothing” approach as an alternative, but did not consider that this would address the large number of submissions, particularly seeking to have an option for enhancement/restoration planting. Further when weighing up leaving in the term “contiguous”, I looked at several examples of properties where there may be several areas of SNA that were not “contiguous”, but would be significant to the wider ecological corridor and biodiversity goals more generally if the rule did not change.

12.10.2 Effectiveness and efficiency

479. The recommended amendments in my view align extremely well with the Waikato Regional Policy Statement in respect to the objectives relevant to retaining biodiversity and aiming for “no net loss”. However the provision also needs to be balanced with the policy directions in Chapter 6A in regards to development of the resulting rural residential lifestyle lots. This also applies to giving effect to the Future Proof Strategy and meeting the strategic directions in the Waikato District Council 2070 growth strategy and objectives and policies of the Proposed District Plan, which include those relating to strategic direction, biodiversity (SNAs) and the rural environment.

12.10.3 Costs and benefits

480. There are costs that must be taken into account in respect to conservation lot subdivision. While conservation lot subdivision is an incentivised provision in the District Plan, the following table from Mr Fairgray of Market Economics at section 5.17 of his report shows that, when compared to the general subdivision provision, conservation subdivision has a higher cost in terms of creating the lots, meaning less return per lot. Therefore there is certainly greater incentive for landowners who qualify to utilise the general subdivision pathway instead of facing the expense of undertaking a conservation lot pathway.

	General Subdivision		Conservation Subdivision	
	New Lots @ 0.8 ha	New Lots @ 1.6 ha	New Lots @ 0.8 ha	New Lots @ 1.6 ha
New Lots Created	1,147	1,147	2,207	2,207
Land Area of New Lots (ha)	918	1,835	1,766	3,531
Current Land Value (\$m)	\$ 63	\$ 125	\$ 93	\$ 186
Current LV per Lot (\$000)	\$ 55	\$ 109	\$ 42	\$ 84
Gross Value New Lots (\$m)	\$ 345	\$ 399	\$ 709	\$ 809
Estd Costs New Lots (\$m)	\$ 73	\$ 76	\$ 553	\$ 559
Net Return New Lots (\$m)	\$ 210	\$ 198	\$ 63	\$ 63
Net return per Lot (\$000)	\$ 183	\$ 173	\$ 29	\$ 29

ME Waikato Land Use Model 2020

Table 15.

481. Although the figures in **Table 15** show that more lots are generated if a landowner protects a larger area (ie. 10ha), there is still a cost to that in terms of fencing, weed and pest management and the legal protection of the feature, so there is little likelihood of the potential lot yield becoming a reality. This can also be said of the new provisions enabling landowners to undertake restoration/enhancement planting and utilise a discretionary activity pathway for resource consent.
482. I note that I do not have any examples of the individual costs of undertaking a conservation lot subdivision are, but welcome any submitters who may have already been through the process or investigated costs to share this through their exchange of evidence.
483. While I accept that conservation lot subdivision may not necessarily be incentivised from an economic perspective, there are still gains to be made from undertaking the subdivision.

484. The other costs that must be considered here through s32AA are the costs to the rural environment in terms of the loss of primary productive activities through increased numbers of rural residential development. Mr Fairgray of Market Economics, at section 5.5 of his report has provided some detail in respect to the main effects from subdivision and at 5.11 he has provided details of the economic costs for both general and conservation lot subdivision combined.

12.10.4 Risk of acting or not acting

485. There are some risks in not acting. Should the proposed changes not be made to the provision, some areas of ecological value could be lost. I consider that there is sufficient information on the costs to the environment, and benefits to people and communities to justify the amendment to the rule.

12.10.5 Decision about most appropriate option

486. For the reasons above, the amendment to the policy is considered to be the most appropriate way to achieve the objective.

13 Rule 22.4.1.7 – Subdivision to create a reserve

13.1 Introduction

487. Rule 22.4.1.7 is an incentivised provision allowing an opportunity to subdivide a title where an area of land has been identified as being required for public access or reserve purposes. Seven submissions were received on this rule.

22.4.1.7 Subdivision to create a reserve

RDI	<p>(a) Subdivision to create a reserve must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The lot being subdivided must contain an area that is identified in a Waikato District Council Parks Strategy as being required for permanent public access or for reserve purposes; (ii) The area identified in the Parks Strategy as being required for permanent public access or for reserve purposes is to be vested in Council; (iii) No more than one additional lot is created, excluding any land vested in Council. (iv) The proposed additional lot, excluding the reserve, has a minimum size of 8,000m². <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Size and location of area for which public access or reserve is secured; (ii) Method of securing public access; (iii) Management of any land remaining in private ownership over which access rights are granted; (iv) Location of additional lot.
NCI	A reserve lot subdivision that does not comply with Rule 22.4.1.7 RDI.

13.2 Submissions

488. 7 original submission points and 2 further submission points were received on Rule 22.4.1.7 seeking a variety of outcomes, including: to retain the rule; additional of matters of discretion; and amendments to the rule.
489. The following submissions were made on Rule 22.4.1.7:

Submission point	Submitter	Decision requested
330.162	13.2.1.1 Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.1.7 Subdivision to create a reserve.
405.71	13.2.1.2 Counties Power Limited	Add a matter of discretion to Rule 22.4.1.7 RDI(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>
FS1211.53	First Gas Limited on behalf of First Gas	Supports 405.71
697.829	Waikato District Council	Amend Rule 22.4.1.7 Subdivision to create a reserve heading, as follows: <u>Subdivision to create a reserve and incentive lot</u>
697.830	Waikato District Council	Amend Rule 22.4.1.7 RDI(a)(iii) Subdivision to create a reserve, as follows: (iii) No more than one additional lot <u>in addition to the balance lot</u> is created, excluding any land vested in Council.
746.113	The Surveying Company	Retain Rule 22.4.1.7-Subdivision to create a reserve as notified.
FS1062.106	Andrew and Christine Gore	Supports 746.113
751.54	Chanel Hargrave and Travis Miller	Retain Rule 22.4.1.7 Subdivision to create a reserve
938.1	13.2.1.3 Neil and Linda Porritt	Amend Rule 22.4.1.7 Subdivision, to create a reserve, as follows: <u>RDI</u> (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 <u>or public access is permanently secured by way of easement;</u> (iii) No more than one additional lot is created <u>from each lot being subdivided</u> , excluding any land vested in Council. (iv) The proposed additional lot, excluding the reserve, has a minimum size of 8,000 <u>5000</u> m ² . (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</u> <u>A reserve lot subdivision that does not comply with Rule 22.4.1.7 RDI, conditions (a)(ii)-(iv)</u> <u>NCI</u> <u>A reserve lot subdivision that does not comply with Rule 22.4.1.7 RDI conditions (a)(i)</u>

13.3 Analysis

490. Submissions from The Surveying Company [746.113] and Chanel Hargrave and Travis Miller [751.54] seek to retain the rule as notified. I agree with both submissions, as I consider that the rule provides an opportunity for land to be acquired for public benefit that would not

generally occur unless a property is eligible for subdivision and vests an area as part of the proposal. Notwithstanding this, I still need to take into account the submissions seeking amendments to the rule.

491. Submissions received from Andrew and Christine Gore [330.162] do not seek any specific decision, but refer to Rule 22.4.1.7. Given that the relief sought is unclear, I cannot recommend accepting this submission point.
492. A submission received from Counties Power Limited [405.71] seeks to add a matter of discretion regarding the subdivision layout and design and how this may impact existing infrastructure assets. This point is supported by First Gas [FS1211.53]. I agree that this should be added to the rule. Similar to previous comments highlighted in this report, I agree that further provision should be made in Rule 22.4.1.7 RD1 (b) for existing infrastructure, therefore I recommend that a matter of discretion be added as follows:
- (v) The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets.
493. Including an additional matter of discretion, as recommended in my view aligns with the directions included in Chapter 6 of the WRPS, in particular the development principles in 6A d).
494. A submission received from Waikato District council [697.829] seeks to amend the heading to provide clarity that the rule provides an incentive lot. Further, Waikato District Council [697.830] seeks to amend clause RD1 (a)(iii) to make the rule clear that the additional lot was in addition to the balance lot. I agree with both of these points and consider it makes the rule clearer to interpret.
495. A submission received from Neil and Linda Porritt [938.1] seeks several amendments to the rule, including making the rule subject to any area identified in a Waikato District Council strategy as being required for permanent public access or reserve purposes; an option to secure the land for public access by way of easement; a reduction in proposed lot size from 8,000m² minimum to 5,000m²; and a pathway for a reserve lot to be a discretionary activity if it does not meet some of the conditions and non-complying if the proposal is not land identified in a Strategy. I disagree with this point because if the subdivision cannot meet the requirements of the Restricted Discretionary activity rule, it would be proposing subdivision which is not anticipated. Additionally, if the proposal cannot meet the minimum lot size requirement, the same adverse effects as required to be considered by the other subdivision pathways would apply, which also default to a non-complying activity.

13.4 Recommendations

496. For the reasons above I recommend that the Hearings Panel:
- a. **Reject** the submission from Andrew and Christine Gore [330.162], where no specific decision is sought.
 - b. **Accept** the submission from Counties Power Limited [405.71] to add a new matter of discretion. Therefore **accept** the further submission from First Gas [FS1211.53].
 - c. **Accept** the submissions from Waikato District Council [697.829] and [697.830]
 - d. **Accept** the submissions from The Surveying Company [746.113] and Chanel Hargrave and Travis Miller [751.54] seeking to retain Rule 22.4.1.7. Therefore accept the further submission from Andrew and Christine Gore [FS1062.106].

- e. **Reject** the submission from Neil and Linda Porritt [938.1].

13.5 Recommended amendments

497. The following amendments are recommended:

22.4.1.7 Subdivision to create a reserve **and incentive lot**

RDI	<p>(a) Subdivision to create a reserve must comply with all of the following conditions:</p> <ul style="list-style-type: none"> (i) The lot land being subdivided must contain an area that is identified in a Waikato District Council Parks Strategy as being required for permanent public access or for reserve purposes; (ii) The area identified in the Parks Strategy as being required for permanent public access or for reserve purposes is to be vested in Council; (iii) No more than one additional lot allotment is created, excluding any land vested in Council. (iv) The proposed additional lot allotment, excluding the reserve, has a minimum size of 8,000m². <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Size and location of area for which public access or reserve is secured; (ii) Method of securing public access; (iii) Management of any land remaining in private ownership over which access rights are granted; (iv) Location of the additional lot allotment. (v) <u>The subdivision layout and design in regard to how this may impact on the operation, maintenance, upgrading and development of infrastructure assets.</u>
NCI	A reserve lot subdivision that does not comply with Rule 22.4.1.7 RDI.

13.6 Section 32AA evaluation

498. Given that the amendments made to Rule 22.4.1.7 RDI are minor and in keeping with changes also sought in other subdivision provisions, I do not consider it necessary to undertake a s32AA evaluation of the recommended changes.

14 Rule 22.4.2 – Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas

14.1 Introduction

499. Rule 22.4.2 requires title boundaries proposed as part of a subdivision to comply with a number of landuse provisions. A total of nine submissions were received on this rule.

500. The rule as notified is as follows:

22.4.2 Title boundaries – natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas

RDI	<p>(a) Subdivision of land containing any natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities or Aggregate Extraction Areas must comply with all of the following conditions:</p> <p>(i) The boundaries of every proposed lot containing existing buildings must demonstrate that existing buildings comply with the Land Use-Building rules in Rule 22.3 relating to:</p> <p>A. Rule 22.3.1 (Number of Dwellings within a Record of Title);</p> <p>B. Rule 22.3.5 (Daylight admission);</p> <p>C. Rule 22.3.6 (Building coverage);</p> <p>D. Rule 22.3.7 (Building setbacks);</p> <p>(ii) Rule 22.4.2 RDI (a)(i) does not apply to any non-compliance with the Land Use-Building rules in Rule 22.3 that existed lawfully prior to the subdivision.</p> <p>(iii) The boundaries of every proposed lot must not divide any of the following:</p> <p>A. A natural hazard area;</p> <p>B. Contaminated land;</p> <p>C. Significant Amenity Landscape;</p> <p>D. Notable trees.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) landscape values;</p> <p>(ii) amenity values and character;</p> <p>(iii) reverse sensitivity effects;</p> <p>(iv) effects on existing buildings;</p> <p>(v) effects on natural hazard areas;</p> <p>(vi) effects on contaminated land;</p> <p>(vii) effects on any notable trees;</p> <p>(viii) effects on an intensive farming activity;</p> <p>(ix) effects on any Aggregate Extraction Area.</p>
DI	Subdivision that does not comply with Rule 22.4.2 RDI.

14.2 Submissions

501. 13 original submission points and 14 further submission points were received on Rule 22.4.2 seeking a variety of outcomes, including: deletion of the rule; and amendments to the rule; and no decision sought.

502. The following submissions were made:

Submission point	Submitter	Decision requested
General submissions		
273.5	Russell Luders	No specific decision sought, but submission 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.
FSI386.279	Mercury NZ Limited	Opposes 273.5
330.163	Andrew and Christine Gore	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.
FSI386.418	Mercury NZ Limited	Opposes 330.163.
481.12	Bruce and Kirstie Hill for Culverden Farm	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.
FSI 388.471	Mercury NZ Limited	Opposes 481.12
482.11	Kirstie Hill on behalf of Hill Country Farmers Group	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.
FSI 388.474	Mercury NZ Limited	Opposes 482.11
706.10	Francis and Susan Turton	No specific decision sought, but submitter opposes Rule 22.4.2 RDI (a) Title boundaries - natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas.
471.23	Andrew Wood for CKL	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.
FSI 388.452	Mercury NZ Limited	Opposes 471.23
Submissions seeking deletion		
345.25	Brent Trail	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 lot to not divide any of the following: A. A natural hazard area; B. Contaminated land; C. Significant Amenity Landscape; D. Notable trees and the associated matters of discretion.
FSI 386.492	Mercury NZ Limited	Opposes 345.25
463.4	Environmental Management Solutions Limited	Delete contaminated land from Rule 22.4.2 Title boundaries - natural hazard area, contaminated 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 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).
FSI 388.372	Mercury NZ Limited	Opposes 463.4
800.4	Environmental Management Solutions Limited	Delete all provisions regarding contaminated land from Rule 22.4.2 (Title boundaries - natural hazard area, contaminated 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.
FSI 387.1293	Mercury NZ Limited	Opposes 800.4
Amendments		
424.2	Grant Ryan	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.
FS1388.250	Mercury NZ Limited	Opposes 424.2
680.241	Federated Farmers of New Zealand	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: <i>(a) Subdivision of land containing any natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities</i> ... <i>(iii) The boundaries of every proposed lot must not divide and of the following:</i> A. A natural hazard area; B. Contaminated land; C. Significant Amenity Landscape ; D. Notable trees <i>(b) Council's discretion is restricted to the following matters:</i> <i>(i) landscape values</i> <i>(ii) amenity values and character</i> ... <i>(ix) effects on any Aggregate Extraction Area (<u>not including Farm Quarries</u>)</i> 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.
FS1108.77	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Opposes 680.241: Inappropriate addition.
FS1139.68	Turangawaewae Trust Board	Opposes 680.241: Inappropriate addition.
FS1387.226	Mercury NZ Limited	Opposes 680.241.
697.831	Waikato District Council	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: <i>Title boundaries – Existing Buildings, natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas</i>
FS1387.703	Mercury NZ Limited	Opposes 697.831
697.832	Waikato District Council	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: <i>(a) Subdivision of land containing any natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities or</i> <i>Aggregate Extraction Areas must comply with all of the following conditions:</i> <i>(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:</i> 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 setbacks); E. (v) Rule 22.3.7.2 (Building setback sensitive land use) <i>(ii) Rule 22.4.2 RDI (a)(i) does not apply to any non compliance with the Land Use-Building rules in Rule 22.3 that existed lawfully prior to</i>

		<p>the subdivision.</p> <p>(iii) The boundaries of every proposed lot must not divide any of the following:</p> <p>A. A natural hazard area;</p> <p>B. Contaminated land;</p> <p>C. Significant Amenity Landscape;</p> <p>D. Notable trees.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) landscape values;</p> <p>(ii) amenity values and character;</p> <p>(iii) reverse sensitivity effects;</p> <p>(iv) effects on existing buildings;</p> <p>(v) effects on natural hazard areas;</p> <p>(vi) effects on contaminated land;</p> <p>(vii) effects on any notable trees;</p> <p>(viii) effects on an intensive farming activity;</p> <p>(ix) effects on any Aggregate Extraction Area</p>
FS1387.704	Mercury NZ Limited	Opposes 697.832.

14.3 Analysis

503. Submissions received from Russell Luders [273.5] and Andrew and Christine Gore [330.163] do not provide any specific decision sought. Submissions received from Culverden Farm [481.12], Hill Country Farmers Group [482.11] and Francis and Susan Turton [706.10] oppose the requirement to divide a Significant Amenity Landscape Area, but do not provide any specific decision in terms of relief being sought. CKL [471.23] seeks to amend Rule 22.4.2, but does not provide any specific details of the relief sought. As I am unclear as to the relief these submissions are seeking I cannot recommend accepting these submissions.
504. A submission point from Brent Trail [345.25] seeks to delete clause (a)(iii). I agree with this point, as it does not make sense to provide for these matters in this rule. I therefore recommend deleting clause (a)(iii) and keeping this rule focused on title boundaries for existing buildings.
505. Submission points from Environmental Management Solutions Limited [463.4] and [800.4] seek to delete contaminated land from the rule and add a new set of rules specifically relating to contaminated land that aligns with the NES for Assessing and Managing Contaminants in Soil to protect Human Health. I agree with this point and understand that provision has been made for subdivision provisions in Hearing 8B in respect to the topic of Hazardous Substances and Contaminated Land. I recommend the Panel accept both points given that these are comprehensively addressed in the hazardous substances chapter.
506. A submission received from Grant Ryan [424.2] seeks to amend Rule 22.4.2 to review or delete the property size. I am unclear as to what the submitter is referring to in terms of 'reviewing or deleting the property size'. Should the submitter wish to provide any additional information through the exchange of evidence prior to the hearing, I can then review this point again and form a recommendation.
507. Federated Farmers of New Zealand [680.241] seeks to amend Rule 22.4.2 to remove reference to Significant Amenity Landscape from clause (a) (iii) and clauses (b) (i) and (ii) relating to landscape values and amenity values and character. The point also seeks provision for farm quarries in clause (ix). I agree with this submission, as Rule 22.4.5 provides for subdivision within identified areas, including landscape areas meaning that there is clear duplication between Rules 22.4.2 and 22.4.5. In my view this rule needs to focus on reverse sensitivity effects resulting from existing buildings within a proposed subdivision. In regards to the insertion of farm quarries into criteria (b)(ix), I do not consider this to be

necessary, as an Aggregate Extraction Area is an overlay shown on the planning maps and could not be confused with a farm quarry. For these reasons I can only recommend accepting this submission in part.

508. Two submission points from Waikato District Council [697.831] and [697.832] seek several amendments to Rule 22.4.2, including the heading. Given my above comments I agree with this first submission point, however I do not consider that the last two matters of discretion relating to intensive farming activities and aggregate extraction areas needs to be deleted, as these areas relate to Rule 22.3.7.2, which is proposed to be included in the rule. I therefore recommend accepting this submission in part.

14.4 Recommendations

509. For the reasons above I recommend that the Hearings Panel:

- a. **Reject** the submission from Russell Luders [273.5]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 386.279]
- b. **Reject** the submission from Andrew and Christine Gore [330.163]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 386.418]
- c. **Reject** the submission from Bruce and Kirstie Hill for Culverden Farm [481.12]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 386.471]
- d. **Reject** the submission from Kirstie Hill on behalf of Hill Country Farmers Group [482.11]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 386.474]
- e. **Reject** the submission from Francis and Susan Turton [706.10].
- f. **Reject** the submission from Andrew Wood for CKL [471.23]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 388.452]
- g. **Accept** the submission from Brent Trail [345.25]. **Therefore, rejecting** the further submission from Mercury NZ Limited [FSI 388.372].
- h. **Accept** the submission from Environmental Management Solutions Limited [800.4]. **Therefore, rejecting** the further submission from Mercury NZ Limited [FSI 387.1293].
- i. **Reject** the submission from Grant Ryan [424.2]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 388.250].
- j. **Accept in part** the submission from Federated Farmers [680.241]. **Therefore, accepting in part** the further submissions from Te Whakakitenga o Waikato Incorporated (Waikato-Tainui), Turangawaewae Trust Board [FSI 139.68] and Mercury NZ Limited [FSI 387.226].
- k. **Accept** the submission from Waikato District Council [697.831]. **Therefore, rejecting** the further submission from Mercury NZ Limited [FSI 387.703].
- l. **Accept in part** the submission from Waikato District Council [697.832]. **Therefore, accepting in part** the further submission from Mercury NZ Limited [FSI 387.704].

14.5 Recommended amendments

510. The following amendments are recommended:

22.4.2 Title boundaries – ~~Existing Buildings natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities, aggregate extraction areas~~

RDI	<p>(a) Subdivision of land containing any natural hazard area, contaminated land, Significant Amenity Landscape, notable trees, intensive farming activities or Aggregate Extraction Areas must comply with all of the following conditions:</p> <p>(a)</p> <p>(i) The boundaries of every proposed lot <u>allotment</u> containing existing buildings must demonstrate that existing buildings comply with the Land Use-Building rules in Rule 22.3 relating to:</p> <p>A. Rule 22.3.1 (Number of Dwellings within a Record of Title);</p> <p>B. Rule 22.3.5 (Daylight admission);</p> <p>C. Rule 22.3.6 (Building coverage);</p> <p>D. Rule 22.3.7 (Building setbacks);</p> <p>E. <u>Rule 22.3.7.2 (Building setback sensitive land use)</u></p> <p>(ii) Rule 22.4.2 RDI (a)(i) does not apply to any non-compliance with the Land Use-Building rules in Rule 22.3 that existed lawfully prior to the subdivision.</p> <p>(iii) The boundaries of every proposed lot must not divide any of the following:</p> <p>E. A natural hazard area;</p> <p>F. Contaminated land;</p> <p>G. Significant Amenity Landscape;</p> <p>H. Notable trees.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) landscape values;</p> <p>(ii) amenity values and character;</p> <p>(iii) reverse sensitivity effects;</p> <p>(iv) effects on existing buildings;</p> <p>(v) effects on natural hazard areas;</p> <p>(vi) effects on contaminated land;</p> <p>(vii) effects on any notable trees;</p> <p>(viii) effects on an intensive farming activity;</p> <p>(ix) effects on any Aggregate Extraction Area.</p>
DI	Subdivision that does not comply with Rule 22.4.2 RDI.

14.6 Section 32AA evaluation

511. Given that the proposed recommended changes are to focus the rule on the building activity rules for existing building to ensure that effects of subdivision do not create any reverse sensitivity effects, I do not consider a s32AA evaluation is required.

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

15.1 Introduction

512. Rule 22.4.3 provides for subdivision that may include Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance. A total of 12 submissions were received on this rule.

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

RD1	<p>(a) The boundaries of every proposed lot must not divide any of the following:</p> <ul style="list-style-type: none"> (i) Significant Natural Areas; (ii) Heritage items as identified in Schedule 30.1 (Historic Heritage Items); (iii) Maaori sites of significance as identified in Schedule 30.3 (Maaori sites of significance); (iv) Maaori areas of significance as identified in Schedule 30.4 (Maaori areas of significance). <p>(b) Council's discretion shall be limited to the following matters:</p> <ul style="list-style-type: none"> (i) Effects on Significant Natural Areas (SNAs); (ii) Effects on heritage items; (iii) Effects on Maaori sites of significance; (iv) Effects on Maaori areas of significance.
NC1	Subdivision that does not comply with Rule 22.4.3 RD1.

15.2 Submissions

513. 20 original submission points and 11 further submission points were received on Rule 22.4.3 seeking a variety of outcomes, including: to retain the rule; delete the rule; include additional of matters of discretion; and amendments to the rule.

514. The following submissions were made:

Submission point	Submitter	Decision requested
273.6	Russell Luders	No specific decision sought, but submission opposes the restrictions in Rule 22.4.3 RD1 (a) Title boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance.
FS1323.126	Heritage New Zealand Pouhere Taonga	Opposes 273.6:
330.164	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.3 Title boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance.
FS1323.127	Heritage New Zealand Pouhere	Opposes 330.164:

	Taonga	
352.4	Terence Denton on behalf of Terence Denton & Bernardina van Loon	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 significance and Maaori areas of significance.
FS1323.130	Heritage New Zealand Pouhere Taonga	Opposes 352.4:
481.13	Bruce and Kirstie Hill for Culverden Farm	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.
FS1323.132	Heritage New Zealand Pouhere Taonga	Opposes 481.13:
482.12	Kirstie Hill on behalf of Hill Country Farmers Group	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, Maaori sites of significance and Maaori areas of significance.
706.5	Francis and Susan Turton	No specific decision sought, but the submission opposes Rule 22.4.3 RDI (a) Title boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance.
46.2	Marc ter Beek	Delete Rule 22.4.3 Title Boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance.
FS1323.125	Heritage New Zealand Pouhere Taonga	Opposes 46.2:
345.26	Brent Trail	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.
349.24	Kim Robinson on behalf of Lochiel Farmlands Limited	Delete Rule 22.4.3RDI (a)(i) Title boundaries - Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance.
FS1323.128	Heritage New Zealand Pouhere Taonga	Opposes 349.24:
437.3	KCH Trust	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.
FS1323.131	Heritage New Zealand Pouhere Taonga	Opposes 437.3:
349.6	Kim Robison on behalf of Lochiel Farmlands Limited	Delete the limitation in Rule 22.4.3(a)(i) Significant Natural Areas on title boundaries not dividing Significant Natural Areas.
760.3	Patrick Day on behalf of P & B Day	Delete the requirement for boundaries to not divide a Significant Natural Area or Significant Amenity Landscape.
FS1385.47	Mercury NZ Limited for Mercury B	Opposes 760.3:
FS1276.154	Whaingaroa Environmental Defence Inc. Society	Opposes 760.3:
680.243	Federated Farmers of New Zealand	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: NOT <u>DI Subdivision that does not comply with Rule 22.4.3 RDI</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.
FS1323.133	Heritage New Zealand Pouhere Taonga	Opposes 680.243:
559.264	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	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.
697.330	Waikato District Council	Amend Subdivision Rule 22.4.3- 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.
680.242	Federated Farmers of New Zealand	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 Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.
697.833	Waikato District	Amend Rule 22.4.3 Title boundaries - Significant Natural Areas, heritage items,

	Council	Maaori sites of significance and Maaori areas of significance heading, as follows: <i>Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance, <u>notable trees</u></i>
697.834	Waikato District Council	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: <i>(v) <u>Notable trees.</u></i>
697.835	Waikato District Council	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: <i>(v) <u>Effects on notable trees.</u></i>
349.26	Kim Robinson on behalf of Lochiel Farmlands Limited	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.
FSI323.129	Heritage New Zealand Pouhere Taonga	Oppose 349.26

15.3 Analysis

515. Submissions received from Russell Luders [273.6] Terence Denton & Bernardina va Loon [352.4], Culverden Farm [481.13], Hill Country Farmers Group [482.12] and Francis and Susan Turton [706.5] does not provide any specific relief sought. However the submissions opposes the restrictions in Rule 22.4.3 RDI (a). Similarly a submission point received from Andrew and Christine Gore [330.164] does not specify any decision sought. Given that no specific decision has been requested, despite the submitters mentioning their opposition to the restrictions in the rule, I am unclear as to what these submissions seek to achieve. Therefore I cannot recommend accepting these points.
516. The purpose of Rule 22.4.3 is to enable an assessment of Significant Natural Areas, Heritage items, Maaori sites of significance and Maaori areas of significance. As notified the rule requires the subdivision boundaries to not divide these areas.
517. Submissions received from Marc ter Beek [46.2] and Brent Trail [345.26] seek to delete Rule 22.4.3. These points are opposed by the further submissions from Heritage New Zealand Pouhere Taonga [FSI323.125]. Lochiel Farmland Limited [349.24], [349.6], KCH Trust [437.3] and P & B Day [760.3] all seek to delete Rule RDI (a)(i) in respect to not dividing a Significant Natural Area. This point is opposed by further submissions from Heritage New Zealand Pouhere Taonga [FSI323.128], [FSI323.131] and Whaingaroa Environmental Defence Inc. Society [FSI276.154].
518. I disagree that the rule should be deleted, as I consider that subdivision proposals must take into account competing matters and Rule 22.4.3 requires consideration of the impact of subdivision. This also ensures that sections 6, 7 and 8 of the RMA matters, in respect to heritage and Maaori sites and areas, are taken into account and that the higher order direction in the WRPS in respect to biodiversity and heritage are considered as part of the proposal. For instance if an area of SNA is severed by a proposed subdivision boundary, while this is just a line on a map, management of the conservation covenant needs to be taken into account as the feature could potentially be split between several owners.

519. I do not agree with the current wording in respect to the division of the area being the criteria, therefore recommend in order to make the rule clearer, that the wording in RDI(a) be changed to “containing any of the following” instead of “must not divide”.
520. Federated Farmers of New Zealand [680.243] seeks to amend the activity status from non-complying to discretionary and consider this to be more appropriate. This point is opposed by Heritage New Zealand Pouhere Taonga [FSI323.133]. I do agree with Federated Farmers of New Zealand that a Discretionary activity status is an appropriate default rather than non-complying, because although a non-complying activity status provides more rigour in terms of assessment, this can still be done with a discretionary activity but does not require the applicant to go to the same extent as they would pursuant to S104D for a non-complying activity status.
521. Heritage New Zealand Pouhere Taonga [559.264] seeks to retain Rule 22.4.3 RDI, but also seeks the rule to be consistent with other zone chapters. I address this point further on. Federated Farmers of New Zealand [680.242] seeks to retain Rule 22.4.3 RDI. However their submission is conditional upon the issues relating to the identification process being addressed. The SNA identification will be addressed in Hearing 21A for Significant Natural Areas.
522. A submission received from Waikato District Council [697.330] seeks to amend the rule to split out the rule into separate provisions, similar to other zone chapters. However I consider that the rule works well having these matters all together, and do not consider it is necessary to split them out, as the submission suggests. Additional submission points from the Waikato District Council [697.833], [697.834], and [697.835] seek to amend the rule heading and add notable trees to the rule. I agree with these proposed changes and consider that the inclusion of notable trees a good fit to ensure any subdivision which may generate potential effects on notable trees is assessed at the time of application.

15.4 Recommendations

523. For the reasons above I recommend that the Hearings Panel:
- a. **Reject** the submission from Russell Luders [273.6]. **Therefore, accepting/rejecting [Katherine to complete]** the further submission from Heritage New Zealand Pouhere Taonga [FSI323.126].
 - b. **Reject** the submission from Andrew and Christine Gore [330.164]. **Therefore, accepting** the further submission from Heritage New Zealand Pouhere Taonga [FSI323.127].
 - c. **Reject** the submission from Terence Denton & Bernardina van Loon [352.4]. **Therefore, accepting** the further submission from Heritage New Zealand Pouhere Taonga [FSI323.130].
 - d. **Reject** the submission from Bruce and Kirstie Hill for Culverden Farm [481.13]. **Therefore, accepting** the further submission from Heritage New Zealand Pouhere Taonga [FSI323.132].
 - e. **Reject** the submission from Kirstie Hill on behalf of Hill Country Farmers Group [482.12].
 - f. **Reject** the submission from Francis and Susan Turton [706.5].
 - g. **Reject** the submission from Marc ter Beek [46.2]. **Therefore, accepting** the further submission from Heritage New Zealand Pouhere Taonga [FSI323.125].
 - h. **Reject** the submission from Brent Trail [345.26].

- i. **Reject** the submission from Lochiel Farmlands Limited [349.24]. **Therefore, accepting** the further submission from Heritage New Zealand Pouhere Taonga [FSI 323.128].
- j. **Reject** the submission from KCH Trust [437.3]. **Therefore, accepting** the further submission from Heritage New Zealand Pouhere Taonga [FSI 323.131].
- k. **Reject** the submission from Lochiel Farmlands Limited [349.6].
- l. **Reject** the submission from P & B Day [760.3]. **Therefore, accepting** the further submission from Mercury NZ Limited [FSI 385.47] and Whaingaroa Environmental Defence Inc. Society [FSI 276.154].
- m. **Reject** the submission from Federated Farmers [680.243]. **Therefore, accepting** the further submission from Heritage New Zealand Pouhere Taonga [FSI 323.133].
- n. **Accept in part** the submission from Heritage New Zealand [559.264] insofar as retaining the rule.
- o. **Reject** the submission from Waikato District Council [697.330].
- p. **Accept** the submission from Federated Farmers [680.242].
- q. **Accept** the submission from Waikato District Council [697.833].
- r. **Accept** the submission from Waikato District Council [697.834].
- s. **Accept** the submission from Waikato District Council [697.835].
- t. **Reject** the submission from Lochiel Farmlands Limited [349.26]. **Therefore accepting** the further submission from Heritage New Zealand Pouhere Taonga [FSI 323.129].

15.5 Recommended amendments

524. The following amendments are recommended:

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

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

15.6 Section 32AA evaluation

525. I consider the recommended changes to Rule 22.4.3 to be necessary to provide clarity to the interpretation of the rule and ensure that notable trees sits in the correct rule for assessment. As these changes are minimal I do not consider a S32AA evaluation to be necessary.

16 Rule 22.4.4 – Subdivision – Road frontage

16.1 Introduction

526. Rule 22.4.4 provides a rule for all subdivision proposals to ensure they have a minimum road frontage of at least 60m. A total of six submissions were received on this rule.

527. The notified rule is as follows:

22.4.4 Subdivision - Road frontage

RDI	(a) Every proposed lot as part of the subdivision with a road boundary, other than proposed lot containing an access or utility allotment, right of way or access leg must have a width along the road boundary of at least 60m. (b) Council's discretion is restricted to the following matters: (i) Safety and efficiency of vehicle access and road network; (ii) Amenity values and rural character.
DI	Subdivision that does not comply with Rule 22.4.4 RDI.

16.2 Submissions

528. 6 original submission points and 1 further submission point were received on Rule 22.4.4 seeking a variety of outcomes, including: to retain the rule; deletion of the rule; inclusion of additional matters of discretion; and amendments to the rule.

529. The following submissions were made:

Submission point	Submitter	Decision requested
330.165	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.4 Subdivision - Road frontage.
345.27	Brent Trail	Delete Rule 22.4.4 Road Frontage. OR Amend Rule 22.4.4 RDI(a) Road Frontage, to be reduced to 40m.
662.22	Blue Wallace Surveyors Limited	Delete Rule 22.4.4 RDI(a) Subdivision - Road frontage.
345.28	Brent Trail	Amend Rule 22.4.4 Road Frontage to change all references to "lot" to "record of title".
742.231	New Zealand Transport Agency	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: <i>Safety and efficiency of vehicle access and road land transport network;</i> AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FSI 287.39	Blue Wallace	Opposes 742.231:

	Surveyors Ltd	
349.25	Lochiel Farmlands Limited	Amend Rule 22.4.4 RDI Subdivision - Road frontage, to a discretionary activity rather than a restricted discretionary activity as follows: RDI-DI

16.3 Analysis

530. The submission received from Andrew and Christine Gore [330.165] does not include a specific decision sought. As I am unclear what relief is sought by the submitter, I recommend rejecting this submission point.
531. Submissions received from Brent Trail [345.27] and Blue Wallace Surveyors [662.22] seek to delete Rule 22.4.4 as they do not consider the 60m width to always be appropriate. Brent Trail's submission also seeks an alternative 40m width if the rule is not deleted. I do not agree with either submission, as I consider a 60m road frontage sets an appropriate minimum requirement in the Rural Zone, which not only provides for traffic safety in terms of the land transport network, but also assists in terms of maintaining the open space amenity and character of the Rural Zone. In my opinion, if a subdivision cannot achieve at least 60m of road frontage, at the smallest lot size of 8,000m² it may mean that the site therefore only has a depth of 133m and as a consequence cannot achieve the required setbacks for buildings. A more robust assessment such as a discretionary activity would determine whether the proposal is appropriate for the particular proposal. I therefore I recommend that both submission points [345.28] and [662.22] be rejected.
532. The submission point received from Brent Trial [345.28] seeks to replace the reference in the rule from "lot" to "Record of Title". While I agree with this point, I have recommended replacing the term "lot" with "allotment" throughout this report, as it is provided as a definition in the National Planning Standards. I therefore do not accept this point.
533. The submission received from The New Zealand Transport Agency [742.231] seeks to retain Rule 22.4.4, except the amendment to the matter of discretion which would change the term "road" transport to "land" transport. A further submission received from Blue Wallace [FS1287.39] opposes this point on the basis that they are seeking the removal of the 60m requirement. I agree that the reference to "land" transport as opposed to "road" transport is a more appropriate terms which aligns to terminology used in other documentation including the Land Transport Strategy, RITZ etc. I therefore recommend accepting this submission point.
534. The submission received from Lochiel Farmlands Limited [349.25] seeks to amend Rule 22.4.4 RDI from a Restricted Discretionary activity status to a Discretionary activity status. I do not agree that this is necessary, given that any proposal which fails the 60m requirement would be assessed as a discretionary activity anyway. I therefore recommend rejecting this submission point.

16.4 Recommendations

535. For the reasons above I recommend that the Hearings Panel:
- Reject** the submission from Andrew and Christine Gore [330.165].
 - Reject** the submission from Brent Trail [345.27].
 - Reject** the submission from Blue Wallace Surveyors Limited [662.22].

- d. **Reject** the submission from Brent Trail [345.28].
- e. **Accept** the submission from New Zealand Transport Agency [742.231]. **Therefore, rejecting** the further submission from Blue Wallace Surveyors Ltd [FSI 287.39].
- f. **Reject** the submission from Lochiel Farmlands Limited [349.25].

16.5 Recommended amendments

536. The following amendments are recommended:

22.4.4 Subdivision - Road frontage

RDI	<p>(c) Every proposed lot allotment as part of the subdivision with a road boundary, other than proposed lot allotment containing an access or utility allotment, right of way or access leg must have a width along the road boundary of at least 60m.</p> <p>(d) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (iii) Safety and efficiency of vehicle access and road network <u>land transport</u>; (iv) Amenity values and rural character.
DI	Subdivision that does not comply with Rule 22.4.4 RDI.

16.6 Section 32AA evaluation

537. The recommended amendments are grammatical changes to clarify the plan text and definition of "lot", without changing planning outcomes. Accordingly, no s32AA evaluation has been required to be undertaken.

17 Rule 22.4.5 Subdivision within identified areas

17.1 Introduction

538. Rule 22.4.5 is about subdivision within identified areas such as landscape, coal mining, aggregate extraction and aggregate resource areas. A total of 3 submissions were made on this rule.

539. The notified version of Rule 22.4.5 is as follows:

22.4.5 Subdivision within identified areas

DI	<p>(a) Subdivision of any land containing any of the following areas:</p> <ul style="list-style-type: none"> (i) High Natural Character Area; (ii) Outstanding Natural Character Area; (iii) Outstanding Natural Landscape; (iv) Outstanding Natural Feature; (v) Significant Amenity Landscape dune; (vi) Coal Mining Area; (vii) Aggregate Resource Area; (viii) Aggregate Extraction Area.
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17.2 Submissions

540. 4 original submission points and 5 further submission points were received on Rule 22.4.5 seeking a variety of outcomes, including: deletion of the rule; addition of new rule; and addition of new matters of discretion.

541. The following submissions were made:

Submission point	Submitter	Decision requested
680.244	Federated Farmers of New Zealand	Delete Rules 22.4.5 DI (a) (i) - (v) Subdivision within identified areas. 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.
FSI387.227	Mercury NZ Limited	Opposes 680.244.
697.836	Waikato District Council	Add a new rule to Rule 22.4.5 DI(a) Subdivision within identified areas, as follows: <u>(ix) A natural hazard area</u>
FSI387.705	Mercury NZ Limited	Opposes 697.836.
697.927	Waikato District Council	Add new matter of discretion (vi) to Rule 22.4.5 RDI(b) Site boundaries - Significant Natural Areas, heritage items, archaeological sites, sites of significance to Maaori, as follows: <u>(vi) effects on notable trees.</u>
FSI108.28	Te Whakakitenga o Waikato Incorporated (Waikato-Tainui)	Supports 697.927: Appropriate wording change.
FSI139.27	Turangawaewae Trust Board	Supports 697.927: Appropriate wording change.
330.166	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.3.5 Subdivision within identified areas.
FSI386.419	Mercury NZ Limited for Mercury C	Oppose 330.166

17.3 Analysis

542. Federated Farmers of New Zealand [680.244] sought to delete Rules 22.4.5 DI (a)(i) – (v). I disagree with this point as I consider further assessment at the time of subdivision provides an opportunity to ensure that development resulting from the subdivision is appropriately managed within landscape areas where there is an inherent expectation that a subdivision will result in a building site. If I were of a mind to delete these provisions as suggested by Federated Farmers of New Zealand, there would be no other assessment, other than at the time of building consent. For these reasons I reject this submission point and note that this issue may also be addressed in respect to the landscape hearing.

543. A submission from Waikato District Council [697.836] seeks to add a new rule to Rule 22.4.5 DI (a) to include a natural hazard area. While I agree with this point, Stage 2 of the Proposed District Plan provides more detailed provisions in relation to subdivision which will address specific natural hazards, as opposed to having a “one size fits all approach” as proposed in the submission from Waikato District Council. To ensure that more appropriate provisions are included in the plan, I recommend rejecting this point and addressing it through Stage 2.
544. A submission from Waikato District Council [697.927] seeks to add a new matter of discretion to Rule 22.4.5 RDI to include effects on notable trees. This point is supported by Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) [FS1108.28] and Turangawaewae Trust Board [FS1139.27]. I disagree with this point given that I have recommended that notable trees be included in Rule 22.4.3 RDI as an additional clause.

17.4 Recommendations

545. For the reasons above I recommend that the Hearings Panel:
- a. **Reject** submissions from Federated Farmers of New Zealand [680.244] therefore accepting the further submission by Mercury NZ Limited [FS1387.227].
 - b. **Reject** the submission from Waikato District Council [697.836] therefore rejecting the submission from Mercury NZ Limited [FS1387.705].
 - c. **Reject** the submission from Waikato District Council [697.927] therefore rejecting the further submissions from Te Whakakitenga o Waikato Incorporated (Waikato-Tainui) [FS1108.28] and Turangawaewae Trust Board [FS1139.27].
 - d. **Reject** the submission from Andrew and Christine Gore [330.166]. Therefore, **accepting** the further submission from Mercury NZ Limited [FS1386.419].

17.5 Recommended Amendments

546. No amendments are recommended to Rule 22.4.5.

17.6 Section 32AA evaluation

547. Given that no amendments are sought to Rule 22.4.5, no S32AA analysis is required.

18 Rule 22.4.6 – Subdivision of land containing all or part of an Environmental Protection Area

18.1 Introduction

548. Rule 22.4.6 provides for subdivision containing an Environmental Protection Area, which is located in Te Kauwhata. The Environmental Protection Area is an area shown on the planning maps, which requires landowners to undertake restoration/enhancement planting of the area. The EPA was identified as part of the Te Kauwhata structure plan and plan changes.

549. A total of six submissions were received on this point.

550. The notified version of Rule 22.4.6 is as follows:

22.4.6 Subdivision of land containing all or part of an Environmental Protection Area

RDI	<p>(a) Subdivision of land containing all or part of an Environmental Protection Area identified on the planning maps must include the following:</p> <p>(i) A planting and management plan is submitted to Council for the Environmental Protection Area prepared by a suitably qualified person, containing exclusively indigenous species suitable to the area and conditions.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) measures proposed in the planting and management plan;</p> <p>(ii) vesting of reserve land in Council if appropriate;</p> <p>(iii) effects on amenity values;</p> <p>(iv) effects on ecological values;</p> <p>(v) effects on stormwater management.</p>
DI	Subdivision that does not comply with Rule 22.4.6 RDI.

18.2 Submissions

551. 10 original submission points and 10 further submission points were received on Rule 22.4.6 seeking a variety of outcomes, including: retaining the rule; deletion of the rule; addition of new rule; and addition of new matters of discretion.

552. The following submissions were made:

Submission point	Submitter	Decision requested
330.167	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area.
FSI386.420	Mercury NZ Limited	Opposes 330.167.
273.7	Russell Luders	Delete Environmental Protection Areas from all of the Proposed District Plan, including Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area.
349.27	Kim Robinson on behalf of Lochiel Farmlands Limited	Delete references to the Environmental Protection Area in Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area.
FSI386.503	Mercury NZ Limited	Opposes 349.27
481.14	Bruce and Kirstie Hill for Culverden Farm	Delete Environmental Protection Areas; AND Delete Rule 22.4.6 Subdivision of land, containing all or part of an Environment Protection Area.
FSI388.472	Mercury NZ Limited	Opposes 481.14
482.13	Kirstie Hill on behalf of Hill Country Farmers Group	Delete Environmental Protection Areas; AND Delete Rule 22.4.6 Subdivision of land containing all or part of an Environmental

		Protection Area.
FSI388.475	Mercury NZ Limited	Opposes 482.13
680.245	Federated Farmers of New Zealand	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.
FSI315.20	Lochiel Farmlands Limited	Supports 680.245:
FSI387.228	Mercury NZ Limited	Oppose 680.245.
794.24	Middlemiss Farm Holdings Limited on behalf of	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.
FSI387.1252	Mercury NZ Limited	Opposes 794.24
345.14	Brent Trail	Retain Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area.
FSI386.487	Mercury NZ Limited	Opposes 345.14
695.98	Sharp Planning Solutions Limited	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: <i>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></i>
FSI387.332	Mercury NZ Limited	Opposes 695.98
697.837	Waikato District Council	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>
FSI387.706	Mercury NZ Limited	Opposes 697.837.

18.3 Analysis

553. A submission received from Andrew and Christine Gore [330.167] refers to Rule 22.4.6, but does not provide any specific relief sought. Given that the submission is unclear in regards to the decision sought, I therefore recommend rejecting this submission point.
554. Submissions from Russell Luders [273.7] and Lochiel Farmlands Limited [349.27], Culverden Farm [481.14], Hill Country Farmers Group [482.13], Federated Farmers of New Zealand [680.245], Middlemiss Farm Holdings Limited [794.24] seek to delete Environmental Protection Areas from all of the Proposed District Plan rules, including Rule 22.4.6, while Brent Trail [345.14] seeks to retain the rule. Other submissions seek various amendments including Sharp Planning Solutions Limited [695.98] seeks to add a reasonable setback and amendments to the planting plan requirement. Waikato District Council [697.837] seeks to add a new matter of discretion to Rule 22.4.6 DI for legal protection if appropriate.
555. The Environmental Protection Area is located in Te Kauwhata as shown in **Figure 16** below and relates to a small number of properties within the Waikato District requiring landowners to plant and manage the area. Rule 22.4.6 is in the current Operative District Plan provisions and has been in the Plan since the Te Kauwhata Structure Plan and Plan Change.

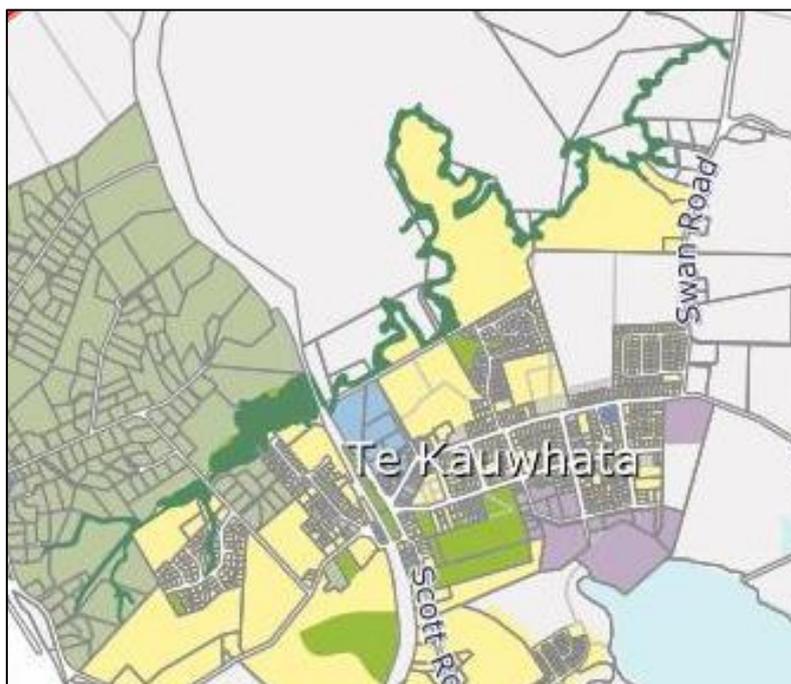


Figure 16. Environmental Protection Area

556. Rule 22.4.6 RDI requires any subdivision of land within the Environmental Protection Area to provide a planting and management plan to Council as part of the subdivision proposal. Given the value that planting and maintaining this environmental protection area has for the Te Kauwhata community, I disagree with the submitters who are seeking to delete the provision from the plan and consider these views do not align with higher order policy direction in the WRPS in terms of the enhancement of biodiversity or the objectives and policies of the Waikato Proposed District Plan.

557. I therefore agree that the rule should be retained, as sought by Brent Trail and agree that an additional matter of discretion can be added to ensure the legal protection of the planting if appropriate. In regards to Sharp Planning Solutions, I recommend rejecting this point on the basis that Rule 22.3.7.6 provide provisions for building setbacks from the Environmental Protection Area. I recommend accepting the submission from Waikato District Council seeking that legal protection be included as a matter of discretion, where appropriate.

18.4 Recommendations

558. For the reasons above I recommend that the Hearings Panel:

- a. **Reject** submissions from Russell Luders [273.7], Andrew and Christine Gore [330.167] and Lochiel Farmlands Limited [349.27], Culverden Farm [481.14], Hill Country Farmers Group [482.13], Federated Farmers of New Zealand [680.245], Middlemiss Farm Holdings Limited [794.24] seeking to delete the rule. Therefore **accept** further submissions from Mercury NZ Limited [FS1386.503], [FS1388.472], [FS1386.420] [FS1388.475], [FS1387.228], [FS1387.1252] and **reject** the further submission by Lochiel Farmlands Limited [FS1315.20].
- b. **Accept** the submission from Brent Trail [345.14], therefore **reject** the further submission from Mercury NZ Limited [FS1386.487].
- c. **Reject** the submission from Sharp Planning Solutions Limited [695.98], therefore **accept** the further submission from Mercury NZ Limited [FS1387.332].
- d. **Accept** the submission from Waikato District Council [697.837], therefore **reject** the submission from Mercury NZ Limited [FS1387.706].

18.5 Recommended amendments

559. The following amendments are recommended:

22.4.6 Subdivision of land containing all or part of an Environmental Protection Area

RDI	<p>(a) Subdivision of land containing all or part of an Environmental Protection Area identified on the planning maps must include the following:</p> <ol style="list-style-type: none"> (i) A planting and management plan is submitted to Council for the Environmental Protection Area prepared by a suitably qualified person, containing exclusively indigenous species suitable to the area and conditions. <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (i) measures proposed in the planting and management plan; (ii) vesting of reserve land in Council if appropriate; (iii) effects on amenity values; (iv) effects on ecological values; (v) effects on stormwater management; (vi) Legal protection if appropriate.
DI	Subdivision that does not comply with Rule 22.4.6 RDI.

18.6 Section 32AA evaluation

560. Given that the only amendment sought to Rule 22.1.6 RDI is to include provision for legal protection where it is appropriate to do so as part of the subdivision, I do not consider a s32AA evaluation is required.

19 Rule 22.4.7 – Esplanade reserves and esplanade strips

19.1 Introduction

561. Rule 22.4.7 provides an opportunity as part of a subdivision for land to be vested in Council as an esplanade reserve or strip, which is provided for in sections 229 – 237H of the RMA. A total of seven submissions were received on Rule 22.4.7.

562. The notified rule is as follows:

22.4.7 Esplanade reserves and esplanade strips

RDI	<p>(a) An esplanade reserve or esplanade strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas)) is required to be created and vested in Council from every subdivision where the land being subdivided is:</p> <p>(i) Less than 4ha and located within 20m of any:</p> <p style="margin-left: 20px;">A. Mean high water springs;</p> <p style="margin-left: 20px;">B. The bank of any river whose bed has an average width of 3m or more;</p> <p style="margin-left: 20px;">C. A lake whose bed has an area of 8ha or more;</p> <p>(ii) 4ha or more and located within 20m of any:</p> <p style="margin-left: 20px;">A. Mean high water springs;</p> <p style="margin-left: 20px;">B. A water body identified in Appendix 4 (Esplanade Priority Areas).</p> <p>(b) Council's discretion is restricted to the following matters:</p> <p>(i) the type of esplanade provided - reserve or strip;</p> <p>(ii) width of the esplanade reserve or strip;</p> <p>(iii) provision of legal access to the esplanade reserve or strip;</p> <p>(iv) matters provided for in an instrument creating an esplanade strip or access strip;</p> <p>(v) works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris.</p>
DI	Subdivision that does not comply with Rule 22.4.7 RDI.

19.2 Submissions

563. Seven original submission points were received on Rule 22.4.7 seeking a variety of outcomes, including: deletion of the rule; addition of new rules; and addition of new matters of discretion.

564. The following submissions were made:

Submission point	Submitter	Decision requested
330.168	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.7 Esplanade reserves and esplanade strips.
433.62	Mischa Davis for Auckland Waikato Fish and Game	Amend Rule 22.4.7 Esplanade reserves and esplanade strips, as follows: RDI-PI (a) An esplanade reserve or strip 20m wide (or such other width stated in Appendix 4

	Council	<p>(Esplanade Priority Areas) is required to <u>shall</u> be created and vested in Council from every subdivision where the land being subdivided is:</p> <p>...</p> <p>AND</p> <p>Delete Rule 22.4.7 RD1 (b) Esplanade reserves and esplanade strips</p> <p>AND</p> <p>Amend Rule 22.4.7 D1 Esplanade reserves and strips as follows:</p> <p>RD1</p> <p><u>Subdivision that does not comply with Rule 22.4.7 RD1-PI</u></p> <p><u>Council's discretion is restricted to the following matters:</u></p> <p><u>(i) the type of esplanade provided reserve or strip;</u></p> <p><u>(ii) width of the esplanade reserve or strip;</u></p> <p><u>(iii) provision of legal access to the esplanade reserve or strip;</u></p> <p><u>(iv) matters provided for in an instrument creating an esplanade strip or access strip;</u></p> <p><u>(v) works required prior to vesting any reserve in the Council, including pest plant control, boundary fencing and the removal of structures and debris</u></p> <p>AND/OR</p> <p>Any alternative relief to address the issues and concerns raised in the submission.</p>
471.25	Andrew Wood for CKL	<p>Add a matter of discretion to Rule 22.4.7 RD1 (b) Esplanade reserves and esplanade strips, as follows:</p> <p><u>(vi) costs and benefits of acquiring the land.</u></p> <p>AND</p> <p>Any consequential amendments necessary.</p>
943.51	McCracken Surveys Limited	<p>Add clause (vi) to Rule 22.4.7 RD1 (b) Esplanade reserves and esplanade strips, as follows:</p> <p><u>(vi) costs and benefits of acquiring the land.</u></p>
943.70	McCracken Surveys Limited	<p>Amend Rule 22.4.7 RD1 (b) Esplanade reserves and esplanade strips, to include as a matter of discretion, RMA s230(3).</p>
680.246	Federated Farmers of New Zealand	<p>Amend Rule 22.4.7 (RD1)(a) Esplanade reserves and esplanade strips, as follows:</p> <p><u>(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 any water body identified in Appendix 4 (Esplanade Priority Areas);</u></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>
943.12	McCracken Surveys Limited	<p>Amend Rule 22.4.7 RD1 (b) - Esplanade reserves and esplanade strips, to include RMA s230(3).</p>

19.3 Analysis

565. Rule 22.4.7 reflects section 230 of the RMA which provides requirements for esplanade reserves or strips to be vested in Council as part of a subdivision where the land being subdivided adjoins a water body. The rule requires public access in the form of a 20m wide strip or reserve from the water body by vesting the land in Council. Specific criteria apply to land that is less than 4ha and 4ha or more.

566. A submission received from Andrew and Christine Gore [330.168] refers to Rule 22.4.7, but does not provide any specific relief sought. On the basis that the relief sought is unclear I recommend rejecting this submission.
567. Several changes were sought by submitters including:
- a. a change in activity status from restricted discretionary to permitted with a default to restricted discretionary;
 - b. addition of a new matter of discretion to accommodate the costs and benefits of acquiring the land;
 - c. a new a matter of discretion relating to s230(3) of the RMA.
 - d. Narrowing the applicability of the rule to only apply to land within 20m of any water body identified in Appendix 4 (Esplanade Priority Areas).
568. The Auckland Waikato Fish and Game Council [433.62] seek to amend Rule 22.4.7 to a permitted activity rule, with a default activity status to restricted discretionary. I am uncertain as to how the rule proposed by the submitter works in respect to subdivision, given that the provision of an esplanade reserves or strip is assessed as part of a subdivision application. A permitted activity in my view would not provide any assessment of the area of land to be considered for vesting in Council. Therefore I do not see how a permitted activity status would work effectively.
569. I agree with the addition of a new matter of discretion in relation to the assessment of costs and benefits of acquiring the land as suggested by CKL [471.25] and McCracken Surveys Limited [943.70], as this provides an opportunity for the landowner to make a case to Council as to whether the land should be taken as either an esplanade reserve or strip.
570. McCracken Surveys Limited [943.70] and [943.12], suggests including a reference to s230(3) of the RMA in the matters of discretion. Section 230(3) states:
- 278. Except as provided by any rule in a district plan made under [section 77\(1\)](#), or a resource consent which waives, or reduces the width of, the esplanade reserve, where any allotment of less than 4 hectares is created when land is subdivided, an esplanade reserve 20 metres in width shall be set aside from that allotment along the mark of mean high water springs of the sea, and along the bank of any river or along the margin of any lake, as the case may be, and shall vest in accordance with [section 231](#).*
571. I agree that s230(3) is helpful in respect to the the 20ha requirement and the opportunity to waive this either by the district plan rule or resource consent. Given the rule already contains a matter of discretion for the width of the reserve or strip, in my view this already provides an opportunity to assess a proposal that cannot achieve the 20 metre requirement of s230. I therefore do not consider that an additional matter is required.
572. Federated Farmers of New Zealand [680.246] seeks to amend the wording of clause (a) to make it clear that the rule applies to land being subdivision that is within 20m of any water body identified in Appendix 4 (Esplanade Priority Areas). I consider that this change is not appropriate given that it would narrow the application of the rule to only apply to water bodies identified in Appendix 4 (Esplanade priority areas), which would mean that those areas not identified in Appendix 4 would not be included. This does not align with Council's Objective 8.1.1 or Policy 8.1.3 which state "*acquire esplanade reserves or strips along coasts, rivers, lakes and wetlands during subdivision to enable the creation of trails and public access, particularly in identified high priority areas in Appendix 4.*" Given that this policy does not refer to only those areas identified in high priority areas, the rule needs to provide the option for

other areas to be taken as esplanade, as appropriate. For this reason, I recommend that the Panel reject this point.

19.4 Recommendations

573. For the reasons above I recommend that the Hearings Panel:

- a. **Accept** the submissions from CKL [471.25], McCracken Surveys Limited [943.51].
- b. **Reject** the submissions from Andrew and Christine Gore [330.168], Auckland Waikato Fish and Game Council [433.62], Federated Farmers of New Zealand [680.246] and McCracken Surveys Limited [943.70] and [943.12].

19.5 Recommended amendments

574. The following amendments are recommended:

22.4.7 Esplanade reserves and esplanade strips

RDI	<p>(a) An esplanade reserve or esplanade strip 20m wide (or such other width stated in Appendix 4 (Esplanade Priority Areas)) is required to be created and vested in Council where the land being subdivided is:</p> <ol style="list-style-type: none"> (i) Less than 4ha and located within 20m of any: <ol style="list-style-type: none"> A. Mean high water springs; B. The bank of any river whose bed has an average width of 3m or more; C. A lake whose bed has an area of 8ha or more; (ii) 4ha or more and located within 20m of any: <ol style="list-style-type: none"> A. Mean high water springs; B. A water body identified in Appendix 4 (Esplanade Priority Areas). <p>(b) Council's discretion is restricted to the following matters:</p> <ol style="list-style-type: none"> (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. (vi) Costs and benefits of acquiring the land.
DI	Subdivision that does not comply with Rule 22.4.7 RDI.

19.6 Section 32AA evaluation

575. Given that the only amendment sought to Rule 22.4.7 is to include an additional matter of discretion relating to the assessment of the cost and benefits of acquiring the land, I do not consider that a s32AA evaluation is required.

20 Rule 22.4.8 Subdivision of land containing heritage items

20.1 Introduction

576. Rule 22.4.8 requires consideration of heritage items as part of a subdivision. A total of three submissions were received on this rule.

577. The notified version of Rule 22.4.8 is as follows:

22.4.8 Subdivision of land containing heritage items

RDI	(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.
NCI	Subdivision that does not comply with Rule 22.4.8 RDI.

20.2 Submissions

578. 3 original submission points were received on Rule 22.4.8 seeking a variety of outcomes, including: retaining the rule and amendments to the rules.

579. The following submission points were received:

Submission point	Submitter	Decision requested
559.252	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	Retain Rule 22.4.8 RDI Subdivision – land containing heritage items, except for the amendments sought below. AND Amend Rule 22.4.8 RDI Subdivision – land containing heritage items as follows: (a) <i>Subdivision of land containing a heritage item listed in Schedule 30.1 (Historic Heritage Items)</i> (b) <i>Council's discretion is restricted to the following matters:</i> (i) <i>Effects on heritage values;</i> (ii) <i>Context and setting of the heritage item;</i> (iii) <i>The extent to which the relationship of the heritage item with its setting is maintained <u>within one lot.</u></i> AND Amend Rule 22.4.8 RDI Subdivision – land containing heritage items to be consistent with the equivalent rules in other zone chapters, including heritage items being retained in one lot
697.838	Waikato District Council	Amend Rule 22.4.8 Subdivision of land containing heritage items heading, as follows: <i>Subdivision of land containing <u>a</u> heritage items</i>
559.259	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	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 with the equivalent rules in other zone chapters

20.3 Analysis

580. Rule 22.4.8 provides for land containing heritage items listed in Schedule 30.1 to be assessed as part of a subdivision. This is a similar provision to the Waikato Operative District Plan rule 25.82.
581. Submissions received from Heritage New Zealand [559.252] and [559.259] seeks to retain Rule 22.4.8 RDI subject to amendments to ensure a heritage item is maintained within one lot. The submissions are also seeking a consistent approach across the zone chapters. Further a submission from the Waikato District Council [697.838] seeks to amend the rule heading to provide clarity.
582. While perhaps outside the scope of the above submissions, I consider that Rule 22.4.8 is a double up of Rule 22.4.3 above which already provides for heritage items and is superfluous and therefore should be deleted from Chapter 22. If the Panel is of a mind to delete the rule, there may be scope to do so in accordance with submissions already discussed in Hearing 2 for all of plan, which considered submissions on the structure and usability of the Plan.
583. Although Heritage New Zealand seeks a consistent approach to this rule across the zones, which would mean having a separate rule for this matter, I consider that Rule 22.4.3 provides a good fit for all of the matters included within it and means fewer provisions in the chapter overall. Given my view on this, I cannot recommend accepting the submissions from Heritage New Zealand or Waikato District Council and recommend, subject to the Panel's direction on scope, deleting the rule.

20.4 Recommendations

584. For the reasons above I recommend that the Hearings Panel:
- a. **Reject** the submission from Heritage New Zealand [559.252].
 - b. **Reject** the submission from Waikato District Council [697.838].
 - c. **Reject** the submission from Heritage New Zealand [559.259].

20.5 Recommended amendments

585. The following amendments are recommended:

~~22.4.8 Subdivision of land containing heritage items~~

RDI	(c) Subdivision of land containing a heritage item listed in Schedule 30.1 (Historic Heritage Items); (d) Council's discretion is restricted to the following matters: (iv) Effects on heritage values; (v) Context and setting of the heritage item; (vi) The extent to which the relationship of the heritage item with its setting is maintained.
NCI	Subdivision that does not comply with Rule 22.4.8 RDI.

20.6 Section 32AA evaluation

586. Rule 22.4.8 is a duplication of Rule 22.4.3 Title boundaries – Significant Natural Areas, heritage items, Maaori sites of significance and Maaori areas of significance. I am not sure

whether there is scope to make this change. I have recommended that this rule be deleted from Chapter 22.

587. Given that heritage matters are still controlled under Rule 22.4.3 I do not consider a s32AA evaluation to be necessary.

21 Rule 22.4.9 – Subdivision – Building platform

21.1 Introduction

588. Rule 22.4.9 requires provision of a building platform at the time of subdivision that is appropriate for a dwelling and other rural buildings to be located on.

589. A total of 21 submissions were received on this rule.

590. The notified version of the rule is as follows:

22.4.9 Subdivision - Building platform

RDI	<p>(a) Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that:</p> <ul style="list-style-type: none"> (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; (iv) Has vehicular access in accordance with Rule 14.12 (Transportation) (v) Is not subject to inundation in a 2% AEP storm or flood event; (vi) a dwelling could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Earthworks and fill material required for building platforms and access; (ii) Geotechnical suitability for building; (iii) Likely location of future buildings and their potential effects on the environment; (iv) Avoidance of natural hazards; (v) Effects on landscape and amenity; (vi) Measures to avoid storm or flood events.
DI	Subdivision that does not comply with Rule 22.4.9 RDI.

21.2 Submissions

591. 21 original submission points and 7 further submissions were received on Rule 22.4.9 seeking a variety of outcomes, including: retaining the rule; deletion of the rule; amendments to the rule; addition of new rules; and addition of new matters of discretion.

592. The following submissions were made:

No specific decision sought		
330.170	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.9 Subdivision - Building platform.
345.17	Brent Trail	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.
Retain the rule		
197.30	NZ Pork	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: <i><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></i>
FS1338.15	Combined Poultry Industry on behalf of The Poultry Industry Association of NZ; Inghams Enterprises (NZ) Limited; Brinks NZ Chicken; The Egg Producers Federation of NZ; and Tegel Foods Limited	Supports 197.30:
FS1386.207	Mercury NZ Limited	Opposes 197.30
276.16	Ted and Kathryn Letford	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.
821.12	The Poultry Industry Association of New Zealand; I Brinks NZ Chicken; The Egg Producers Federation of on behalf of	Retain Rule 22.4.9 RDI (a)(vi) Building platform.
FS1265.75	Mainland Poultry Limited	Supports 821.12:
FS1317.10	Quinn Haven Investments Limited and M & S Draper	Opposes 821.12:
Deletion of the rule		
794.25	Middlemiss Farm Holdings Limited on behalf of	Delete Rule 22.4.9 Subdivision - 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.
Requests for amendments		
419.41	Jordyn Landers for Horticulture New Zealand	Add a new matter of discretion to Rule 22.4.9 RDI (b) Subdivision - Building platform, as follows: <i><u>(vii) 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></i> AND Any consequential or additional amendments as a result of changes sought in the submission.
FSI 171.29	T&G Global	Supports 419.41:
821.13	The Poultry Industry Association of New Zealand; I Brinks NZ Chicken; The Egg Producers Federation of on behalf of	Add the following matters of discretion to Rule 22.4.9 Subdivision - Building platform: <i><u>Proximity to an intensive farming activity</u></i> <i><u>Reverse sensitivity effects</u></i>
FSI 076.15	New Zealand Pork Industry Board	Supports 821.13:
FSI 265.76	Mainland Poultry Limited	Supports 821.13:
345.16	Brent Trail	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.
489.17	Ann-Maree Gladding	Amend Rule 22.4.9 RDI (a)(ii) Building platform, as follows: <i><u>(ii) Has an average gradient not steeper than 4:8 1:6;</u></i>
782.17	Jack Macdonald	Amend Rule 22.4.9 RDI (a)(iii) Subdivision - Building platform, as follows: <i><u>(a) Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that:</u></i> ... <i><u>(ii) Has an average gradient not steeper than 4:8 1:6;</u></i>
922.18	John Rowe	Amend Rule 22.4.9 RDI (a)(iii) Subdivision - Building platform, as follows: <i><u>(a) Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that:</u></i> ... <i><u>(ii) Has an average gradient not steeper than 4:8 1:6;</u></i>
471.26	Andrew Wood for CKL	Amend Rule 22.4.9 RDI (a)(i) Subdivision - Building platform, as follows: <i><u>(i) Has an area of 1000m² exclusive of boundary setbacks;</u></i> <i><u>A shape factor, being either:</u></i> <ul style="list-style-type: none">• <i><u>A circle with a diameter of at least 30m, exclusive of boundary setbacks, or</u></i>• <i><u>A rectangle of at least 1000m², exclusive of setbacks, and;</u></i>

		<ul style="list-style-type: none"> • <u>Containing a building platform being a circle with a diameter of at least 18m.</u> <p>AND</p> <p>Delete Rule 22.4.9 RD1 (a) (iii).</p> <p>AND</p> <p>Any consequential amendments necessary.</p>
662.23	Blue Wallace Surveyors Limited	<p>Retain Rule 22.4.9 RD1 Subdivision - building platform, except for the amendments sought below</p> <p>AND</p> <p>Amend Rule 22.4.9 RD1 (a)(i) Subdivision - building platform as follows:</p> <p>(i) <u>Has an area of 1,000m² 500m² exclusive of boundary setbacks;</u></p>
695.99	Sharp Planning Solutions Limited	<p>Amend Rule 22.4.9 RD1 (a)(i) Subdivision - Building platform, to reduce the area of a building platform on the proposed lot from 1000m² to 800m².</p>
746.114	The Surveying Company	<p>Amend Rule 22.4.9 RD1 (a)(i) Subdivision - Building Platform as follows:</p> <p>(i) <u>can accommodate a 30m diameter circle has an area of 1,000m² exclusive of boundary setbacks.</u></p>
751.55	Chanel Hargrave and Travis Miller	<p>Amend Rule 22.4.9 (RD1) (a) (i) Subdivision - Building Platform as follows:</p> <p>(i) <u>can accommodate a 30m diameter circle has an area of 1,000m² exclusive of boundary setbacks;</u></p>
943.52	McCracken Surveys Limited	<p>Amend Rule 22.4.9 RD1 (a) Subdivision - Building platform, as follows:</p> <p>(a) <u>Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that:</u></p> <p>(i) <u>Has an area of 1,000m² exclusive of boundary setbacks; A shape factor, being either:</u></p> <p><u>A. A circle with a diameter of at least 30m, exclusive of boundary setbacks, or</u></p> <p><u>B. A rectangle of at least 1000m², exclusive of setbacks, and;</u></p> <p><u>C. Containing a building platform being a circle with a diameter of at least 18m;</u></p> <p>(ii) <u>Has an average gradient not steeper than 1:8;</u></p> <p>(iii) <u>Is certified by a geotechnical engineer as geotechnically stable;</u></p> <p>(iv) <u>Has vehicular access in accordance with Rule 14.12.1 PI (Transportation)</u></p> <p>(v) <u>Is not subject to inundation in a 2% AEP storm or flood event;</u></p> <p>(vi) <u>a dwelling could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3.</u></p>
680.247	Federated Farmers of New Zealand	<p>Amend Rule 22.4.9 RD1 Subdivision - Building platform, as follows: a) <u>Subdivision, other than an access, or utility allotment or boundary adjustment or boundary relocation, must provide a building platform on the proposed lot that: ...</u></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>
697.839	Waikato District Council	<p>Amend Rule 22.4.9 RD1 (a) Building platform, as follows:</p> <p>(a) <u>Subdivision, other than an access or utility allotment, must provide a building platform on the every proposed lot that <u>meets all of the following conditions:</u></u></p> <p>(i) <u>Has an area of 1,000m² exclusive of boundary setbacks;</u></p> <p>(ii) <u>Has an average gradient not steeper than 1:8;</u></p> <p>(iii) <u>Is certified by a geotechnical engineer as geotechnically stable <u>and suitable for a building platform;</u></u></p> <p>(iv) <u>Has vehicular access in accordance with Rule 14.12.1 PI (Transportation)</u></p> <p>(v) <u>Is not subject to inundation in a 2% AEP storm or flood event;</u></p> <p>(vi) <u>a dwelling could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3</u></p>
697.840	Waikato District	<p>Amend Rule 22.4.9(b)(iii) Building platform, as follows:</p>

	Council	(iii) Likely location of future buildings and their potential effects on the environment;
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21.3 Analysis

Overview

593. Rule 22.4.9 ensures that a safe and stable building platform can be located on a proposed new lot without the need for future landuse consent being created to construct a dwelling on the lot. This rule is similar to Rule 25.77 of the Operative Waikato section which includes similar criteria.

Submissions

594. A number of submissions have been received on Rule 22.4.9 seeking to retain, delete or amend Rule 22.4.9.

General Submissions

595. Three submissions seek to retain Rule 22.4.9. Ted and Kathryn Letford also wish to retain the number of car parks for a dwelling in Table 14.12.5.7, which will be reviewed in the Infrastructure Hearing. While I support the intent of these submissions to retain the rule, I am mindful of other submissions seeking amendments, therefore can only recommend accepting these submissions in part.
596. A submission received from Andrew and Christine Gore [330.170] refers to Rule 22.4.9, but does not provide any specific relief sought. Given that I am unclear what relief the submitter is seeking, I can only recommend rejecting this submission.
597. A submission received from Middlemiss Farm Holdings Limited seeks to delete Rule 22.4.9 and add a more enabling subdivision provisions as a replacement. Given that the submission does not provide any specific suggestions as to what the submitter considers to be more enabling provisions, I cannot make a decision as to whether the rule could be replaced with a better provision. I do not consider that Rule 22.4.9 should be deleted from the plan, as it ensures that subdivision provides an adequate area and a safe and stable position can be accommodated for a new dwelling, which is a reasonable expectation of people looking to purchase a new lot and build on it.
598. A submission from Federated Farmers of New Zealand seeks to amend rule 22.4.9 RDI include a boundary adjustment or boundary relocation as an exception to the rule. I do not agree with this submission. I consider it is important for a suitable building platform to be provided when a boundary relocation or adjustment is undertaken in the same way any new additional lot is proposed. This ensures a dwelling can be built as a permitted activity on the new lot created.
599. A submission point received from Waikato District Council [697.839] seeks minor amendments to provide clarity to the rule. I agree with these changes and consider they will provide additional clarity.
600. In summary of the general changes sought above, I recommend only to incorporate the minor amendments suggested by the Waikato District Council submission.

RDI(a)(i) – area of building platform

601. A number of submissions seek to amend RDI(a)(i) to provide for a shape factor of either:
- (a) A circle with a diameter of at least 30m, exclusive of boundary setbacks; or
 - (b) A rectangle of at least 1,000m², exclusive of setbacks; and
 - (c) Containing a building platform being a circle with a diameter of at least 18m
602. Some submissions, including Sharp Planning Solutions Limited [695.99] and Blue Wallace Surveyors Limited [662.23] seek to reduce the area of the building platform from 1,000m² as notified to 800m² or 500m². The Operative Waikato District Plan provision for a building platform in Rule 25.77 includes provision for a shape factor, being either (a) or (b) above and also include (c) (as clause (ba) in Rule 25.77).
603. In terms of the notified rule, when compared with the Country Living Zone provision 23.4.8, which recommends using an area of 1,000m² exclusive of boundary setbacks, the submitters use of a shape factor provides greater options.
604. I consider 3 options included as (a), (b) and (c) put forward by submitters to be appropriate options for the rural zone, as the land holding sizes vary between a smaller rural residential site of 8,000m² – 1.6ha to a larger balance area. Further often there are multiple options for building platforms within larger lot sizes. I do not agree with a reduction in the 1,000m² area as suggested by Sharp Planning Solutions limited and Blue Wallace Surveyors Limited, as these proposed areas may not provide a sufficient area for development within the proposed lot. I agree with the submitters that having more flexibility to show a building platform area at the time of subdivision is a better option and it is consistent with the Operative Waikato District Plan provisions.
605. I therefore recommend that Rule RDI(a)(i) be amended as follows:
- (i) ~~Has A shape factor being either:~~
 - A. an area of 1,000m² exclusive of boundary setbacks; or
 - B. a circle with a diameter of at least 30m, exclusive of boundary setbacks; and
 - C. containing a building platform being a circle with a diameter of at least 18m.

RDI(a)(ii) – area of building platform

606. Some submissions seek to amend the average gradient included in RDI(a)(ii) from 1:8 to either 1:5 or 1:6. The purpose of clause (a)(ii) is to ensure that the building platform site is flat for development to occur easily without extensive earthworks, consequently having fewer adverse effects on rural character and amenity. The Operative Waikato District Plan provision (Rule 25.77(c)) requires a 1:8 average gradient, which I understand from Council staff has worked well for rural subdivision. Where a site cannot achieve this gradient, additional assessment is generally required to ensure site suitability. I consider that while the options of a 1:5 or 1:6 gradient may be easier for developers to comply with, the consequences in terms of earthworks and effects on rural character may be compromised.
607. Given that these effects are important aspects for consideration as part of a subdivision consent, my view is that in order to align with the Objectives and Policies of the Proposed District Plan in Chapter 5 for the Rural Environment, a flatter building platform with a 1:8 is appropriate for the rural zone subdivision provisions.

RDI(a)(iii) – certification by a geotechnical engineer

608. Some submissions oppose or seek to delete RDI(a)(iii), which requires a building platform to be certified by a geotechnical engineer as geotechnically stable.
609. My understanding of the purpose of this provision is to ensure that a building platform is geo-technically stable at the time of subdivision, not at the time of building consent (by which time it is too late to address any issues that may arise). I consider that is beneficial to future landowners who purchase the new lot from the subdivision to know that an engineer has reviewed a proposed building platform (or possible alternative locations if there are more than one) to be certain that they can reasonably expect to build a dwelling.
610. I am not convinced that the submitter’s points provide sufficient grounds for not requiring an assessment to be undertaken and from my experience as a consents planner there are many flat sites that can still have issues.
611. I have picked up on the Waikato District Council’s [697.839] submission point, which seeks to amend this provision by including additional criteria in the rule. I agree with this point, as I consider that it makes the rule clear that a geotechnical engineer needs to certify the building platform as stable, but also that it is suitable for a building platform.
612. Although the Operative Waikato District Plan provision for a building platform in Rule 25.77 does not require a proposed building platform to be certified by a geotechnical engineer as geotechnically stable, or suitable for a building platform, the Operative Franklin section does include a requirement for the lot to contain a “safe and stable” building platform.
613. Rule 23.4.8 in the Country Living Zone proposes a similar rule with the same provision, with the inclusion of the proposed wording from the Waikato District Council submission. My view is that in order to maintain consistent provisions across the plan and for the reasons outlined above, I do not accept the points proposing to delete this requirement, but do recommend that Rule RDI (a)(iii) be amended as follows:

(iii) Is certified by a geotechnical engineer as geotechnically stable and suitable for a building platform;

RDI (b) Additional matters of discretion

614. Submissions from NZ Pork [197.30] Horticulture New Zealand [419.41] and the Poultry Industry Association [821.13] seek to add a new matter of discretion in regards to the future use of the site with surrounding rural production activities; proximity to an intensive farming activity and to avoid or mitigate reverse sensitivity effects.
615. Waikato District Council [697.840] seeks to amend rule 22.4.9 (b)(iii) to delete reference to “and their potential effects on the environment”. I disagree with this point, as I think this matter of discretion needs to be included to ensure that reverse sensitivity effects are managed
616. I agree with the intent of these submissions and consider that while RDI(b)(iii) currently covers a range of activities and their potential effects on the environment, I think this provision can be more specifically targeted to rural productive activities and management of

reverse sensitivity effects. It is important to consider all industries and operations that will rely on this matter for protection of their activities.

617. I prefer the wording proposed in NZ Pork's and Horticulture New Zealand's submissions. However I consider it needs to be broadened to ensure that it captures all rural activities, including intensive farming activities, as sought by the Poultry Industry Association's submission point. I do not consider that a new matter of discretion is required, therefore propose to use the Waikato District Council's submission to provide a clearer matter of discretion which aligns with the WRPS and Operative Waikato District Plan objective and policies to ensure that reverse sensitivity effects are considered at the time of subdivision.
618. I therefore recommend that RDI (b)(iii) to be amended as follows:

(iii) *the relationship of the building platform and future residential activities with surrounding rural activities to ensure reverse sensitivity effects are avoided or mitigated.*

21.4 Recommendations

619. For the reasons above I recommend that the Hearings Panel:
- a. **Reject** the submission from Andrew and Christine Gore [330.170].
 - b. **Reject** the submission from Brent Trail [345.17].
 - c. **Accept in part** the submission from NZ Pork [197.30]. **Therefore, accepting in part** the further submissions from Combined Poultry Industry on behalf of The Poultry Industry Association of NZ; Inghams Enterprises (NZ) Limited; Brinks NZ Chicken; The Egg Producers Federation of NZ; and Tegel Foods Limited [FSI 388.15] and **rejecting** the further submission from Mercury NZ Limited [FSI 386.207].
 - d. **Accept in part** the submission from Ted and Kathryn Letford [276.16] insofar as the submission relates to Rule 22.4.9.
 - e. **Accept in part** the submission from The Poultry Industry Association of New Zealand; Brinks NZ Chicken; The Egg Producers Federation of on behalf of [821.12]. **Therefore, accepting in part** the further submissions from Mainland Poultry [FSI 276.75] and rejecting the further submission from and Quinn Haven Investments Limited and M & S Draper [FSI 317.10].
 - f. **Accept in part** the submission from Horticulture New Zealand [419.41]. **Therefore, accepting in part** the further submission from T & G Global [FSI 171.29].
 - g. **Accept in part** the submission from The Poultry Industry Association of New Zealand; Brinks NZ Chicken; The Egg Producers Federation of on behalf of [821.13]. **Therefore, accepting in part** the further submissions from New Zealand Pork Industry Board [FSI 076.15] and Mainland Poultry Limited [FSI 265.76].
 - h. **Reject** the submission from Middlemiss Farm Holdings Limited [794.25].
 - i. **Reject** the submission from Brent Trail [345.16].
 - j. **Reject** the submission from Ann-Maree Gladding [489.17].
 - k. **Reject** the submission from Jack Macdonald [782.17].
 - l. **Reject** the submission from John Rowe [922.18].
 - m. **Accept in part** the submission from Andrew Wood for CKL [471.26].
 - n. **Reject** the submission from Blue Wallace Surveyors Limited [662.23].
 - o. **Reject** the submission from Sharp Planning Solutions [695.99].
 - p. **Accept in part** the submission from The Surveying Company [746.114].
 - q. **Accept in part** the submission from Chanel Hargrave and Travis Miller [751.55].
 - r. **Accept in part** the submission from McCracken Surveys Limited [943.52].

- s. **Reject** the submission from Federated Farmers [680.247].
- t. **Accept** the submission from Waikato District Council [697.839].
- u. **Accept in part** the submission from Waikato District Council [697.840] insofar as RDI (b)(iii) has been amended in conjunction with other submissions.

21.5 Recommended amendments

620. The following amendments are recommended:

22.4.9 Subdivision - Building platform

RDI	<p>(a) Subdivision, other than an access or utility allotment, must provide a building platform on the <u>every</u> proposed lot-allotment that <u>meets all of the following conditions</u>:</p> <ul style="list-style-type: none"> (i) Has A shape factor being either: <ul style="list-style-type: none"> <u>A. an area of 1,000m² exclusive of boundary setbacks; or</u> <u>B. a circle with a diameter of at least 30m, exclusive of boundary setbacks; and</u> <u>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 <u>and suitable for a building platform</u>; (iv) Has vehicular access in accordance with Rule 14.12 (Transportation) (v) Is not subject to inundation in a 2% AEP storm or flood event; (vi) a dwelling could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3. <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> (i) Earthworks and fill material required for building platforms and access; (ii) Geotechnical suitability for building; (iii) Likely location of future buildings and their potential effects on the environment the relationship of the building platform and future residential activities with surrounding rural activities to ensure reverse sensitivity effects are avoided or mitigated; (iv) Avoidance of natural hazards; (v) Effects on landscape and amenity; (vi) Measures to avoid storm or flood events.
DI	Subdivision that does not comply with Rule 22.4.9 RDI.

21.6 Section 32AA evaluation

621. I have recommended several changes to the building platform rule as a result of submissions. The key changes which I consider require evaluation pursuant to s32AA relate to the building platform size and shape factor and the inclusion of a more robust matter of discretion to manage reverse sensitivity effects. I consider that both changes are required to ensure building platforms do not create any adverse consequences on the rural environment.

21.6.1 Other reasonably-practicable options

Building Platform size and shape factor

622. I have considered several options in respect to the building platform size and shape factor as presented by submitters. One of the options I considered was the "do nothing" approach, which I did not consider was the best outcome because it offered no flexibility to developers who need certainty in respect to what is required by the District Plan.

623. Although smaller sized building platforms were a consideration, my concern was that there needs to be sufficient area for buildings to locate. Generally in the rural zone, dwellings and buildings are larger than in urban zones because there is more area to build on. Additionally many rural residents also generally need more storage for farm implements and vehicles. If I were to reduce the size of the required building platform, it may unnecessarily constrain development or not provide a sufficiently safe and stable area for building.
624. I have relied on the Operative Waikato District Plan provisions for guidance and know that the current provision (Rule 25.77) works effectively for subdivision. Re-instatement of this provision as suggested by the submitters in my opinion provides the best outcome for a building platform area.

Matter of Discretion to manage reverse sensitivity

625. I considered a variety of options for submissions received on reverse sensitivity and have scope to enable a better provision, which is more aligned to the higher order directives in the WRPS and the Operative Waikato District Plan in respect to management of reverse sensitivity issues.
626. It is always a challenge trying to find the right fit in a District Plan to accommodate multiple rural activities and industries. It is helpful that the submitter's who have provided submissions on the building platform rule are from across different industries. Clearly the matter of reverse sensitivity effects from new dwellings and residential activities is a key concern for these rural production industries.
627. In this case, the 'do nothing' approach was not an option, as the issue of reverse sensitivity is important and must be appropriately managed in the District Plan. My recommended approach is to provide a generic provision that ensures that all rural activities are considered at the time a building platform is taken into account as part of the subdivision.

21.6.2 Effectiveness and efficiency

628. The recommended amendments to Rule 22.4.9 RDI (a)(i) and (b)(iii) align with the WRPS in respect to the management of reverse sensitivity effects and Chapter 5 of the Proposed Waikato District Plan, particularly Objective 5.1.1 and Policy 5.3.7. I note specifically clauses (b) and (c), which reflect the matter of discretion proposed.

21.6.3 Costs and benefits

629. There are no additional costs in respect to Rule 22.4.9 RDI (a)(i) given that this simply relates to the size and shape of the building platform and is determined at the time of subdivision. Given that the proposed provision is no different from the operative provisions currently, I do not foresee any additional costs from this change.
630. There are costs in respect of Rule 22.4.9 RDI (b)(iii) if reverse sensitivity effects are not managed appropriately. This cost can be either on the future purchaser of the proposed lot who is located too close to a rural industry and has to live with the effects of rural activities (e.g. odour, spray drifts etc), but more importantly the cost is on the industry operators who rely on the rural environment for their activities and cannot afford to be driven out of the zone by increased rural residential development.
631. Therefore I consider that having a matter of discretion which ensures that reverse sensitivity effects are either avoided or mitigated at the time of subdivision is entirely appropriate.

21.6.4 Risk of acting or not acting

632. There are risks of not acting, particularly in respect to the reverse sensitivity matter. The consequences for the rural environment could be significant if reverse sensitivity effects are not appropriately managed.
633. In terms of the building platform size, this requirement also ensures that building platforms are of an appropriate size and shape to accommodate future development and it is important, particularly for future lot owners that there is sufficient area to build.

21.6.5 Decision about most appropriate option

634. For the reasons above, the amendment to Rule 22.4.9 RDI (a)(i) and (b)(iii) are considered to be the most appropriate way to achieve the higher order directives of the WRPS and the objective and policies of the Proposed District Plan.

22 Transferable Lot Subdivision

22.1 Introduction

635. A transferable development right (TDR) subdivision occurs when a 'development right' is generated at a 'donor' location through the amalgamation of titles (through voluntary amalgamation or resurveying of allotments) or through a resource consent for a new lot (such as an environment lot) which has not progressed through to an in-situ title. The development right is then transferred to a 'receiver' location where subdivision occurs and a new title is issued so that the development right (that is, construction of a dwelling) can be realised.
636. Very few local authorities in New Zealand provide for TDR subdivision and their approaches vary depending on the strategic outcomes sought. For example, Waipa District incentivises the transfer of lots away from specific and/or sensitive areas such as Maungatautari Ecological Island and Te Awa Cycleway.
637. In contrast, the Auckland Council's Unitary Plan (AUP) provides for TDRs subject to them landing in identified countryside living zones. I note that an 'amalgamation incentivised area' is identified in Appendix 14 of the AUP which comprises the majority of the former Franklin Section inherited by Auckland Council. This identified area displays a high level of land fragmentation where titles are to be amalgamated in exchange for the creation of smaller, and potentially a greater number of, lots within these receiver countryside living zones. However, receiver countryside living zones are much more limited in a spatial sense compared to the former Franklin Section provisions which applied to a more extensive Rural Zone.
638. Provisions for TDR subdivision in the Rural Zone were investigated by Council staff during preparation of the PWDP. This investigation was a response to Policy 6.1.10 of the WRPS which states that 'territorial authorities should investigate and implement as appropriate,

economic instruments which could help to direct rural-residential development to locations identified in the district plan for rural-residential development’.

639. However, this option for TDR subdivisions was not favoured by Council at that time, and hence not part of the notified PWDP, for these reasons:
- (a) Council agreed with staff that the operative Franklin Section provisions are complex to administer and difficult for customers to understand
 - (b) Council considered that, as a result of the Franklin Section experience, TDR subdivisions were resulting in undesirable environmental outcomes, particularly in respect to ad hoc development and misalignment with strategic growth plans for the whole district
 - (c) Council considered that the provisions for rural subdivision were already sufficiently generous, without introducing TDR provisions.

22.2 Submissions

640. The 11 original submissions and 30 further submissions listed in the following table request that:
- (a) TDR subdivisions be provided in the Rural Zone as a restricted discretionary activity or discretionary activity
 - (b) Rule 22B.12 in the operative Franklin Section be carried over into the PWDP and that ‘approved lots’ be accepted for transfer within such rule
 - (c) a specific subdivision rule entitled ‘Pakau Trust Entitlement Rule’ that recognises one landowner’s claim of 35 ‘lot entitlements’ as a result of covenanting 204 ha of native bush
 - (d) a TDR mechanism within the conservation lot rule
 - (e) TDR provisions where receiver sites are in countryside living zones, towns or villages
 - (f) TDR provisions for properties affected by overlays such as Significant Natural Areas or Outstanding Natural Landscapes
 - (g) TDR provisions similar to the Auckland Unitary Plan and Waipa District Plan

Submission Point	Submitter	Decision sought
782.1	Jack Macdonald	Amend Chapter 22.4 Subdivision by enabling transferable rural lot right subdivision as a restricted discretionary activity and discretionary activity throughout the Waikato District.
FSI 138.24	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 782.1:
FSI 138.22	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 782.1:
FSI 129.27	Auckland Council	Opposes 782.1:

FSI379.322	Hamilton City Council	Opposes 782.1:
FSI387.1226	Mercury NZ Limited	Opposes 782.1
922.1	John Rowe	Amend Chapter 22.4 Subdivision by enabling transferable rural lot right subdivision as a restricted discretionary activity and discretionary activity throughout the Waikato District.
FSI138.25	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 922.1:
FSI379.361	Hamilton City Council	Opposes 922.1:
FSI129.28	Auckland Council	Opposes 922.1:
FSI387.1470	Mercury NZ Limited	Opposes 922.1
746.65	The Surveying Company	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.
FSI138.23	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 746.65:
FSI138.21	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 746.65:
FSI342.206	Federated Farmers	Supports 746.65:
FSI379.292	Hamilton City Council	Opposes 746.65:
FSI129.26	Auckland Council	Opposes 746.65:
FSI343.2	Bruce Cameron	Supports 746.65:
FSI387.939	Mercury NZ Limited	Opposes 746.65
624.1	Glenn Soroka & Louise Meredith for Trustees of the Pakau Trust	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</u> <u>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:</u> <u>(i) The number of transferable rural lot rights available, will reduce by the number utilised at each</u>

		<p><u>receiving property when a survey plan is lodged for the subdivision approved at that receiving property;</u></p> <p><u>(ii) A subdivision plan is only required for the receiver property;</u></p> <p><u>(iii) Transferable rural lot rights cannot be generated on any other donor property.</u></p> <p><u>Rule 22.4.XXX Transferable Rural Lot Right Subdivision</u></p> <p><u>RDI</u></p> <p><u>(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:</u></p> <p><u>(i) The Record of Title to be subdivided must be 1 hectare or greater in area;</u></p> <p><u>(ii) The additional lots must have a proposed area of between 2500m² and 1.6 hectares;</u></p> <p><u>(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;</u></p> <p><u>(b) For the purposes of this rule a subdivision plan is required only for the receiver property and not the donor property.</u></p> <p><u>(c) Council's discretion is restricted to the following matters on the receiving property:</u></p> <p><u>(i) subdivision layout and design including dimensions, shape and orientation of the proposed lots;</u></p> <p><u>(ii) effects on rural character and landscape values;</u></p> <p><u>(iii) potential for reverse sensitivity effects;</u></p> <p><u>(iv) extent of earthworks required for building platforms and access ways.</u></p> <p><u>DI</u></p> <p><u>Transferable rural lot right subdivision that does not comply with Rule 22.4.XXX RDI</u></p> <p>AND</p> <p>Amend the Proposed District Plan further with any necessary consequential or other relief that addresses Pakau Trust's concerns.</p>
FS1387.16	Mercury NZ Limited	Opposes 624.1
466.27	Brendan Balle for Balle Bros Group Limited	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).
FS1308.59	The Surveying Company	Supports 466.27:
FS1138.29	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 466.27:
695.158	Sharp Planning Solutions Ltd	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.
FS1138.19	Glenn Michael Soroka and Louise Claire Mered as Trustees of the	Supports 695.158: In part.

	Pakau Trust	
FS1385.29	Mercury NZ Limited for Mercury B	Opposes 695.158.
695.162	Sharp Planning Solutions	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.
FS1138.1	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 695.162:
FS1305.35	Andrew Mowbray	Supports 695.162:
FS1379.262	Hamilton City Council	Opposes 695.162:
701.9	Steven & Theresa Stark	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.
FS1138.2	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 701.9: In part.
FS1277.135	Waikato Regional Council	Opposes 701.9:
794.27	Middlemiss Farm Holdings Limited on behalf of	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.
FS1138.3	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Supports 794.27:
FS1379.330	Hamilton City Council	Opposes 794.27:
365.3	Delta Property	Consider introducing the ability to transfer development rights to other properties where an

	Group	allotment is entirely covered by Significant Natural Area Overlay
FSI129.79	Auckland Council	Opposes 365.3
587.9	Bruce Cameron	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 thereof.
FSI138.12	Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust	Opposes 587.9

22.3 Analysis

641. I will deal first with the Pakau Trust submission [624.1] which requests a specific rule to recognise their claim of '35 residual lot entitlements' before analysing the remaining submissions that request generic TDR provisions.
642. Pakau Trust's claim is currently subject of High Court proceedings set down for hearing on 12-13 October 2020. The claim is based on their subdivision application lodged with Waikato District in July 2012 where lots were approved, and transferred to Auckland Council's jurisdiction, in exchange for the covenanting of 204 ha of native bush located at Klondyke Road, Port Waikato. Further lots were approved in a 2015 consent order that resolved the submitter's appeal on the decision for Variation 13 to Plan Change 14 which introduced the prohibition of TDRs crossing the territorial boundaries of Auckland Council and Waikato District Council. Despite this consent order, the submitter considers that a further '35 lot entitlements' are owed to them as a result of their 2012 subdivision application. Because this claim is subjudice by the High Court, it is not appropriate for this matter to be considered through the district plan review process and, for this reason, I recommend that their submission be rejected.
643. I now turn to the remaining eight original submissions from Jack Macdonald [782.1], John Rowe [922.1], The Surveying Company [746.65], Balle Bros Group Limited [466.27], Sharp Planning Solutions [695.158 and 695.162], Steven and Theresa Stark [701.9] and Middlemiss Farm Holdings Limited [794.27]. All of these submissions request the introduction of TDR provisions in some form.
644. I do accept that there are some benefits with respect to TDR provisions. These include the redirection of development away from highly productive soils or sensitive environments to locations that are less productive or sensitive to the effects of built development, particularly dwellings. From an economic perspective, TDR subdivisions can be particularly lucrative when receiver sites are in higher demand than donor sites.
645. On balance however, it is my opinion that the undesirable environmental outcomes from TDR subdivisions outweigh these benefits and I therefore support the approach of the notified PWDP to not provide for this type of subdivision. I discuss these undesirable outcomes as follows.
646. One prime concern, supported by the Consents Team, is that TDRs result in in ad hoc development that is not anticipated by existing residents in the Rural Zone, or Council. New

dwellings that are visible to existing residents who surround a receiver location, even with considerable separation distances, can result in changes to the experience of rural character and amenity that were never expected because subdivision opportunities are otherwise not available. Lots that land in close proximity to established towns and villages (as a response to market demand) then make it more difficult for Council to forecast population growth, implement district-wide and sub-regional growth strategies, and plan for infrastructure through Annual Plans and Long Term Plans.

647. In this regard, Hamilton City Council (HCC) [FSI 379] has also expressed concern that TDR subdivision within Waikato District would result in more subdivision and unplanned growth and land fragmentation within what this authority has termed 'HCC's Area of Interest'. I consider this concern is valid given Policy 6.17 in the WRPS which states that:

'Management of rural-residential development in the Future Proof area will recognise the particular pressure from, and address the adverse effects of, rural-residential development in parts of the sub-region, and particularly in areas within easy commuting distance of Hamilton and:

d) the potential for cross-territorial boundary effects with respect to rural-residential development'.

648. Auckland Council [FSI 129] also opposes the introduction of TDR provisions. Because a number of original submissions request a TDR regime based on the approach of the AUP, I met with Auckland Council staff to discuss the workings of these provisions. They advised that these provisions were not delivering the outcomes that were expected, mainly because transfers were entirely dependent upon certainty provided by a buoyant market and worthwhile financial gains for willing buyers and sellers. Like HCC, I assume that Auckland Council is concerned that the development of receiver locations near the common boundary shared with Waikato District would result in pressures to allow unplanned development on their side of the boundary, however I invite them to elaborate on their experience with TDR subdivisions with evidence at the hearing as reasons were not provided in their further submission.

649. The four maps that follow were produced by Auckland Council as their evidence for the hearing held in 2014 on Variation 13 to Plan Change 14. I consider that these helpfully illustrate the pattern of development resulting from TDR subdivision within the former Franklin District before the transfer of lots across the territorial boundaries of Auckland Council and Waikato District Council became prohibited. In my opinion, they illustrate ad hoc development and the tendency for TDRs to land in close proximity to urban settlements and significant traffic routes.

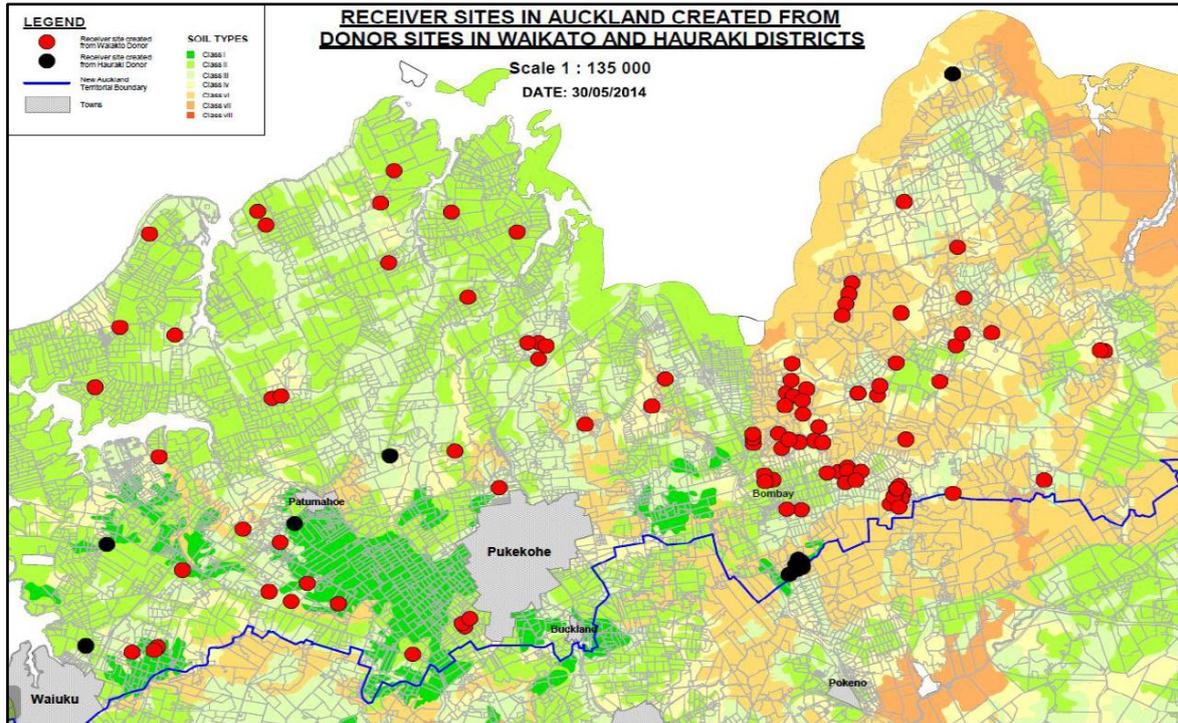


Figure 17.

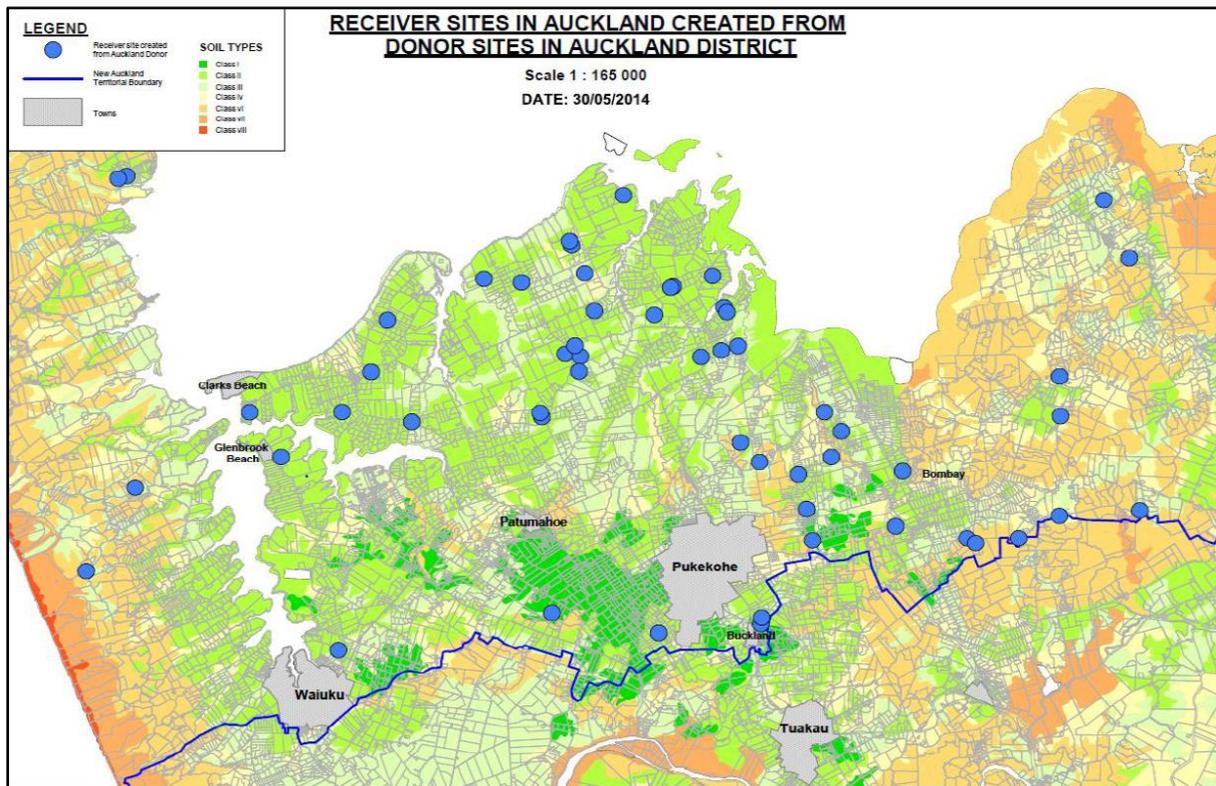


Figure 18.

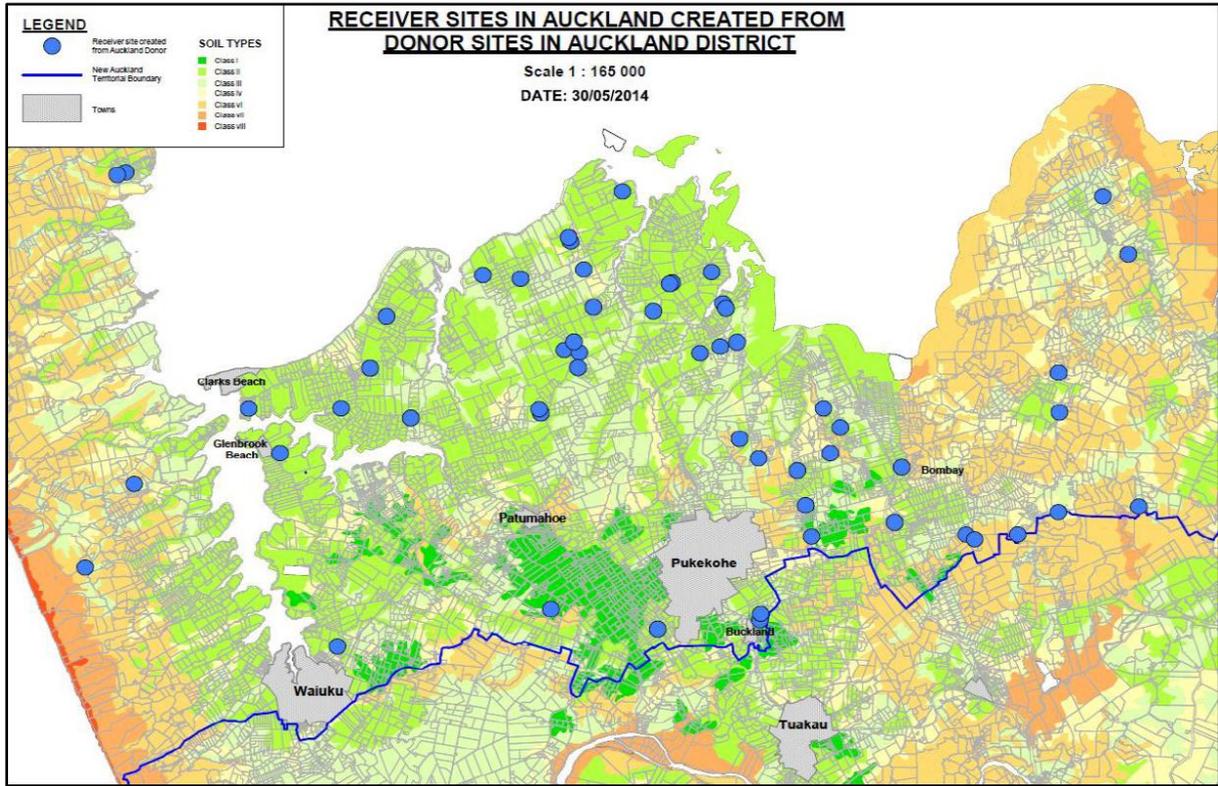


Figure 19.

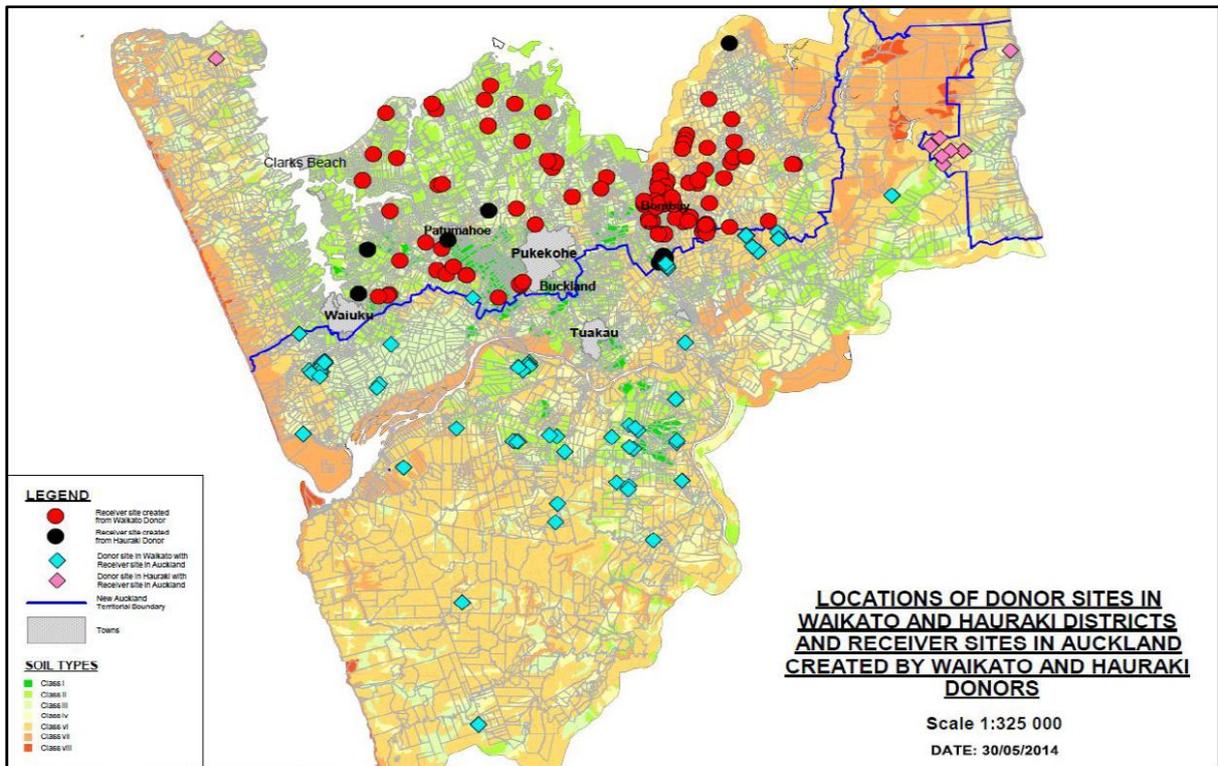


Figure 20.

650. I have also conferred with my colleagues in the Consents Team who are experienced in the processing of TDR subdivisions within the operative Franklin Section. They have explained

that the existing TDR rules in the Franklin Section have occasionally resulted in an outcome where valuable versatile cropping soils are lost at a receiver location. This is because soils at the donor location are also versatile, but they are used for comparatively less productive rural activities, such as pastoral grazing. The issue here is that the wide breadth of versatile soil classifications (from Class 1 to Class 3e2) provides for an equally wide range of rural activities, meaning that the TDR subdivision does not always involve a 'like for like' situation and that the result in terms of potential land production can sometimes be worse than if the transfer did not occur.

651. I am also concerned that the transfer of lots from the Rural Zone into other zones, such as the Country Living Zone and Village Zone, could result in complications with respect to capacity of the zoned area to absorb incoming lots if the sizes of these lots were to differ from the minimum specified for that receiver zone, timing of the transfer is unknown and when there is an expectation for infrastructure to be effectively and efficiently provided. I do not consider this option constitutes prudent planning for future growth of the district when Council has planned for infrastructure based on expected lot yields.
652. Mr Doug Fairgray (Market Economics) has also provided this comment in sections 5.35-5.36 of his report (Appendix 4) in respect to potentially increasing the stock of land within the Country Living Zone and Village Zone as a way of providing for additional growth:

“While the outcome sounds similar to what the Country Living zone and Village zone can already provide, simply increasing those zones to take pressure off the Rural zone and its productive land would not satisfy the objectives of landowners there who seek some capital gain from subdivision.

There would need to be a nexus or trigger, where the Country Living or Village zone type outcomes could be achieved in appropriate locations, but only through the transfer mechanism.”

653. I agree with these statements and consider that 'appropriate locations' should not be determined solely on the basis of market demand as this would have obvious outcomes for the environment that would not be desirable, such as the loss of high class soils, rural amenity and character. I do not consider such outcomes would be cognisant of the requirement in section 5 of the RMA to promote the sustainable management of natural and physical resources.
654. I am also concerned that providing TDR subdivision across the whole of the district would conflict with various development principles for new development as set out in Chapter 6A of the WRPS, such that it should:

...

- c) occur in a manner that provides clear delineation between urban and rural areas
- d) not compromise the safe, efficient and effective operation and use of existing and planned infrastructure, including transport infrastructure, and should allow for future infrastructure needs, including maintenance and upgrading, where there can be anticipated

...

- e) *connect well with existing and planned development infrastructure*
- ...
- o) *not result in incompatible adjacent land uses (including those that may result in reverse sensitivity effects) such as industry, rural activities, and existing or planned infrastructure.*
655. In addition to these general development principles, I am also concerned that TDR subdivision would undermine these more specific principles for rural-residential development in Chapter 6A of the WRPS that urge such development to:
- a) *be more strongly controlled where demand is high*
- b) *not conflict with foreseeable long-term needs for expansion of existing urban centres*
- c) *avoid open landscapes largely free of urban and rural-residential development*
- d) *avoid ribbon development and, where practicable, the need for additional access points and upgrades, along significant transport corridors and other arterial routes*
- ...
- f) *minimise visual effects and effects on rural character such as through locating development within appropriate topography and through landscaping.*
656. My discussions with colleagues in the Consents Team have confirmed that a number of these undesirable outcomes have already occurred on the outskirts of Buckland, Bombay and Pukekawa villages where there continues to be a high demand for rural-residential living, due to easy commuting distances to Auckland and Pukekohe, and that it is difficult to judge the point at which cumulative adverse effects from development become unacceptable. It is also difficult to assess and potentially decline this type of development when compliance with these WRPS principles is discretionary (with the use of the word 'should') rather than mandatory.
657. I also consider that there is a potential issue of scope if receiver areas or zones were to be nominated at this point in time. This is because landowners within or near these new receiver locations have not had an opportunity to provide their feedback through the submission process, hence raising the issue of natural justice.
658. Given the experience of TDR subdivision in the Franklin Section, the concerns raised by the Consents Team, and the opposition expressed by further submitters including Auckland Council and HCC, I conclude that the environmental costs from TDR subdivisions outweigh economic benefits and that there is a strong rationale for not including TDR provisions in the PWDP.

22.4 Recommendations

659. For the reasons above I recommend that the Hearings Panel:
- a. **Reject** the submission from Jack Macdonald [782.1]. **Therefore, rejecting** the further submissions from Pakau Trust [FS1138.22], and **accepting** further submission points from Auckland Council [FS1129.27], Hamilton City Council [FS1379.322] and Mercury NZ Limited [FS1387.1226].
 - b. **Reject** the submission from John Rowe [922.1]. **Therefore, rejecting** the further submissions from Pakau Trust [FS1138.25], and **accepting** the further submission from Auckland Council [FS1129.28], Hamilton City Council [FS1379.361] and Mercury NZ Limited [FS1387.1470].

- c. **Reject** the submission from The Surveying Company [746.65]. **Therefore, rejecting** the further submissions from Pakau Trust [FSI 138.23], [FSI 1387.21], Federated Farmers [FSI 342.206], Bruce Cameron [FSI 343.2], and **accepting** the further submission from Hamilton City Council [FSI 379.292], Auckland Council [FSI 129.26], Mercury NZ Limited [FSI 387.939].
- d. **Reject** the submission from Pakau Trust. **Therefore, accepting** the further submissions from Mercury NZ Limited [FSI 387.16].
- e. **Reject** the submission from Balle Bros Group Limited [466.27]. **Therefore, rejecting** the further submissions from Pakau Trust [FSI 138.29], The Surveying Company [FSI 308.59].
- f. **Reject** the submission from Sharp Planning Solutions Ltd [695.158]. **Therefore, rejecting** the further submissions from Pakau Trust [FSI 138.19], and **accepting** the further submission from Mercury NZ Limited [FSI 385.29].
- g. **Reject** the submission from Sharp Planning Solutions Ltd [695.162]. **Therefore, rejecting** the further submissions from Pakau Trust [FSI 138.1], Andrew Mowbray [FSI 305.35], and **accepting** the further submission from Hamilton City Council [FSI 379.262].
- h. **Reject** the submission from Steven & Theresa Stark [701.9]. **Therefore, rejecting** the further submissions from Pakau Trust [FSI 138.2], and **accepting** the further submission from Waikato Regional Council [FSI 277.135].
- i. **Reject** the submission from Middlemiss Farm Holdings Limited [794.27]. **Therefore, rejecting** the further submissions from Pakau Trust [FSI 138.3], and **accepting** the further submission from Hamilton City Council [FSI 379.330].
- j. **Reject** the submission from Delta Property Group [365.3]. **Therefore, accepting** the further submission from Auckland Council [FSI 129.79].
- k. **Reject** the submission from Bruce Cameron [587.9]. **Therefore, accepting** the further submission from Pakau Trust [FSI 138.12].

22.5 Recommended amendments

655. There are no recommended amendments.

22.6 Section 32AA evaluation

656. There are no recommended amendments to the notified rules. Accordingly, no s32AA evaluation has been required to be undertaken.

23 Individual Subdivision Requests

23.1 Introduction

657. Four original submission points and three further submissions have been received seeking to subdivide individual properties.

Submission Point	Submitter Name	Relief Sought
537.2	Kelvin & Joy Smith	Amend the Proposed District Plan to allow the subdivision of the property at 116 Swan Road, Te Kowhai into two blocks.

FS1028.2	Kelvin Russell and Joy Margaret Smith	Support 537.2:
FS1277.101	Waikato Regional Council	Opposes 537.2:
763.1	Fiona Jones	Amend the Proposed District Plan to enable subdivision of 25 Renown Road, Waikokowai and 22 McDonald Mine Road, Waikokowai into two.
171.4	Louis (Luke) Faesenkloet	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).
FS1386.150	Mercury NZ Limited	Opposes 171.4
87.1	Dianne O'Hara	Amend the Proposed District Plan to enable subdivision of the property at 261C Rotowaro Road Huntly, into smaller lots.

23.2 Analysis

658. Submissions received from Kelvin and Joy Smith [537.2] seek to amend the District Plan to allow the subdivision of their property at 116 Swan Road, Te Kowhai into 2 lots.

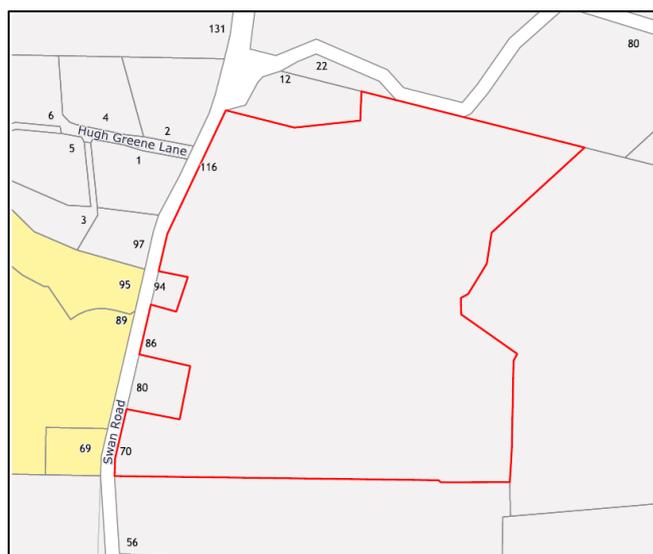


Figure 21. Map of 116 Swan Road, Te Kowhai

659. A submission point from Fiona Jones [763.1] seeks to amend the plan rules to enable subdivision of 25 Renown Road, Waikokowai and 22 McDonald Mine Road, Waikokowai into two lots.

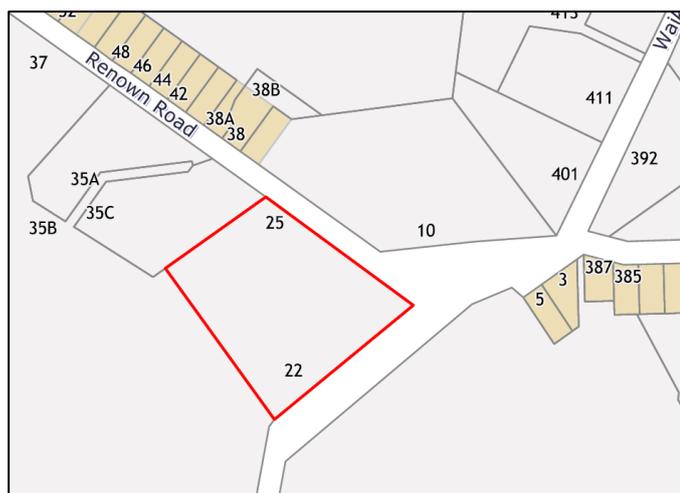


Figure 22. Map of 25 Renown Road, Waikokowai

660. A submission received from Louis Faesenkloet [171.4] seeks to amend the boundary relocation rule to ensure that a boundary relocation can occur between the submitter's property at 130 McWatt Road.



Figure 23. Map of 130 McWatt Road

661. A submission received from Dianne O'Hara [87.1] seeks to amend the plan to enable subdivision at 261C Rotowaro Road, Huntly into smaller lots.

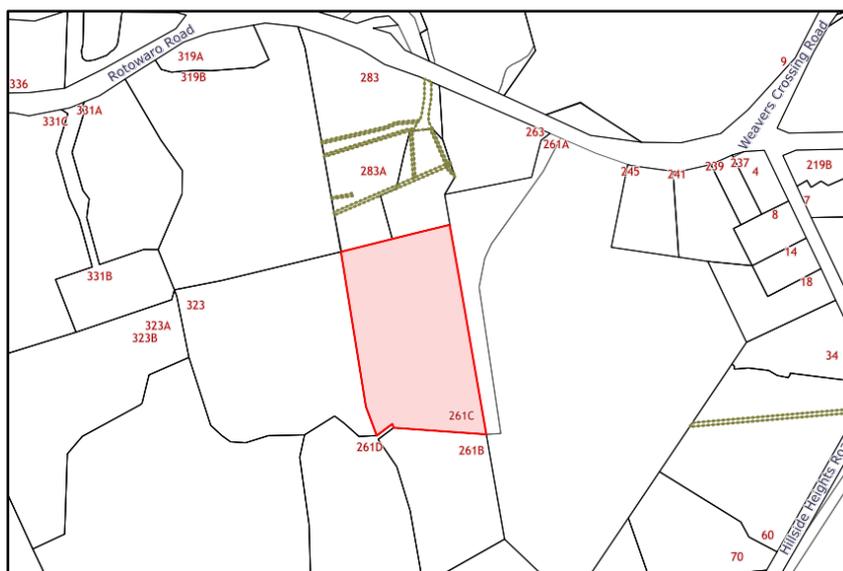


Figure 24. Map of 261C Rotowaro Road, Huntly

Outcome

662. I do not agree that subdivision should be provided specifically for these three properties, when the rules are designed to apply to all Rural Zoned properties. The properties do not justify the application of special spot rules to enable development. I note that these submissions do not necessarily seek amendments to the Rural Zone rules, therefore I recommend that these submissions be further considered in the hearing for Rezoning Requests which is scheduled to start in February 2021.

23.3 Recommendations

662. For the reasons above I recommend that the Hearings Panel:
- a. **Reject** the submission from Kelvin and Joy Smith [537.2]. **Therefore reject** the further submission from Kelvin and Joy Smith [FS1028.2] and **accept** the further submission from Waikato Regional Council [FS1277.101].
 - b. **Reject** the submission from Fiona Jones [763.1].
 - c. **Reject** the submission from Louis Faesenkloet [171.4]. **Therefore accept** the further submission from Mercury NZ Limited [FS1386.150].
 - d. **Reject** the submission from Dianne O'Hara [87.1].

23.4 Recommended amendments

663. No amendments recommended.

23.5 Section 32AA evaluation

664. There are no recommended amendments. Accordingly, no s32AA evaluation has been required to be undertaken.

24 Conclusion

665. As highlighted in this hearing report, there are a number of different rural subdivision pathways, such as general subdivision, boundary relocations, rural hamlet subdivision, conservation lot subdivision and reserve lot subdivision.
666. It is clear to me that as growth occurs, demand for subdivision in the rural zone will continue to be desirable for many people. However, a balance that must be struck between enabling rural-residential lifestyle development on one hand, while protecting rural productive land and industries from the effects associated with subdivision on the other.
667. In my recommendations to the Panel I have focused on providing a district wide framework for rural subdivision which manages the competing interests of landowners and industry operators within the rural zone. I have also aimed to ensure the plan delivers good planning outcomes that will stand the test of time and minimise any long term consequences.
668. In order to achieve this balance, I have recommended that the plan retains the key date of the 6 December 1997 from the Operative Waikato Section of the District Plan; increases the parent title size to 40ha for both general subdivision and rural hamlet subdivision rules in order to maintain larger landholdings; and include new provisions within each rule to better manage the effects of subdivision on high class soils.
669. With the assistance of Mr Turner from WSP, I have also recommended some improvements to the Conservation lot subdivision rule, which enables a pathway for restoration/enhancement of Significant Natural Areas both within and outside of the Hamilton Ecological Basin. I have also reduced the size threshold for features to qualify within the Hamilton Basin Area, given that areas of Significant Natural Area are much smaller and fewer than the SNA's outside of the Hamilton Basin. These changes were also considered on balance with the overall consequences of rural-residential development on the Rural Zone.
670. I have also recommended several other changes across the subdivision provisions which includes: additional matters of discretion for key effects such as reverse sensitivity effects; effects on existing infrastructure providers; a new rule for subdivision within the National Grid Corridor; and clarification and re-structuring of some rules to avoid interpretational issues.
671. Overall, I consider the package of provisions being recommended achieves a balanced framework to manage the effects of rural subdivision which I consider will provide good planning outcomes.
672. I consider that the submissions on this chapter should be accepted, accepted in part or rejected as set out in Appendix I for the reasons set out above.
673. Appendix 2 contains recommended amendments to plan chapter 22.4.
674. Appendix 3 illustrates the cascade of plan provisions (as amended) that flow through from the objectives to policies and to rules.
675. Appendices 4, 5 and 6 contain the reports from the technical experts.