

**BEFORE THE ENVIRONMENT COURT OF NEW ZEALAND      ENV-2022-AKL-0000**  
**AUCKLAND REGISTRY**  
**I MUA I TE KOOTI TAIAO O AOTEAROA**  
**TAMAKI MAKAURAU ROHE**

**In the Matter**                                of the Resource Management Act 1991 (**Act**)

**And**

**In the Matter**                                of an appeal under clause 14 of the First Schedule of  
the Act with respect to decisions on the Proposed  
Waikato District Plan

**Between**                                      Blue Wallace Surveyors Limited

**Appellant**

**And**

Waikato District Council

**Respondent**

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**Notice of Appeal against Decisions on the Proposed Waikato District Plan on  
behalf of Blue Wallace Surveyors Limited**

**Dated 1 March 2022**

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**To**       The Registrar  
              Environment Court  
              Auckland

1. Blue Wallace Surveyors Limited (**BWSL**) appeals against part of a decision of the Waikato District Council (**WDC**) on the Proposed Waikato District Plan (**PWDP**).
2. BWSL is a Hamilton based firm of surveyors, engineers, and planners with over 20 years' experience in land development matters within the Waikato region. BWSL has a particular interest in resource management planning throughout the district and has proactively engaged with the rural provisions of the PWDP.
3. BWSL made a submission on the Proposed Plan (Submitter number 662).
4. BWSL is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991.
5. BWSL received notice of the decision on 17 January 2022.
6. The decision was made by WDC.
7. The parts of the decision that BWSL is appealing against is:
  - a. The decision of WDC to remove the Conservation Lot Subdivision provision (Rule 22.4.1.6) from the PWDP.

## **Grounds of Appeal**

8. BWSL's grounds for appeal include:
  - a. BWSL's submission:
    - i. Generally supported the notified restricted discretionary opportunity to subdivide by protecting land containing ecological significance.

- ii. Sought to further enable conservation lot subdivisions in situations where opportunities for the rehabilitation of land and the extension of ecological significant areas is appropriate.
- b. The decision was that:
- i. The panel decided not to pursue the conservation lot provision.
  - ii. The rule was removed on the basis that Significant Natural Areas (SNA) provide *“a clear obligation on landowners to appropriately manage areas of high ecological value”* and that *“conservation lot concept would serve to simply reward landowners for doing what they are required to be doing anyway”*.
  - iii. The panel also struggled with the *“apples and oranges”* approach of comparing the effects of restoring and protecting land of ecological significance vs the potential loss of rural character.
- c. It is appropriate that the conservation lot provision is retained in the PWDP as:
- i. An incentive-based approach will enable the enhancement, extension, and better protection of threatened and significant ecosystems, rather than simply preventing these areas from deteriorating. This is because:
    - 1. An incentivised approach to protecting and enhancing indigenous ecosystems will go beyond the requirements of the SNA provisions of the PWDP by providing an avenue for Council to require the implementation of measures to protect and enhance these areas, rather than to simply impose restrictions on the use of the land to prevent them from deteriorating.
    - 2. The provision not only incentivises the protection of ecologically significant land it but also provides a financial means to facilitate the ongoing protection and enhancement of it in perpetuity.

- ii. There is no finalised National Policy Statement for Indigenous Biodiversity, and thus, there is currently no national guidance on the protection of indigenous biodiversity or the protection of SNAs. It is hence inappropriate to assume that the current SNA provisions alone best achieve the purpose of this forth-coming document.
- 9. More generally, in addition to the reasons given above, the decision to decline the relief sought in BWSL's submission:
  - a. Fails to promote the sustainable management of the natural and physical resources WDC's district and does not achieve the purpose of the Act;
  - b. Is contrary to Part 2 and other provisions of the Act; and
  - c. Does not provide for the reasonably foreseeable needs of future generations.
- 10. Adoption of the relief sought by BWSL would be appropriate because:
  - a. It would assist WDC to carry out its functions so as to achieve the purpose of the Act;
  - b. It would appropriately implement the PWDP policies in an efficient and effective way whilst also balancing competing interests;
  - c. It would give effect to the relevant higher order documents including the National Policy Statement for Freshwater Management 2020.
  - d. It accords with the National Planning Standards; and
  - e. The amendments sought by BWSL promote the sustainable management of the natural and physical resources of the Waikato District and does not offend any matters of national importance in sections 6, 7, and 8 of the Act.

## **Relief Sought**

- 11. BWSL seeks the following relief:
  - a. That the decisions to decline the relief sought by BWSL be cancelled;

- b. That the relief sought in BWSL's submission be accepted by:
  - i. The reinstatement of provisions the same as, or of similar effect to, notified Rule 22.4.1.6 Conservation lot subdivision.
- c. Any other similar, consequential, or other relief as is necessary to address the issues raised in BWSL's appeal; and
- d. Costs.

12. The following documents are attached to this notice:

- a. A copy of BWSL's submission on the Proposed Plan (**Attachment A**);
- b. A copy of the relevant part of the decision (**Attachment B**); and
- c. A list of names and addresses of the persons to be served with a copy of this notice (**Attachment C**).

**Signature:**

**Blue Wallace Surveyors Limited**



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**[Jacob Robb]**

**Date:**

1 March 2022

**Address for service:**

Blue Wallace Surveyors  
PO Box 38,  
Waikato Mail Centre,  
Hamilton

**Mobile:**

021656902

**Email:**

jacob@bluewallace.co.nz

## **Advice to recipients of copy of notice of appeal**

### *How to become party to proceedings*

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Act.

You may apply to the Environment Court under section 281 of the Act for a waiver of the above timing or service requirements (*see* form 38).

### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland.

# Attachment A

To submit electronically please go to: [www.waikatodistrict.govt.nz/pdp](http://www.waikatodistrict.govt.nz/pdp)

**Closing date for submissions: 5pm on Tuesday 9 October 2018**

**Submitter details:** (please note that the (\*) are required fields and must be completed)

First name*: <b>Tim</b>	Last name*: <b>Lester</b>
Organisation: <b>Blue Wallace Surveyors Ltd</b>	
On behalf of: <b>Blue Wallace Surveyors Ltd</b>	
Postal address*: <b>PO Box 38</b>	
Suburb:	Town/City*: <b>Hamilton</b>
Country: <b>New Zealand</b>	Postal code*: <b>3240</b>
Daytime phone:	Mobile: <b>021 993 223</b>
Email address*: <b>tim.lester@bluewallace.co.nz</b>	
Please tick your preferred method of contact* <input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal	
Correspondence to* <input type="checkbox"/> Submitter <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Both	
Trade competition and adverse effects:* <input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission.	
<b>Note:</b> If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part I of Schedule I of the Resource Management Act 1991.	
Would you like to present your submission in person at a hearing? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> I do NOT wish to speak in support of my submission and ask that this submission be fully considered.	
If others make a similar submission I will consider presenting a joint case with them at the hearing (do not tick if you would not consider a joint case). <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	



**Please complete the following for every submission point:**

**Provision number** (e.g. 22.4.1.2 P2(a)):

Physical address of the property concerned (if relevant to your submission):  
*See attached*

**Do you:**

Support     Oppose     Neutral


**The decision I would like is:**

*See attached*

**My reasons for the above are:**

*See attached*

Please return this form **no later than 5pm on 9 October 2018** to:  
Waikato District Council, 15 Galileo Street, Private Bag 544, Ngaruawahia 3742, or e-mail: [districtplan@waide.govt.nz](mailto:districtplan@waide.govt.nz)

Signed:  ..... Date: *9/10/2018* .....

(A signature is not required if you make your submission by electronic means)

**PRIVACY ACT NOTE:** Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.



## Blue Wallace Surveyors Ltd.

Our Ref: 18067  
Client: Blue Wallace Surveyors Ltd

9 October 2018

### Waikato District Plan Review Team

### Waikato District Council

### Private Bag 544

### Ngaruawahia 3742

### New Zealand

Transmittal via e-mail: [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

Attention: District Plan Review Team

## RE: Submission by Blue Wallace Surveyors Ltd on the Proposed Waikato District Plan

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To Whom it may concern,

Please find attached a Submission lodged by Blue Wallace Surveyors Ltd in regard to the notified Proposed Waikato District Plan (PWDP).

Submitter details are as follows:

<b>Organisation</b>	Blue Wallace Surveyors Ltd
<b>Attention</b>	Tim Lester
<b>Email</b>	tim.lester@bluewallace.co.nz
<b>Phone No.</b>	021993223
<b>Postal Address</b>	PO Box 38, Hamilton 3240
I am not a person who could gain an advantage in trade competition through this submission.	
<b>I wish to be heard</b>	Yes

Blue Wallace Surveyors Ltd (Blue Wallace) is a Hamilton based firm of Surveyors, Engineers and Planners with over 20 years' experience in land development matters within the Waikato Region.

Murray Wallace B.Surv., MNZIS  
Tony Tynan B.Surv., MNZIS

25 Harwood Street, Hamilton 3204  
PO Box 38, Hamilton 3240  
Ph: 07 839 7799  
Fax: 07 839 4455  
[www.bluewallace.co.nz](http://www.bluewallace.co.nz)

- Registered Land & Engineering Surveyors
- Land Development Consultants
- Resource Management Planners
- Members of the Consulting Surveyors of New Zealand 
- Registered Professional Surveyors

Phone 07 839 7799

Blue Wallace deals primarily with resource management planning, land development engineering design and cadastral surveying to private individuals, local body authorities, companies and developers.

Blue Wallace has had a close working relationship with the Waikato District Council – particularly in the areas of subdivisions in the District. As a consequence, we feel that it is important to be meaningfully engaged with the PWDP development so as to provide our perspective on current and future subdivision and land use regulation in the Waikato District.

As a result of Blue Wallace’s land development interest in the district, the following set of PWDP submissions have been prepared for Council’s consideration.

Blue Wallace has provided a number of specific submissions which relay support, support in part, or opposition to the notified draft provisions of the PWDP. Such submissions reflect our own professional judgement on land development matters, as well as being reflective of the commercial reality of land development that ensure that we can act as efficiently and effectively as possible for our broad range of Clients.

Whilst we have attempted to be as robust as possible in the following table of submission points, it is nonetheless important to realise that the individual points raised in this submission are not exhaustive; and that Blue Wallace will add to these points as the PWDP review process unfolds (i.e., through the further submission stage etc.).

Whilst each of the submission points are self-explanatory in their reasons and decisions sought, we contend a more detailed reasoning to the decisions sought can, and will, be provided during the hearing phase of the process; hence, Blue Wallace wish to be heard in support of the submissions below.

Any conformation of the points raised in the submission below can be made to Blue Wallace Surveyors Ltd via [tim.lester@bluewallace.co.nz](mailto:tim.lester@bluewallace.co.nz).

Regards



Tim Lester

For Blue Wallace Surveyors Ltd

## Submission points

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
<b>Chapter 13: Definitions</b>			
1	<p><b>Record of Title</b></p> <p><i>Means a Computer Freehold Register (also referred to as a Certificate of Title).</i></p>	Support	The Submitter supports this definition given that it reflects the most recent terminology within the LT Survey Act 2017 (in force November 2018).
2	<p><b>Site</b></p> <p><i>Means:</i></p> <ol style="list-style-type: none"> <li>1. <i>any area of land comprised in one Record of Title, or</i></li> <li>2. <i>two or more Records of Title linked pursuant to s37 of the Building Act 1991, or s75 of the Building Act 2004, or s220 of the Resource Management Act 1991;</i></li> <li>3. <i>in the case of land developed under the Unit Titles Act 2010, the area comprised in a principal unit or accessory unit excluding any common property;</i></li> <li>4. <i>in the case of cross-leases, the area for exclusive use comprised within the cross-lease, excluding any common property.</i></li> </ol>	Support in part	<p>The submitter generally supports the proposed definition for a 'Site'.</p> <p>Notwithstanding his general support, the submitter seeks that land recently subdivided be considered a Site without obtaining a record of title.</p> <p>Such a 'Site' could be defined as:</p> <p><u>5. Subdivided land that requires no further consent from Council.</u></p> <p>Such a definition is successfully applied in the Operative Hamilton City District Plan in instances where land use consent is required for a recently subdivided allotment, and where for instance sections of policy notations do not affect the newly created allotment (i.e., a new front allotment does not contain a mapped Gully Hazard Area planning feature – where the rear allotment, not subject to land use consent, does).</p> <p>Such provision will enable land use consents to be assessed based on their merits as opposed to irrelevant planning notations.</p>
<b>Chapter 4: Urban Environment</b>			

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
3	<p><b>4.1 Strategic Direction</b></p> <p><b>4.1.1 Objective – Strategic</b></p> <p><i>(a) Liveable, thriving and connected communities that are sustainable, efficient and co-ordinated.</i></p> <p><i>(b) An additional 13,300 - 17,500 dwellings are created during the period 2018 - 2045.</i></p>	Support in part	<p>The Submitter supports in part this objective as it sets a worthy goal regarding future urban residential development across the district.</p> <p>The objective stresses a dwelling quantum which will act as a rigid formula being applied across the district over a timeframe that does not correspond with the ‘life’ of the proposed district plan (i.e., 10 years).</p> <p>Experience has been that setting a specifically quantified target for residential growth is problematic when unknown variables are considered – rather, the best means to strategically provide for residential growth is based on market conditions (demand).</p> <p>The proposed objective (sub-clause b) should be amended or removed to enable adaptability.</p> <p>An amended subclause should be made as follows:</p> <p><del>(b) An additional 13,300 – 17,500 dwellings are created during the period 2018 – 2045</del> <u>to reflect market demands.</u></p>
4	<p><b>4.1.3 Policy - Location of development</b></p> <p><i>(a) Subdivision and development of a residential, commercial and industrial nature is to occur within towns and villages where infrastructure and services can be efficiently and economically provided.</i></p> <p><i>(b) Locate urban growth areas only where they are consistent with the Future Proof Strategy Planning for Growth 2017.</i></p>	Support in part	<p>The submitter agrees with this policy to the extent that residential urban growth is to occur in a logical pattern that is reflective of a well-considered urban growth strategy.</p> <p>The Submitter considers that the proposed wording of the policy sub-clauses (a) and (b) are too restrictive – and need not state that ‘only’ urban growth be enabled within the 2017 Future Proof Strategy.</p> <p>Whilst urban growth within the strategically identified areas is implicit – limiting growth to the 2017 iteration of the strategy in the PWDP is limiting and will result in future drafting fixes over the life of</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
			<p>the district plan (as an example - Blue Wallace understand that Council's Blueprinting exercise is addressing this matter as well).</p> <p><i>(a) Subdivision and development of a residential, commercial and industrial nature is to occur within <u>and adjacent to</u> towns and villages where infrastructure and services can be efficiently and economically provided.</i></p> <p><i>(b) Locate urban growth areas <del>only</del> where they are consistent with <u>the relevant Strategic Growth documents for the district Future-Proof Strategy Planning for Growth 2017</u>.</i></p>
5	<p><b>4.1.7 Objective – Character of towns</b>  <i>(a) Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the existing character of towns.</i></p>	Support in part	<p>The Submitter considers that the objective is worded in such a way that potentially is confusing for plan users.</p> <p>As currently stated the objective is encouraging of development within the Residential, Village, Industrial and Business zones; however, the statement "...reflects the existing character..." is not analogous with development and growth.</p> <p>Growth is not always possible to undertake without altering existing character; hence, a more appropriate policy subclause would read:</p> <p><i>(a) Development in the Residential, Village, Industrial and Business zones is attractive, connected and reflects the <del>existing</del> character of towns.</i></p>
6	<p><b>4.1.14 Policy – Taupiri</b>  (a) Taupiri is developed to recognise:  (i) The changes that may result from the completion of the Waikato</p>	Support in part	The Submitter supports in part Policy 4.1.14 as it relates specifically to the Taupiri Township.

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<p>Expressway including the increased demand for housing;</p> <p>(ii) Future roads, parks, pedestrian and cycle networks are developed in accordance with the Taupiri section of the <i>Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai &amp; Glen Massey Structure Plan</i>;</p> <p>(iii) The future development area of Taupiri is to the south of the existing village;</p> <p>(iv) Infill and redevelopment of existing sites occurs.</p>		<p>The policy is appropriate regarding the effect of the Waikato Express on Taupiri's existing character – and furthermore, the effect resulting from increased residential land use that will ensue from the Taupiri/Huntly bypass.</p> <p>Inconsideration of the above Policy 4.1.14(a)(i) should remain as proposed.</p> <p>Regarding the second subclause of Policy 14.1.14 – the Submitter disagrees with the proposed wording as a demonstrable issue arises regarding overt design limitations being imposed on development from high-level strategic plan mapping.</p> <p>The Submitter considers that, at best, structure planning is used for conceptual consideration of how and where growth areas are to function in the context of the wider area and in coordination with high-level urban growth strategies.</p> <p>The policy subject to this submission point currently directs development within the Taupiri area to be in accordance with the <i>Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai &amp; Glen Massey Structure Plan</i>. Such wording of the policy gives too much design weighting to a Structure Plan Map that has not been prepared in consideration of natural and physical features contained within the Taupiri area covered by the Structure Plan Map.</p> <p>Land contained within the structure plan area map, for Taupiri, is defined by significant gully networks, Waikato River flood protection, cultural significance etc. As a consequence – an over-adherence to the high-level design outcomes as envisioned in the Structure Plan Map will not represent sustainable management of natural and</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
			<p>physical resources, and furthermore will result in development that inappropriate for the area.</p> <p>In consideration of the above, the following amendments are sought:</p> <p><i>(ii) Future roads, parks, pedestrian and cycle networks are developed in <u>general</u> accordance with the Taupiri section of the Ngaruawahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai &amp; Glen Massey Structure Plan, as well as in consideration of site specific natural and physical features;</i></p>
7	<p><b>4.1.15 Policy – Ngaruawahia</b></p> <p><i>(a) Ngaruawahia is developed to ensure:</i></p> <p><i>(i) Existing intensive farming and industrial activities are protected from the effects of reverse sensitivity when locating new residential development;</i></p> <p><i>(ii) That future residential development is not located within the intensive farming setbacks from the two operating poultry farms until such time that the two poultry farms within the residential growth areas of Ngaruawahia cease to exist;</i></p> <p><i>(iii) Areas marked for future business expansion are managed so that the existing adjoining residential amenity is not compromised;</i></p> <p><i>(iv) Future neighbourhood centres, roads, parks, pedestrian and cycle networks are developed in</i></p>	Support in part	<p>The Submitter supports Policy 4.1.15 regarding residential expansion in the Ngaruawahia Township.</p> <p>As provided for in the applicable planning maps (as proposed), residential growth to the north of the township, in the vicinity of Starr Road, represents a sensible approach given connectivity to transportation corridors, transport integration, and developable land integration with existing residential land use to the south.</p> <p>The land surrounding Starr Road – proposed to be rezoned from Rural to Residential contains an area that has been used in the past for intensive farming activities (a poultry farm); this intensive land use has not yet been discontinued (but is under contract to be terminated), and consequently will not be constrained under sub-clause (ii) of the policy.</p> <p>The flat developable nature of the land in and surrounding Starr Road will integrate with residential land use to the south west, and therefore represents an efficient zone change reflective of urban development demand for the township.</p>



<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<p><i>accordance with the Ngaruawahia section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai &amp; Glen Massey Structure Plan; and</i></p> <p><i>(v) Infill and redevelopment of existing sites occurs.</i></p>		<p>Notwithstanding the above support, the Submitter seeks the following amendments to subclause iv of Policy 4.1.15:</p> <p><i>(iv) Future neighbourhood centres, roads, parks, pedestrian and cycle networks are developed in <u>general</u> accordance with the Ngaruawahia section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai &amp; Glen Massey Structure Plan, <u>as well as in consideration of site specific natural and physical features</u>; and</i></p> <p>...</p> <p>The reasons for the submission are described in the submission point above.</p>
8	<p><b>4.1.17 Policy - Te Kowhai</b></p> <p><i>(a) The scale and density of residential development in the Te Kowhai Village Zone achieves:</i></p> <p><i>(i) lower density (3,000m<sup>2</sup>sections) where the development can be serviced by on site non-reticulated wastewater, water and stormwater networks; or</i></p> <p><i>(ii) higher density (1,000m<sup>2</sup> sections) where the development can be serviced by public reticulated wastewater, water and stormwater networks;</i></p> <p><i>(b) Open space character, feeling of spaciousness and connections to the rural landscape and walkways that are maintained and extended to new areas.</i></p>	Support in full	<p>The submitter is in general support of the proposed development direction in the PWDP for Te Kowhai.</p> <p>In particular, the submitter contends that development surrounding an ancillary to the Te Kowhai air field is appropriate, and the densities proposed align with future growth in the village.</p> <p>The submitter seeks the policy is retained.</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<p>(c) Placement of dwellings to protect the future ability to increase density should public reticulated wastewater and water networks become available.</p> <p>(d) Future roads, parks, pedestrian and cycle networks are developed in accordance with the Te Kowhai section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai &amp; Glen Massey Structure Plan.</p>		
9	<p><b>4.2 Residential Zone</b></p> <p><b>4.2.1 Objective – Residential Character</b></p> <p>(a) Residential character of the Residential Zone is maintained.</p>	Support in full	<p>The Submitter supports this objective as an appropriate unambiguous high-level statement in the PWDP regarding development within residential areas – and furthermore provides a suitable policy context.</p> <p>The Submitter seeks the objective is retained as currently worded.</p>
10	<p><b>4.2.2 Policy – Character</b></p> <p>(a) Ensure residential development in the Residential Zone:</p> <p>(i) Provides road patterns that follow the natural contour of the landform;</p> <p>(ii) Promotes views and vistas from public spaces of the hinterland beyond; and</p> <p>(iii) Is an appropriate scale and intensity, and setback from the road frontages to provide sufficient open space for the planting of trees and private gardens.</p>	Support in full	<p>The Submitter supports Policy 4.2.2 regarding residential character.</p> <p>The Applicant notes that this policy does not align with several other policies currently proposed by Council as they relate to Structure Plans (in particular Policy 4.1.15 – Ngaruawahia, and Policy 4.1.14 – Taupiri).</p> <p>The Submitter acknowledges that urban growth needs to be considered in the context of a strategic plan – however, an appropriate level of flexibility is needed in structure plans to allow for on-site variable (i.e., topography) that may not have been adequately considered in the structure plan.</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
11	<p><b>4.2.5 Policy – Setback: Side boundaries</b>  <i>(a) Require development to have sufficient side boundary setbacks to provide for:</i>  <i>(i) Planting;</i>  <i>(ii) Privacy; and</i>  <i>(iii) Sunlight and daylight.</i>  <i>(b) Reduced side boundary setbacks occur only where it:</i>  <i>(i) Enables effective development of sites where on-site topographic constraints occur; or</i>  <i>(ii) Retains trees on the site.</i></p>	Support in part	<p>The submitter supports in part proposed Policy 4.2.5 as currently drafted as it provides a degree of flexibility in regard to side yard performance standards in the residential zone.</p> <p>Notwithstanding this support, the Submitter considers that a subclause (b) (iii) should be included so as to recognise the written approvals from affected parties (see section 87 of the RMA) – such as neighbouring land owners.</p> <p>The following amendment to Policy 4.2.5 is requested by the Submitter:</p> <p><i>(b) Reduced side boundary setbacks occur <del>only</del> generally where it:</i>  <i>(i) Enables effective development of sites where on-site topographic constraints occur; or</i>  <i>(ii) Retains trees on the site; or</i>  <i>(iii) <u>Written approval for the encroachment has been provided by the abutting land owner.</u></i></p>
12	<p><b>4.2.12 Policy – Outdoor living court – Multi-unit development</b>  <i>(a) Enable multi-unit development to provide usable and accessible outdoor living courts in alternative ways that reflects the outcomes of section 7 (private residential amenity) of Waikato District Council’s Multi-unit Development Urban Design Guidelines (Appendix 3.4), in particular by:</i>  <i>(i) Maximising light access, views and privacy; and</i></p>	Support	<p>The submitter supports policy 4.2.12 as proposed and seeks that it is retained in the PWDP.</p> <p>The reason for this support is because it provides development flexibility in urban design.</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<i>(ii) Maximising the use and amenity opportunities of the site through well designed internal layout.</i>		
13	<b>4.2.14 Objective – Earthworks</b> <i>(a) Earthworks facilitate subdivision, use and development.</i>	Support in full	<p>The Submitter supports Objective 4.2.14 in that subdivision development and assessment by Council is undertaken concurrently under the consents process – and furthermore, that this process is inclusive of earthworks.</p> <p>The Submitters seeks Policy 4.2.14 be retained as currently worded.</p>
14	<b>4.2.16 Objective – Housing options</b> <i>(a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata and Tuakau.</i> <i>(b) Residential zoned land near the Business Town Centre Zone and close to transport networks is used for higher density residential living with access to public transport and alternative modes of transport.</i>	Support in part	<p>The Submitter supports in part this proposed objective as it is considered important for high-level recognition in the District Plan for housing diversity.</p> <p>In order for the submitter to provide complete support for this Objective, it is requested that Taupiri is included, explicitly in the Objective.</p> <p>This inclusion is reasoned due to the increased residential density and urban growth in the village post the Waikato Expressway becoming active.</p> <p>As Taupiri is considered to be one of the District’s growth areas, the following amendment is sought to Objective 4.2.16</p> <p><i>(a) A wide range of housing options occurs in the Residential Zones of Huntly, Ngaruawahia, Pokeno, Raglan, Te Kauwhata, <u>Taupiri</u> and Tuakau.</i></p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
<b>4.7 Urban Subdivision and development</b>			
15	<p><b>4.7.1 Objective – Subdivision and Land Use Integration</b></p> <p><i>(a) Subdivision layout and design facilitates the land use outcomes sought for the residential, business, industrial, reserve and specific purpose zones.</i></p>	Support	The Submitter supports in full proposed Objective 4.7.1 as it provides a suitable context in which urban development policies are to be derived.
16	<p><b>4.7.2 Policy – Subdivision location and design</b></p> <p><i>(a) Ensure subdivision, is located and designed to:</i></p> <p>...</p> <p><i>(vii) Promote consistent grid layout.</i></p>	Support in part	<p>The Submitter supports in part proposed Policy 4.7.2 as it is considered that a grid layout is the most efficient subdivision design – hence, the current wording of the policy is considered redundant.</p> <p>Further to the above, the Submitter notes that subclause (viii) runs contrary to 4.7.3 “(vii) Promoting the street layout to reflect the underlying topography.</p> <p>In consideration of the above, the Submitter seeks the following amendment to proposed Policy 4.7.2</p> <p>...</p> <p><i><u>(vii) Promote consistent grid layout where it suits character and topographical constraints.</u></i></p>
17	<p><b>4.7.5 Policy – Servicing requirements</b></p> <p><i>(a) Require urban subdivision and development to be serviced to a level that will provide for the anticipated activities approved in a structure plan, or otherwise anticipated within the zone, including through the provision of:</i></p> <p>...</p> <p><i>(iii) Roads;</i></p>	Support in Part	<p>The Submitter supports in part proposed Policy 4.7.5 – with support limited due to an over-emphasis being placed on high-level structure plan detail.</p> <p>Structure plans are high-level strategic land development documents (e.g., are to provide an indicative planning framework for future development); and should not be used to prematurely constrain future land use (fluidity around servicing matters should be provided for in the district plan).</p>

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			<p>The Submitter contends that not enough ground truthing has underpinned the district’s structure plans – and once developments start being considered for more detailed design, conflicts arise where on-site natural and physical constraints emerge that were not adequately provided for on the higher-level structure plans.</p> <p>In consideration of past experiences, the Submitter seeks the following amendment to proposed Policy 4.7.5:</p> <p style="padding-left: 40px;"><i>(a) Require urban subdivision and development to be serviced to a level that will provide for the anticipated activities <del>approved</del> indicated in a structure plan, or otherwise anticipated within the zone, including through the provision of:</i></p> <p style="padding-left: 40px;">...</p> <p>As a more general note, the Submitter also seeks that Council structure plans avoid roads spanning different boundaries.</p>
<b>Structure and master plans</b>			
18	<p><b>4.7.14 Policy – Structure and master planning</b>  <i>(a) Ensure that development and subdivision within approved structure or master plan areas is integrated with the development pattern and infrastructure requirements specified in an approved structure or master plan.</i></p>	Support in part	<p>The Submitter acknowledges that master planning and structure plans provide an important strategic framework for development within the Waikato District; however, it is important to note that the function of high-level growth planning documents should not unreasonably constrain specific land use within the district via high-level design elements.</p> <p>Examples can be given where approved structure plans have specified the location of transportation corridors based only on abstract transportation modelling. There has been little to no on-site investigations as to the location of intersections or transportation corridors thus resulting in unreasonable constraints (i.e.,</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
			<p>topographical) in which the land developer is compelled to overcome based on the structure plan.</p> <p>The Submitter supports Council’s aim to integrate land use developments with preceding approved structure plans – however, seeks that appropriate flexibility is provided to account for specific on-site variables.</p> <p>Consequently, the following amendment is sought to Policy 4.7.14:</p> <p><i>(a)Ensure that development and subdivision within approved structure or master plan areas is integrated, where physically reasonable, with the general development pattern and infrastructure requirements <del>specified</del> conceptually provided for in an approved structure or master plan.</i></p> <p>The submitter seeks the above amendments verbatim, or alternatively words to the effect of the above.</p>
<b>Chapter 5: Rural Environment</b>			
19	<p><b>5.3 Rural Character and Amenity</b>  <b>5.3.3 Policy – Industrial and commercial activities</b>  <i>(a)Rural industries and services are managed to ensure they are in keeping with the character of the Rural Zone.</i></p> <p><i>(b)Avoid locating industrial and commercial activities in rural areas that do not have a genuine functional connection with the rural land or soil resource.</i></p>	Support in Part	<p>The submitter agrees that the rural industrial integrity of the Rural Zone is an important message to be contained within the PWDP.</p> <p>Notwithstanding this support, the Submitter considers that non-rural industries can operate in the rural zone where they abut infrastructure such as state highways.</p> <p>The Submitter considers that by recognising that the rural environment is influenced by non-rural infrastructure, that some non-rural activities can occur in the zone. A good example of this is in the case of a service station.</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
			<p>The following amendment, or alternative wording to the same effect, is sought to Policy 5.3.3:</p> <p><u>(c) Recognise that activities associated with non-rural infrastructure be provided for within the rural environment.</u></p>
<b>Chapter 16: Residential Zone</b>			
20	<p><b>5.6.3 Policy – Subdivision within the Country Living Zone</b></p> <p><i>(a) Subdivision, building and development within the Country Living Zone ensures that:</i></p> <p><i>(i) The creation of undersized lots is avoided where character and amenity are compromised;</i></p> <p><i>(ii) new lots are of a size and shape to enable sufficient building setbacks from any boundary;</i></p> <p><i>(iii) building platforms are sited to maintain the character of the Country Living Zone and are appropriately-positioned to enable future development;</i></p> <p><i>(iv) existing infrastructure is not compromised;</i></p> <p><i>(v) existing lawfully-established activities are protected from reverse sensitivity effects.</i></p>	Support in Part	<p>The Submitter supports in part Policy 5.6.3 as proposed, to the extent that country living zones may intensify (residentially), thus providing an element of future proofing into the zone.</p> <p>To appropriately enable effective use of the policy, the Submitter seeks a slight amendment so that, in appropriate instances, undersize allotments may be created. Consequently, the following amendment is sought:</p> <p>“ ...</p> <p><i>(a) Subdivision, building and development within the Country Living Zone ensures that:</i></p> <p><i>(i) The creation of undersized lots is <del>avoided</del> discouraged where character and amenity are compromised;</i></p> <p>...”</p> <p>The Submitter seeks the above amendment as the word ‘avoid’ is absolute and will restrict flexibility in subdivision design.</p>
<b>Rules Chapter 16: Residential Zone</b>			
21	<p><b>16.1.3 Restricted Discretionary Activities</b></p> <p><b>RD1</b></p>	Support in part	<p>The Submitter generally supports Rule 16.1.3 for Restricted Discretionary Activities as clear guidance is provided for regarding increasing residential density and infill development.</p>



<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<i>(c)The minimum net site area per residential unit is 300m<sup>2</sup>;</i>		<p>This support is tempered by the RD criteria of having each unit having a minimum NSA of 300m<sup>2</sup>.</p> <p>The Submitter considers that the area requirement for multi-unit developments be reduced to 200m<sup>2</sup> for each dwelling unit, as such an area will allow for efficient residential intensification without the need for a more onerous development assessment.</p> <p>Whilst many residential properties will be constrained in obtaining a 200m<sup>2</sup> NSA (in consideration of manoeuvrability, living court areas etc), a satisfactory urban design can be achieved on smaller allotments – and hence would provide a greater gateway for infill flexibility for the district.</p>
22	<p><b>16.2.4.1 Earthworks – General</b></p> <p><b>P2</b></p> <p><i>Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</i></p> <p><i>(a) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</i></p>	Support in part	<p>The Submitter supports the permitted activity status for earthworks associated with building platforms.</p> <p>The Submitter seeks to amend the permitted activity rule by expanding the coverage to that of accessway formation as well.</p> <p>The sought amendment is as follows (or words to similar effect):</p> <p>P2</p> <p><i>Earthworks for the purpose of creating a building platform <u>and</u> <u>accessway</u> for residential purposes within a site, using imported fill material must meet the following condition:</i></p>
23	<p><b>16.3.5 Daylight admission</b></p> <p><b>P1</b></p> <p><i>Buildings must not protrude through a height control plane rising at an angle of 37 degrees</i></p>	Oppose	<p>The submitter requests that the permitted activity rule is expanded to have the daylight admission to be taken from 3m above ground level.</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<i>commencing at an elevation of 2.5m above ground level at every point of the site boundary.</i>		Increasing the parameter as sough will align the PWDP with other district plans in the region and hence provide a consistent standard for development and design professionals across the region.  Greater housing choice will also be enabled.
24	<p><b>16.3.8 Service court</b></p> <p><b>P1</b></p> <p><i>(a)A service court must be provided for each dwelling and minor dwelling, each with all the following dimensions:</i></p> <p><i>(i)minimum area of 15m<sup>2</sup>; and</i></p> <p><i>(ii)contains a circle of at least 3m diameter.</i></p>	Support in Part	<p>The submitter agrees that a 15m<sup>2</sup> service court is an appropriate area for a residential dwelling and an area to provide for servicing needs.</p> <p>The Submitter does not agree that a 3m diameter shape factor is appropriate given that service areas should be discreet areas and hence located to the side or rear of a property. Having a 3m dimeter circle is not conducive to discreetly locating a service court – and by effect will require a 3m side or rear yard setback.</p> <p>A more appropriate dimension is for at least a 3m diagonal line that is no less than 1.5m in width.</p>
25	<p><b>16.3.9.3 Building setback – Waterbodies</b></p> <p><b>P1</b></p> <p><i>(a)Any building must be setback a minimum of:</i></p> <p><i>(i)23m from the margin of any;</i></p> <p><i>A.lake; and</i></p> <p><i>B.wetland;</i></p> <p><i>(ii)23m from the bank of any river (other than the Waikato and Waipa Rivers);</i></p> <p><i>(iii)28m from the margin of both the Waikato River and the Waipa River; and</i></p>	Oppose in part	<p>The Submitter opposes proposed Rule 16.3.9.3 in regard to a 23m setback from a wetland.</p> <p>A wetland as defined under the RMA is broad reaching- and hence covers an array of features each of which vary in scale and effect (i.e., an ephemeral water course has different attributes to that of a stream, river, manmade drainage channel).</p> <p>Having a nominal 23m setback applied to such a wide variation of water features is inappropriate and introduces significant inefficiencies (from a development perspective) which is contrary to Part 2 of the RMA and the sustainable management of natural and physical resources.</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<i>(iv)23m from mean high water springs.</i>		<p>Notwithstanding the above, as a 'lake' can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWDP before the setback applies.</p> <p>The Submitter seeks that Council amend Proposed Rule 16.3.9.3 as follows:</p> <p><i>(a)Any building must be setback a minimum of:</i></p> <p><i>(i)23m from the margin of any;</i></p> <p><i>A.lake <u>over 4ha</u>; and</i></p> <p><i>B.wetland;</i></p> <p><i>(ii)23m from the bank of any river (other than the Waikato and Waipa Rivers);</i></p> <p><i><u>(v) 10m from a managed wetland</u></i></p> <p>This submission applies to all other PWDP Zones where the wetland setback provision has been proposed. Along with all associated consequential amendments.</p>
26	<p><b>16.4.1 Subdivision – General</b></p> <p><b>RD1</b></p> <p><i>(a) Subdivision must comply with all of the following conditions:</i></p> <p><i>(i) Proposed lots must have a minimum net site area of 450m<sup>2</sup>, except where the proposed lot is an access allotment or utility allotment or reserve to vest;</i></p>	Support in Part	<p>The Submitter generally supports the RD16.4.1 rule – however, the following amendments are sought:</p> <p><i>16.4.1 (a) (iii)Where roads are to be vested in Council, <u>and where practicable</u>, they must follow a grid layout;</i></p> <p>...</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<p><i>(ii) Proposed lots must be able to connect to public-reticulated water supply and wastewater;</i></p> <p><i>(iii) Where roads are to be vested in Council, they must follow a grid layout;</i></p> <p><i>(iv) Where 4 or more proposed lots are proposed to be created, the number of rear lots do not exceed 15% of the total number of lots being created;</i></p> <p><i>(v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in accordance with that structure plan document.</i></p> <p><i>(b) Council's discretion shall be restricted to the following matters:</i></p> <p><i>(i) Subdivision layout;</i></p> <p><i>(ii) Shape of lots and variation in lot sizes;</i></p> <p><i>(iii) Ability of lots to accommodate a practical building platform including geotechnical stability for building;</i></p> <p><i>(iv) Likely location of future buildings and their potential effects on the environment;</i></p> <p><i>(v) Avoidance or mitigation of natural hazards;</i></p> <p><i>(vi) Amenity values and streetscape landscaping;</i></p>		<p><i>16.4.1 (a)(v) Where the subdivision is within a structure plan area, neighbourhood centres within the site are provided in <u>general</u> accordance with that structure plan document.</i></p> <p><i>16.4.1 (b) (ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres;</i></p> <p>Reasons for Submission:</p> <p>The Submitter has a long association with land use development within the Waikato Region – and hence appreciates efficient transportation corridor design for any given project.</p> <p>Grid road layouts are obviously the most efficient transportation design – and naturally will be incorporated whenever practicable to do so. However, when developing land for residential land use, natural features will need to be provided for, and hence could prevent a ‘grid’ layout being achieved.</p> <p>The above amendment is considered appropriate to recognise a grid roading layout is not always achievable.</p> <p>Amendment to 10.4.1(a)(v) is sought to enable development to occur based on on-site variables as opposed to strict adherence to high-level structure planning documents.</p> <p>The over reliance on structure plan detail has been addressed throughout this submission and is the reasoning behind the decision sought.</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<p>(vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines);</p> <p>(viii) Vehicle and pedestrian networks;</p> <p>(ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and</p> <p>(x) Provision of infrastructure.</p>		
27	<p><b>16.4.4 Subdivision - Multi-unit development</b></p> <p><b>RD1</b></p> <p>(a) Multi-Unit development must comply with all of the following conditions:</p> <p>(i) An application for land use consent under Rule 16.1.3 (Multi-Unit Development) must accompany the subdivision or have been granted land use consent by Council;</p> <p>(ii) The Multi-Unit development is able to be connected to public wastewater and water reticulation;</p> <p>(iii) The minimum existing lot size where a new freehold (fee simple) lot is being created must be 300m<sup>2</sup> net site area.</p> <p>...</p>	Support in Part	<p>The Submitter supports in part proposed Rule 16.4.4 to the extent that appropriate Council design guidance on multi-unit developments is helpful from a development perspective.</p> <p>Notwithstanding this support, the Submitter seek that the minimum NSA for each unit be reduced to that similar to abutting territorial authorities. Such a reduction would require each unit to have a NSA of no less than 200m<sup>2</sup>.</p> <p>The Submitter considers that there is plenty of physical evidence that can be provided to Council assuring that a 200m<sup>2</sup> NSA is suitable to house multi-unit developments.</p> <p>Allowing a smaller NSA will enable efficient use of land, particularly in regard to infill housing areas.</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
28	<p><b>16.4.13 Subdivision creating reserves</b></p> <p><b>RD1</b></p> <p><i>(a)Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries.</i></p> <p>....</p>	Oppose in Part	<p>The Submitter opposes proposed Rule 16.4.13 as it seeks to impose a development constraint that may not feasibly be possible or practicable.</p> <p>Whilst the Submitter agrees that in many instances, reserves should provide access from transportation corridors, on-site variables (topography, subdivision layout, security etc.) could mean that a 50% road frontage is not possible, thus defaulting the development to a higher order planning assessment.</p> <p>The Submitter understands that such a proposed standard is proposed (in part) to enable passive surveillance and maintenance access; however, in many instances a 50% road boundary is unrealistic with other design considerations available for CPTED principles (i.e., low fences etc.).</p> <p>In regard to the above, the following amendment is sought to Rule 16.4.13 as proposed:</p> <p><i>(a)Every reserve, including where a reserve is identified within a structure plan or master plan (other than an esplanade reserve), proposed for vesting as part of the subdivision, must be bordered by roads along at least 50% of its boundaries as much as is practicable.</i></p>
29	<p><b>16.4.16 Subdivision of land containing an Environmental Protection Area</b></p> <p><b>C1</b></p>	Support in Part	<p>The Submitter supports in part proposed Rule 16.4.16 as development within close proximity to delineated EPAs needs appropriate recognition to facilitate natural process and mitigate any potential adverse effects of development on such areas.</p> <p>Notwithstanding the above, the Submitter considers that from a developers' perspective a planting and management plan be</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<p><i>(a) Subdivision of land containing an Environmental Protection Area must comply with all of the following conditions:</i></p> <p><i>(i) Include a planting and management plan for the area, prepared by a suitably-qualified person, containing exclusively native species suitable to the area and conditions;</i></p> <p><i>(ii) Planting must be undertaken prior to the issue of the s224(c) certificate.</i></p>		<p>prepared and submitted to Council as a condition of consent (as opposed to be prepared as part of a consent application).</p> <p>Once the developer has the confidence of consent being issued for any particular project – detailed design plans can include the provision of landscape plans and planting specifications.</p> <p>The Submitter seeks the following amendment:</p> <p><i>(a) Subdivision of land containing an Environmental Protection Area must comply with all of the following <u>as</u> conditions <u>of consent</u>:</i></p> <p>....</p>
<b>Chapter 22 Rural Zone</b>			
30	<p><b>22.2.3.1 Earthworks – General</b></p> <p><b>P3</b></p> <p><i>(a) Earthworks for the purpose of creating a building platform for residential purposes within a site, using imported fill material must meet the following condition:</i></p> <p><i>(i) Be carried out in accordance with NZS 4431:1989 Code of Practice for Earth Fill for Residential Development.</i></p>	Support in Part	<p>The Submitter supports the permitted activity rule for earthworks in part.</p> <p>The Submitter seeks that the permitted activity rule be amended to include earthworks associated with the construction of accessways to building platforms as this currently gets overlooked by many developers – and often triggers an unexpected land use consent.</p> <p>The Submitter contends that earthworks for accessways is inherent in subdivision consent – and has subsequently already been considered by Council on the basis of effects.</p> <p>Further to the above, the Submitter would like to point out that earthworks restrictions will still comply in regard to NZS 4431:1989 compliance.</p> <p>In consideration of the decision sought, and reasoning why, the following amendment is sought to P3:</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
			<p>(a) Earthworks for the purpose of creating a building platform <u>and accessway</u> for residential purposes within a site, using imported fill material must meet the following condition:</p> <p>...</p>
31	<p><b>22.3.7.5 Building setback – water bodies</b></p> <p><b>P1</b></p> <p>(a) Any building must be set back a minimum of:</p> <p>(i) 32m from the margin of any;</p> <p>A. Lake; and</p> <p>B. Wetland;</p> <p>(ii) 23m from the bank of any river (other than the Waikato River and Waipa River);</p> <p>(iii) 28m from the banks of the Waikato River and Waipa River; and</p> <p>(iv) 23m from mean high water springs.</p>	Oppose in Part	<p>The Submitter opposes the arbitrary use in the PWD of the generic term ‘wetland’ when requiring setbacks.</p> <p>Wetlands are defined in the RMA as:</p> <p>“wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions”.</p> <p>Such all-encompassing terminology is inappropriate for use within the PWD as it will have a significant impact on land development that may not carry any reasonable environmental benefit (i.e., a man-made swale or drainage channel).</p> <p>The Submitter seeks that setbacks for man-made stormwater infrastructure and / or modified waterbodies (managed wetlands) be identified under all applicable waterbody setback rules be 10m.</p> <p>Notwithstanding the above, as a ‘lake’ can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWD before the setback applies.</p> <p>In consideration of the above, the following amendment is sought:</p> <p><b>22.3.7.5 Building setback – water bodies</b></p> <p><b>P1</b></p> <p>(a) Any building must be set back a minimum of:</p>



<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
			<p>(i) 32m from the margin of any;</p> <p>A. Lake <u>over 4ha</u>; and</p> <p>B. Wetland;</p> <p>(ii) 23m from the bank of any river (other than the Waikato River and Waipa River);</p> <p>(iii) 28m from the banks of the Waikato River and Waipa River; and</p> <p>(iv) 23m from mean high water springs.</p> <p>(v) <u>10m from a managed wetland</u></p>
32	<p><b>22.4.1.1 Prohibited subdivision</b></p> <p><b>PR1</b></p> <p><i>Any subdivision within the Urban Expansion Area involving the creation of any additional lot.</i></p>	Oppose	<p>The Submitter opposes proposed Rule 22.4.1.1 PR1 in its entirety.</p> <p>The Submitter appreciates that land within the Urban Expansion area is being preserved so as to enable future urban growth that is aligned with strategic agreements between Hamilton City Council (HCC) and the Waikato District Council; however, the use of prohibition to manage future use in the area is too 'heavy handed', and furthermore precludes a collaborative approach to land use management within the District between Council, developers and land owners.</p> <p>Urban expansion boundary across the country are subject to a higher level of land use management, whereby a well-considered and strategic concept land development plan can precede subdivision scheme plans - this is exemplified in HCC Peacocke Structure Plan Area (Stage 2).</p> <p>Market conditions and the rights of the landowners should not be unreasonably withheld through limited district plan provisions such as Prohibited Activity Rules (the submitter also notes that such an</p>

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			<p>activity status is grossly inefficient to remove in the case where rural land is unexpectedly required by Council inside the life of the PWDP). Rather, a collaborative approach between all parties should be supported by the territorial authority whilst aligning with their primary objective in serving the Waikato District's local communities in a fair and reasonable manner.</p> <p>In consideration of the above sentiment, the Submitter seeks that the Prohibited subdivision rule 22.4.1.1 is removed; and is further replaced by a cascading objective, policy and rule set whereby subdivision of Rural and Country Living Zone land within the Urban Expansion Area is a Non-complying Activity and will be subject to an approved Concept Plan of development.</p>
33	<p><b>22.4.1.1 Prohibited subdivision</b></p> <p><b>PR2</b></p> <p><i>(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.</i></p>	Oppose	<p>The Submitter has worked within the Waikato District's land development sector for over 20 years and is fundamentally opposed to Council's use of prohibition as a land management tool.</p> <p>There is an acknowledgement that subdivision of the district's rural resource needs to be carefully and responsibly managed by Council; however, such management is poorly provisioned in the PWDP</p> <p>The submitter contends that a non-complying activity rule is more appropriate.</p>
34	<p><b>22.4.1.1 Prohibited subdivision</b></p> <p><b>PR3</b></p> <p><i>(a) Subdivision of a Record of Title issued after 6 December 1997, which results in any additional lot being located on high class soil.</i></p>	Oppose	<p>The Submitter has worked within the Waikato District's land development sector for over 20 years and is fundamentally opposed to Council's use of prohibition as a land management tool.</p> <p>There is an acknowledgement that subdivision of the district's rural resource needs to be carefully and responsibly managed by Council; however, such management is poorly provisioned in the PWDP</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
			The submitter contends that a non-complying activity rule is more appropriate.
35	<p><b>22.4.1.2 General subdivision</b></p> <p><b>RD1</b></p> <p><i>(a) Subdivision must comply with all of the following conditions:</i></p> <p><i>(i) The Record of Title to be subdivided must have issued prior to 6 December 1997;</i></p> <p><i>(ii) The Record of Title to be subdivided must be at least 20 hectares in area;</i></p> <p><i>(iii) The proposed subdivision must create no more than one additional lot, excluding an access allotment.</i></p> <p><i>(iv) The additional lot must have a proposed area of between 8,000m<sup>2</sup> and 1.6 ha;</i></p> <p><i>(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:</i></p> <p><i>A. one lot must contain a minimum of 80% of the high class soil; and</i></p> <p><i>B. the other lot may contain up to 20% of high class soil.</i></p>	Support in Part	<p>Notwithstanding the above submissions - regarding the use of prohibition in the district's land use management - the Submitter also seeks to lessen the minimum rural residential lot size (in the Rural Zone) from the 8,000m<sup>2</sup> as proposed to 3,000m<sup>2</sup>.</p> <p>The Submitter wishes to relay to Council landowners concerns regarding the Rural Zone subdivision design standards, and how this affects large farming succession planning, whereby landowners who wish to retain their dwellings and rural amenity but are no longer able to continue with the labour-intensive commitment to productive land use.</p> <p>By enabling greater flexibility in the area quantum for rural subdivision, retiring farmers can more effectively retain their rural lifestyle, without the more onerous requirement to occupy and maintain land parcels above their means or capacity.</p> <p>In consideration of the above reason for a lessened rural minimum lot size, the following amendment is sought to proposed Rule 22.4.1.2:</p> <p><i>(iv) The additional lot must have a proposed area of between 3,000m<sup>2</sup> and 1.6 ha;</i></p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
36	<p><b>22.4.1.4 Boundary relocation</b></p> <p><b>RD1</b></p> <p><i>(a)The boundary relocation must:</i></p> <p><i>(i)Relocate a common boundary or boundaries between two existing Records of Title that existed prior to 18 July 2018;</i></p> <p><i>(ii)The Records of Title must form a continuous landholding;</i></p> <p><i>(iii)Not result in any additional lot;</i></p> <p><i>(iv)Create one lot of at least 8000m2 in area.</i></p>	Support in Part	<p>The Submitter supports proposed Rule 22.4.1.4 to the extent that there is no longer the requirement for boundaries subject to the proposed rule need to be under that same ownership.</p> <p>The Submitter seeks to amend proposed Rule 22.4.1.4 in so that it aligns with the above submission point – in particular enabling property boundaries to be relocated around a minimum allotment size of 3,000m<sup>2</sup>.</p> <p>The Submitter seeks the following amendment to Rule 22.4.1.4:</p> <p><i>(iv)Create one lot of at least 83000m2 in area.</i></p> <p>The reason for the amendment is so that greater flexibility in the area quantum for rural subdivision and allowing more effectively for retiring farmers to retain their rural lifestyle, without the more onerous requirement to occupy and maintain land parcels above their means or capacity.</p>
37	<p><b>22.4.1.5 Rural Hamlet Subdivision</b></p> <p><b>RD1</b></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 form one continuous landholding;</i></p> <p><i>(iii)Each proposed lot has a minimum area of 8,000m2.</i></p>	Support in part	<p>The Submitter supports in part proposed Rule 22.4.1.5 Rural Hamlet Subdivision to the extent that it will allow for appropriate rural communities to be comprehensively designed under the PWDP boundary relocation provisions.</p> <p>The Submitter seeks to amend proposed Rule 22.4.1.5 Rural Hamlet Subdivision RD1 as follows:</p> <p><i>(iii) Each proposed lot has a minimum area of 83,000m2.</i></p> <p>The reason for the amendment is so that greater flexibility in the area quantum for Hamlet boundary relocation subdivision and allowing more effectively for retiring farmers to retain their rural</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<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>		lifestyle, without the more onerous requirement to occupy and maintain land parcels above their means or capacity.
38	<p><b>22.4.1.6 Conservation lot subdivision</b></p> <p><b>RD1</b></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 in accordance with the table below:</p> <p>...</p>	Support in Part	<p>The Submitter supports in part proposed Rule 22.4.1.6 Conservation lot subdivision RD1 as contiguous areas of land containing ecological significance should not be fragmented, nor should spatially separate areas of land containing ecological significance be considered as one area due to non-connectivity.</p> <p>Notwithstanding the above, the Submitter considers that land immediately abutting ecologically significant Natural Area that due to landform/topography or other shared environmental attribute (i.e., wetness etc.) should also be used - to an appropriate degree – to calculate conservation allotment provisions.</p> <p>The land abutting significant natural areas are often sharing of habitat criteria of the abutting areas – and hence should be recognised by the PWDP as holding inherent ecological values (i.e., a section of gully network).</p> <p>In consideration of the above rationale, the following amendment to proposed Rule 22.4.1.6 Conservation lot subdivision RD1 is sought:</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, or environmental conditions favourable to extending a Significant Natural Area, either as shown on the planning maps or as</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
			<p><i>determined by an experienced and suitably qualified ecologist in accordance with the table below:</i></p> <p>...</p> <p>The reason for the above submission point is for Council to appreciate a landowner's ability to rehabilitate peripheral areas of Significant Natural Areas under the conservation allotment provisions.</p> <p>Such an amendment will have a measurable, positive, environmental effect that can be managed in perpetuity.</p>
39	<p><b>22.4.4 Subdivision - Road frontage</b></p> <p><b>RD1</b></p> <p><i>(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.</i></p>	Support in Part	<p>The Submitter supports in part proposed Rule 22.4.4 Subdivision - Road frontage RD1.</p> <p>Support for this proposed rule is tempered to the effect that a 60m width may not always be appropriate in the event that the actual or potential adverse effects on traffic safety are less than minor.</p> <p>The Submitter contends that a more meaningful road frontage dimension be provided through an assessment of the existing and proposed traffic effect of any given development, as well as the criteria contained within the district plan detailing the required sight visibility and operational speed environment (as well as vehicle separation distances).</p> <p>The Submitter considers that the proposed frontage rule is superfluous, as engineering criteria adherence alone should be used to regulate road frontage widths.</p> <p>As a consequence of the above, the Submitter seeks the removal of 22.4.4 Subdivision - Road frontage RD1(a).</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
40	<p><b>22.4.9 Subdivision - Building platform</b></p> <p><b>RD1</b></p> <p><i>(a) Subdivision, other than an access or utility allotment, must provide a building platform on the proposed lot that:</i></p> <p><i>(i) Has an area of 1,000m<sup>2</sup> exclusive of boundary setbacks;</i></p> <p><i>(ii) Has an average gradient not steeper than 1:8;</i></p> <p><i>(iii) Is certified by a geotechnical engineer as geotechnically stable;</i></p> <p><i>(iv) Has vehicular access in accordance with Rule 14.12.1 P1 (Transportation)</i></p> <p><i>(v) Is not subject to inundation in a 2% AEP storm or flood event;</i></p> <p><i>(vi) a dwelling could be built on as a permitted activity in accordance with Land Use - Building Rules in Rule 22.3.</i></p>	Support in Part	<p>The Submitter is in general support of the PWDP providing design guidance on the subdivision process – such as the location and dimension for building platforms.</p> <p>The Submitter does not support the PWDP requiring that a 1,000m<sup>2</sup> building envelope as this presents an excessively conservative development footprint.</p> <p>The Submitter seeks that proposed rule 22.4.9 Subdivision - Building platform RD1(a)(i) be amended as follows:</p> <p><i>(i) Has an area of <del>1,000m<sup>2</sup></del> <u>500m<sup>2</sup></u> exclusive of boundary setbacks;</i></p> <p>The reason for the sought amendment is so that overly restrict design criteria are removed from the PWDP and that more adaptive solutions can be considered by the developer without the need for an expanded assessment matters through Council's unrestricted discretion.</p>
<b>Chapter 23: Country Living Zone</b>			
41	<p><b>23.2.3.1 Earthworks – General</b></p> <p><b>P1</b></p> <p><i>(a) Earthworks within a site for:</i></p> <p><i>(i) Ancillary rural earthworks; or</i></p>	Support in Part	<p>The Submitter supports the permitted activity rule for earth works in part.</p> <p>The Submitter seeks that the permitted activity rule be amended to include earthworks associated with the construction of accessways</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<p><i>(ii) Construction and/or maintenance of tracks, fences or drains; or</i></p> <p><i>(iii) A building platform for a residential activity including an accessory building.</i></p>		<p>to building platforms as this currently gets overlooked by many developers – and often triggers an unexpected land use consent.</p> <p>The Submitter contends that earthworks for accessways is inherent in subdivision consent – and has subsequently already been considered by Council on the basis of effects.</p> <p>Further to the above, the Submitter would like to point out that earthworks restrictions will still comply in regard to NZS 4431:1989 compliance.</p> <p>In consideration of the decision sought, and reasoning why, the following amendment is sought to 23.2.3.1 Earthworks – General P1(a)(iii):</p> <p style="padding-left: 40px;"><i>(b) (iii) A building platform <u>and accessway</u> for a residential activity including an accessory building....</i></p>
42	<p><b>23.2.3.1 Earthworks – General</b></p> <p><b>P2</b></p> <p><i>(a) Earthworks within a site for purposes other than those contained in P1 (excluding the importation of fill material) must meet all of the following conditions:</i></p> <p><i>(i) Do not exceed a volume of more than 250m<sup>3</sup> and an area of more than 1000m<sup>2</sup> within a site over any single 12 month period;</i></p> <p><i>(ii) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;</i></p>	Support in Part	<p>The Submitter notes that a 250m<sup>3</sup> limit is the same as for the residential zone.</p> <p>Given the different activities undertaken for rural residential purposes (in relation to scale), an increase in the limit to 500m<sup>3</sup> is considered appropriate.</p> <p>The Submitter notes that a soil disturbing quantum would be better to align with the provisions of the Waikato Regional Plan.</p> <p>The Submitter seeks that in rural environments, a 0.5m setback for earthworks is more appropriate from a boundary. A 1.5m setback is too restrictive, particularly in cases such as a swale is required.</p> <p>The following amendments are sought to the permitted Country Living Zone earthworks rule:</p>



<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<p>(iii)Earthworks are set back 1.5m from any boundary;</p> <p>(iv)Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks;</p> <p>(v)Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls;</p> <p>(vi)Do not divert or change the nature of natural water flows, water bodies or established drainage paths.</p>		<p>(i)Do not exceed a volume of more than <del>250</del>500m<sup>3</sup> and an area of more than 1000m<sup>2</sup> within a site over any single 12 month period;</p> <p>...</p> <p>(iii)Earthworks are set back <del>10</del>.5m from any boundary;</p>
43	<p><b>23.3.7.5 Building setback - Waterbodies</b></p> <p><b>P1</b></p> <p>(a)Any building must be set back a minimum of:</p> <p>(i)23m from the margin of any;</p> <p>A.lake; and</p> <p>B.wetland;</p>	Oppose	<p>The Submitter opposes the arbitrary use in the PWPD of the generic term ‘wetland’ when requiring setbacks.</p> <p>Wetlands are defined in the RMA as:</p> <p><i>“wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions”.</i></p> <p>Such all-encompassing terminology is inappropriate for use within the PWDP as it will have a significant impact on land development in the Country Living Zone that may not carry any reasonable environmental benefit (i.e., a man-made swale or drainage channel).</p> <p>The Submitter seeks that setbacks for man-made stormwater infrastructure and / or modified waterbodies (managed wetlands) be identified under all applicable waterbody setback rules be 10m.</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
			<p>As a 'lake' can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWDP before the setback applies.</p> <p>In consideration of the above, the following amendment is sought:</p> <p><b>23.3.7.5 Building setback – Waterbodies P1</b></p> <p>(a)Any building must be set back a minimum of:</p> <p>(i)23m from the margin of any;</p> <p>A.Lake <u>over 4ha</u>; and</p> <p>B.Wetland;</p> <p>(ii)23m from the bank of any river (other than the Waikato River and Waipa River);</p> <p>(iii)28m from the banks of the Waikato River and Waipa River; and</p> <p>(iv)23m from mean high water springs.</p> <p><u>(v) 10m from a managed wetland</u></p>
44	<p><b>23.4.1 Prohibited subdivision</b></p> <p><b>PR1</b></p> <p>Any subdivision within Hamilton’s Urban Expansion Area involving the creation of any additional lot.</p>	Oppose	<p>The Submitter opposes proposed Rule 23.4.1 PR1 in its entirety.</p> <p>The Submitter appreciates that land within the Urban Expansion area is being preserved so as to enable future urban growth that is aligned with strategic agreements between Hamilton City Council (HCC) and the Waikato District Council; however, the use of prohibition to manage future use in the area is too 'heavy handed', and furthermore precludes a collaborative approach to land use management within the District between Council, developers and land owners.</p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
			<p>Urban expansion boundaries across the country are subject to a higher level of land use management, whereby a well-considered and strategic concept land development plan can precede subdivision scheme plans - this is exemplified in HCC Peacocke Structure Plan Area (Stage 2).</p> <p>Market conditions and the rights of the landowners should not be unreasonably withheld through limited district plan provisions such as Prohibited Activity Rules. Rather, a collaborative approach between all parties should be supported by the territorial authority whilst aligning with their primary objective in serving the Waikato District's local communities in a fair and reasonable manner.</p> <p>In consideration of the above sentiment, the Submitter seeks that the Prohibited subdivision rule 23.4.1 is removed; and is further replaced by a cascading objective, policy and rule set whereby subdivision of Country Living Zone land within the Urban Expansion Area is a Non-complying Activity and will be subject to an approved Concept Plan of development.</p>
45	<p><b>23.4.2 General Subdivision</b></p> <p><b>RD1</b></p> <p><i>(a) Subdivision must comply with all of the following conditions:</i></p> <p><i>(i) All proposed lots must have a net site area of at least 5000m<sup>2</sup>.</i></p>	Support in Part	<p>The Submitter contends that a rural residential allotment should provide flexibility for the different kinds of activities in the Country Living Zone. As a consequence, allotments down to an area of 3,000m<sup>2</sup> should be provided for to allow such flexibility as a restricted discretionary activity.</p> <p>In consideration of the above reason, the following amendment is sought to Rule 23.4.2 RD1</p> <p><i>(i) All proposed lots must have a net site area of at least 53,000m<sup>2</sup>.</i></p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
46	<p><b>23.4.3 Subdivision within identified areas</b></p> <p><b>D1</b></p> <p><i>(a) Subdivision of any lot containing any these areas:</i></p> <p><i>(i) High Natural Character Area;</i></p> <p><i>(ii) Outstanding Natural Character Area;</i></p> <p><i>(iii) Outstanding Natural Landscape;</i></p> <p><i>(iv) Outstanding Natural Feature;</i></p> <p><i>(v) Significant Amenity Landscape dune;</i></p> <p><i>(vi) Coal Mining Area;</i></p> <p><i>(vii) Aggregate Resource Area;</i></p> <p><i>(viii) Aggregate Extraction Area.</i></p>	Support in Part	<p>The submitter seeks that the discretionary activity trigger ‘Coal Mining Area’ be removed given that such an overlay applies to a large area of land, with the degree of influence being inconsistent across large land holdings across the district.</p> <p>A more appropriate consideration will be for the Coal Mining Policy Area to be assessed by Council as a matter of limited discretion given the variable nature of the impact the overlay will hold over affected landowners.</p> <p>In consideration of the above, the following amendment is sought to 23.4.3 D1</p> <p>...</p> <p><del><i>(vi) Coal Mining Area;</i></del></p> <p>...</p>
47	<p><b>23.4.8 Subdivision - Building platform</b></p> <p><b>RD1</b></p> <p><i>(a) Subdivision, other than an access allotment or utility allotment, must provide a building platform on the proposed lot that:</i></p> <p><i>(i) has an area of 1000m<sup>2</sup> exclusive of boundary setbacks;</i></p> <p><i>(ii) has an average gradient no steeper than 1:8;</i></p> <p><i>(iii) has vehicular access in accordance with Rule 14.12.1 P1 Infrastructure Chapter 14;</i></p>	Support in Part	<p>The Submitter is in general support of the PWDP providing design guidance on the subdivision process – such as the location and dimension for building platforms.</p> <p>The Submitter does not support the PWDP requiring that a 1,000m<sup>2</sup> building envelope as this presents an excessively conservative development footprint.</p> <p>The Submitter seeks that proposed rule 23.4.8 Subdivision - Building platform RD1 (a)(i) be amended as follows:</p> <p><i>(i) Has an area of <del>1,000m<sup>2</sup></del> <u>500m<sup>2</sup></u> exclusive of boundary setbacks;</i></p>

<b>Submission Point</b>	<b>Proposed Provision</b>	<b>Submission</b>	<b>Comment: Decision Requested and Reasons</b>
	<p><i>(iv) is certified by a geotechnical engineer as geotechnically stable;</i></p> <p><i>(v) is not subject to inundation in a 2% AEP storm or flood event;</i></p> <p><i>(vi) a dwelling could be built on as a permitted activity in accordance with Rule 23.3.</i></p>		<p>The reason for the sought amendment is so that overly restrict design criteria are removed from the PWDP and that more adaptive solutions can be considered by the developer without the need for an expanded assessment matters through Council's unrestricted discretion.</p>
<b>Chapter 24: Village Zone</b>			
48	<p><b>24.3.6.3 Building setback - Waterbodies</b></p> <p><b>P1</b></p> <p><i>(a) A building must be set back a minimum of 30 from:</i></p> <p><i>(i) the margin of any:</i></p> <p><i>A. Lake;</i></p> <p><i>B. Wetland; and</i></p> <p><i>C. River bank, other than the Waikato River and Waipa River.</i></p>	Oppose	<p>The Submitter opposes the arbitrary use in the PWDP of the generic term 'wetland' when requiring setbacks.</p> <p>Wetlands are defined in the RMA as:</p> <p><i>"wetland includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions".</i></p> <p>Such all-encompassing terminology is inappropriate for use within the PWDP as it will have a significant impact on land development in the Village Zone that may not carry any reasonable environmental benefit (i.e., a man-made swale or drainage channel).</p> <p>The Submitter seeks that setbacks for man-made stormwater infrastructure and / or modified waterbodies (managed wetlands) be identified under all applicable waterbody setback rules be 10m.</p> <p>As a 'lake' can constitute a large array of waterbodies, the Submitter contends that a starting point of 4ha be used in the PWDP before the setback applies.</p> <p>In consideration of the above, the following amendment is sought:</p> <p><b>24.3.6.3 Building setback - Waterbodies</b></p>

<i>Submission Point</i>	<i>Proposed Provision</i>	<i>Submission</i>	<i>Comment: Decision Requested and Reasons</i>
			<p><b>P1</b></p> <p><i>(a) A building must be set back a minimum of 30 from:</i></p> <p><i>(i) the margin of any:</i></p> <p><i>A. Lake <u>over 4ha</u>;</i></p> <p><i>B. Wetland; and</i></p> <p><i>C. River bank, other than the Waikato River and Waipa River.</i></p> <p><i><u>D. 10m from a managed wetland</u></i></p>

The Submitter seeks to be heard in support of the above submission points

## Attachment B

# **WAIKATO DISTRICT COUNCIL**

## **Hearings of Submissions on the Proposed Waikato District Plan**

### **Report and Decisions of Independent Commissioners**

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#### **Decision Report 22: Rural Zone**

**17 January 2022**

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#### **Commissioners**

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Mr Dynes Fulton

Mr Weo Maag

Ms Janet Gibb



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venue, with a portion of the circle extending over land that is within Waikato District's jurisdiction.

- 5.45 We have addressed this matter in more detail in our decision on the Country Living Zone (as the noise contour covers both the Country Living and Rural Zoned land). For the reasons set out in the Country Living Zone decision, we have decided that the noise contour should be included in the planning maps as an alert layer only, with no rules attached to it.

#### Residential Density

- 5.46 The manner in which residential dwellings are provided for, through both the land use and subdivision provisions, was a common theme in evidence. This was in itself revealing in that we received more evidence on residential subdivision matters than we did on farming-related issues. The role that the rural area has had in accommodating residential growth was emphasised in Ms Overwater's section 42A report where she identified that nearly half the new dwellings consented over the past decade have been located within the district's rural zones.
- 5.47 We acknowledge that dwellings are an integral element in farming operations, with farms typically including a farmhouse, potentially additional living quarters for on-site farm workers, and a variety of accessory farm buildings. The evidence did not generally focus on the need for farmhouses as an integral element in productive farming operations. Instead, the evidence focused on the ability to create relatively small 'lifestyle blocks', rather than any sort of primary production.
- 5.48 We noted that the Waikato Operative Plan has long provided for a 'child lot' around 1ha in size to be created for every 20ha 'parent lot'. As Ms Overwater explained, this has led to a proliferation of small lots across the district. As a result, she recommended that the minimum size of a parent lot be increased to 40ha, along with 40ha being the minimum lot size.
- 5.49 The contrary perspective, as provided by landowners, was that the ability to create child lots played an important role in both the retirement planning of farming families, and in providing a range of living options to meet the diverse needs of the community.
- 5.50 We have set out our preferred approach to urban growth management and the accommodation of the district's growing population in our decision on strategic directions. We have separately set out how that overarching direction is to be implemented at a township level in our various decisions regarding rezoning. As articulated in these separate decisions, we have determined that growth is to be accommodated primarily through consolidation in and around the district's larger townships so as to enable people to live and work in close proximity to a wider range of services, employment opportunities, and in time public transport options, as well as helping to minimise car journeys and associated carbon emissions.

- 5.51 This approach will also enable growth to be serviced with reticulated infrastructure in a programmed and cost-effective manner. Our decisions on rezoning, combined with the introduction of a Medium Density Residential Zone, have ensured that sufficient capacity is provided for and also exceeds the requirements set out in the NPS-UD. We are also firm in our view that the continuation of the status quo situation, which has resulted in a significant proportion of the district's housing needs being met through sporadic rural lifestyle blocks, is counter to maintaining productive rural land and sound resource management practice. As such we have increased the minimum lot size to 40ha.
- 5.52 We have also carefully considered whether the ability to create small child lots should be removed entirely, with lifestyle block options then being limited to Country Living and Village Zones where services can be provided and where living opportunities closer to townships are enabled. On balance, we consider it appropriate to retain the child lot pathway, being mindful of its long-established use as part of land owners' financial planning. The increase to a 40ha minimum effectively halves the potential for such lots to be created, which we are satisfied is necessary to achieve a more effective balance between providing some housing choice and locational options, whilst keeping the integrity of the Rural Zone intact.
- 5.53 As a separate but related matter, we have retained the ability to undertake boundary adjustments to form small rural hamlets with large balance lots. We are aware that larger farm holdings will often be comprised of multiple lots (and titles). We consider there is merit in enabling such rationalisation as a key method of facilitating ongoing use of land for productive farming activities, where, for example, a 200ha farm in five titles would be better configured as a 195ha farm with 5 x 1ha lots, rather than as 5 x 40ha lots that are too large for purely lifestyle use but too small for sustaining stand-alone farming operations.
- 5.54 We heard evidence from several submitters regarding the benefits of having subdivision rules that facilitate the protection (and restoration) of areas with high ecological value in return for the ability to create compensatory small lots. There were two mechanisms advanced by submitters for achieving such an outcome. The first was a 'conservation lot' whereby an additional lot would be enabled on the same property, in return for protecting or restoring a specified area of bush or wetland. The second method was a regime for TDRs, whereby protection of areas of land with high ecological value on one property generated the right to create smaller compensatory lots on separate sites elsewhere in the district.
- 5.55 We have decided not to pursue either option. We have addressed Significant Natural Areas (SNAs) in a separate decision, whereby there is a clear obligation on landowners to appropriately manage areas of high ecological value. The recent NPS-FM likewise sets out a series of obligations on landowners to maintain the health of waterways and wetlands and provides clear direction that the further loss of wetland extent and values should be avoided. It appears to us that, in many respects, the conservation lot concept would serve to simply reward landowners for doing what they are required to be doing anyway in terms of fencing off waterways, maintaining wetlands, and managing SNAs.

We also struggled with the ‘apples and oranges’ nature of the concept when it is applied to restoration plantings, where it is challenging to set an appropriate level of ‘trade-off’ i.e., how much riparian margin or other ecological areas should be restored in exchange for the right to create an undersized lot. There is likewise an apples and oranges challenge with the different effects generated whereby the environmental good created by a restored riparian margin or ecological area is to compensate for the rural character effects of undersized lots and additional housing that would not otherwise be contemplated as being acceptable.

- 5.56 Unlike conservation lots which occur on the same property as the natural area that is being protected or restored, TDRs rely on conservation on one property, with the ability to then ‘land’ the development rights elsewhere in the district. The landing place is either identified through a dedicated zone or overlay, or alternatively the landing place can occur randomly elsewhere in the Rural Zone. We noted the implementation challenges with the TDRs concept in the ex-Franklin portion of the district, as set out in the section 42A reports, noting that TDRs are not included in the Waikato section of the Operative District Plan. After careful analysis, we are not convinced that either landing scenario was acceptable. If an area (such as a greenfield Country Living Zone) was considered to be appropriate for housing in terms of its proximity to townships, ability to be serviced etc., then it is acceptable; there is no need for compensatory conservation elsewhere. Conversely if it is not acceptable in terms of location or servicing then it should not proceed, regardless of whether bush or wetland areas are being conserved elsewhere.
- 5.57 The alternative approach of compensatory rights being able to be landed randomly in the rural area is equally problematic. Undersized lots are not anticipated as being acceptable in the Rural Zone, reflected through them attracting a non-complying activity status. Neighbouring landowners have a commensurate expectation regarding amenity and rural character outcomes based on the minimum lot size rules in the PDP. A mechanism that enables small lots that would not generally be acceptable to be located in unanticipated locations creates the potential for adverse effects to be generated in one part of the district in compensation for conservation benefits being derived in a separate location. This is neither equitable nor effective in managing growth and the maintenance of the rural environment, especially where conservation activities are undertaken in more remote parts of the district and the ‘landing’ pressure is concentrated in more desirable locations such as around the fringes of Hamilton or the district’s larger townships.

#### Seasonal Worker Accommodation and Minor Dwellings

- 5.58 Subdivision, and the consequent expectation that each lot can contain a dwelling, is the primary pathway by which additional dwellings can be located in the Rural Zone.
- 5.59 We heard evidence on the separate land use rules regarding two forms of housing that are not dependent on subdivision having occurred. The first of these was ‘minor dwellings’, whereby an additional dwelling can be provided in tandem with an existing residential dwelling. We understand that the concept has grown out of the Operative

## Attachment C

<b>Submission Number</b>	<b>Name</b>	<b>Organisation / On Behalf Of</b>	<b>Address for service</b>
28	Roko Urlich		roko1940@outlook.com
46	Marc ter Beek		marcterbeek@hotmail.com
61	Anthony Viner		a.viner@outlook.com
69	Lucy Stallworthy		lucys@iconz.co.nz
81	Waikato Regional Council		Lisette.balsom@waikatoregion.govt.nz
93	Martin Fleetwood		martin.fleetwood@xtra.co.nz
94	Carol Fleetwood		carol.fleetwood@xtra.co.nz
102	Lawrence and Audrey Cummings	Waiawa Downs Ltd	cummings1450@gmail.com
104	Tim Newton		tim@greenfootprint.co.nz
106	Bruce and Dorothy Chipman		todd@subdivision.co.nz
128	Trevor Reid		trevkathyreid@xtra.co.nz
130	Kathleen Reid		trevkathyreid@xtra.co.nz
151	Todd Bawden		nicol@mgsi.co.nz
164	Hiini Kepa		kepa.erekana@gmail.com
171	Louis (Luke) Faesenkloet		leonoorfk@gmail.com
177	Nick Hill		Hill@xnet.co.nz
197	Jeska McHugh	NZ Pork	jeska.mchugh@pork.co.nz
252	Heather Andrews		candhandrews@gmail.com
257	Stuart Chisnall	Estate of Alwynne McDonaldChisnall	stuart@atsource.co.nz
259	Wendy Rowell	Pokeno Playcentre	wpostles@hotmail.co.nz
261	Rita Carey		ritarachel4@gmail.com
268	Warwick Cheyne		diggitydude@gmail.com
273	Russell Luders		russelluders@gmail.com
276	Ted and Kathryn Letford		tedletford@gmail.com
279	Robbie Bennett		bennettchibnall@gmail.com
280	Peter Nation	New Zealand National Fielddays Society Inc	peter.nation@nzdfs.co.nz
281	Zeala Ltd	Trading as Aztech Buildings	john@planmanconsultants.co.nz
292	David Yzendoorn	David and Barbara Yzendoorn	dave.y@xtra.co.nz
300	Rolande Paekau	The Te Whaanga 2B3B2 & 2B1Ahu Whenua Trust	rolandepaekau@gmail.com
302	Jeremy Talbot	EnviroWaste New Zealand Limited	jeremyt@barker.co.nz
307	Julie Caddigan		julie.caddigan@gmail.com
311	Harpal Singh-Sandhu		singh-sandhu_farmsltd@hotmail.com
312	Brian Putt	Metro Planning Ltd	brian@metroplanning.co.nz
323	Dorothy Chipman		bdchippies@xtra.co.nz
330	Andrew and Christine Gore		aandcgore@gmail.com
332	Gwyneth & Barrie Smith		neil@subdivision.co.nz
340	Stuart Jefferis	Ruakiwi Graziers Ltd	stuandrach@hotmail.co.nz
341	Brian Croad	Tainui Group Holdings Limited	brian.croad@tgh.co.nz
345	Brent Trail		btrail@surveyingservices.co.nz
349	Kim Robinson	Lochiel Farmlands Limited	kim@lochielfarmlands.co.nz; joan.forret@harkness.co.nz
352	Terence Denton	Terence Denton & Bernardinavan Loon	psirec@gmail.com

354	Peter & Janette Middlemiss		midlan@xtra.co.nz
355	Scott & Tina Ferguson		glenn@subdivision.co.nz
356	Robert & Colleen Endicott		robcolleen.endicott@xtra.co.nz
358	Caroline Swann		ruapukeswannys@gmail.com
359	Phillip Swann		ruapukeswannys@gmail.com
362	CYK Limited		glenn@subdivision.co.nz
363	Divina Libre		debbielibre@yahoo.com
364	Michael Innes		glenn@subdivision.co.nz
365	Delta Property Group		grant@mgsi.co.nz
367	Liam McGrath	Mercer Residents and Ratepayers Committee	mercerc.committee123@gmail.com
372	Steve van Kampen	Auckland Council	unitaryplan@aucklandcouncil.govt.nz
373	Andrew Hutchison	The Church in Hamilton	andrewghutchison@gmail.com
376	Jolene Francis		jolenefrancis@waikatoregion.govt.nz
378	Fire and Emergency New Zealand		alec.duncan@beca.com
391	Lachie Cameron and DonnaWatts		sirwilliam@bslnz.com
394	Gwenith Sophie Francis		andrew@berrysimons.co.nz
395	Ministry of Business, Innovationand Employment	New Zealand Petroleum andMinerals	Sarah.Stevenson@mbie.govt.nz
398	Ian Thomas		redsta55@hotmail.com
400	Andrew Kerr		andrew@threepeaksnz.com
402	Tuakau Proteins Limited		stephen.daysh@mitchelldaysh.co.nz
405	Counties Power Limited		bmurdoch@align.net.nz
407	Mel Libre		melblibre@gmail.com
417	Glenys McConnell		cantab@xtra.co.nz
418	Ethan Findlay		ethan@findlay.net.nz
419	Lucy Deverall	Horticulture New Zealand	lucy.deverall@hortnz.co.nz
420	Ben Young	Madsen Lawrie ConsultantsLimited	ben@madsen-lawrie.co.nz
421	Tracy Hayson	Wasley Knell	tracy@wasleyknell.co.nz
424	Grant Ryan		grant.allium@xtra.co.nz
426	Kim Angelo Libre		kimangelolibre2002@gmail.com
433	Mischa Davis	Auckland Waikato Fish andGame Council	mdavis@fishandgame.org.nz
434	Ben Young	Madsen Lawrie Consultants Ltd	ben@madsen-lawrie.co.nz
435	Jade Hyslop		jade.r.hyslop@gmail.com
437	KCH Trust		bianca.tree@minterellison.co.nz
440	Ben Young	Madsen Lawrie Consultants Ltd	ben@madsen-lawrie.co.nz
452	R Mitchell		rjm2003@orcon.net.nz
453	Ben Young	Madsen Lawrie Consultants	ben@madsen-lawrie.co.nz
461	Donna-Maria Lincoln		pitbull1973nz@gmail.com ilt19nz@gmail.com
463	Environmental ManagementSolutions Limited		kelly@environmentalmanagement.co.nz

466	Brendan Balle	Balle Bros Group Limited	brendan.balle@ballebros.co.nz; kelly@environmentalmanagement.co.nz
467	Ben Young	Madsen Lawrie Consultants	ben@madsen-lawrie.co.nz
471	Andrew Wood	CKL	andrew.wood@ckl.co.nz
481	Bruce and Kirstie Hill	Culverden Farm	hillfamily@hillgroup.co.nz
482	Kirstie Hill	Hill Country Farmers Group	hillfamily@hillgroup.co.nz
489	Ann-Maree Gladding		annmaree@trippandrews.co.nz
499	Adrian Morton		fluid_concepts@hotmail.com
501	John Swann		ruapukeswannys@gmail.com
505	Keren Paekau	Te Kopua 2B3 Incorporation	keren.paekau@gmail.com
507	Whitford Farms Limited		glenn@subdivision.co.nz
509	Denise and Harold Williams		glenn@subdivision.co.nz
510	Bob Carter		info@tasmanlands.co.nz
512	Enton Farms Limited		glenn@subdivision.co
513	Vanoo Limited		glenn@subdivision.co.nz
514	DP & LJ Ramsey Limited		glenn@subdivision.co.nz
516	Anthony and Maureen Vazey		neil@subdivision.co.nz
517	Amanda and Brian Billington		neil@subdivision.co.nz
519	B and N Balle Limited		neil@subdivision.co.nz
520	Finlayson Farms Limited		neil@subdivision.co.nz
521	Max and Denise Irwin	A Irwin & Son Limited	neil@subdivision.co.nz
522	Joy & Wayne Chapman		neil@subdivision.co.nz
523	R & B Litchfield Limited		neil@subdivision.co.nz
526	Roy & Lesley Wright		neil@subdivision.co.nz
527	Mark Scobie		neil@subdivision.co.nz
529	Wilcox Properties Limited		craig@subdivision.co.nz
530	John Van Lieshout		john@subdivision.co.nz
532	Joanne & Kevin Sands		neil@subdivision.co.nz
533	Colin & Rae Hedley		glenn@subdivision.co.nz
535	Lance Vervoort	Hamilton City Council	laura.galt@hcc.govt.nz
536	LJ & TM McWatt Limited		glenn@subdivision.co.nz
540	Glen Alvon Farms Limited		glenn@subdivision.co.nz
544	KR & BC Summerville		todd@subdivision.co.nz
548	Murray & Cathy McWatt	Grander Investments Limited	john@subdivision.co.nz
552	Stephanie Henderson		corivale8@gmail.com
553	Malibu Hamilton		malibuoutwest@outlook.com
559	Sherry Reynolds	Heritage New Zealand Lower Northern Office	cmcalley@heritage.org.nz
567	Ngati Tamaoho Trust		info@tamaoho.maori.nz
571	Michael James Honiss	MK & NL Honiss	mike@honissconsulting.co.nz
575	Fulton Hogan Limited		eloise@kineticenvironmental.co.nz
577	Dilworth Trust Board		ablomfield@bentley.co.nz
579	Simon Ash	Lakeside Developments 2017 Limited	simon.ash@wintonpartners.co.nz
580	Andrew Feierabend	Meridian Energy Limited	andrew.feierabend@meridianenergy.co.nz; christine@cfconsulting.co.nz
581	Penny Gallagher	Synlait Milk Ltd	penny.gallagher@synlait.com



585	Lucy Roberts	Department of Conservation	mburns@doc.govt.nz
587	Bruce Cameron		glenullen@gmail.com
590	Jenny Kelly		jennyelk24@yahoo.co.nz
591	Stevenson Waikato Ltd		greg@osbornehay.co.nz
593	Christine Montagna		c.montagna@xtra.co.nz
596	Raewyn Detmar	Pokeno Playcentre	raewynwells@msn.com
602	Greig Metcalfe		bevan.houlbrooke@ckl.co.nz
606	Bill Wasley	Future Proof Implementation Committee	bill@wasleyknell.co.nz
607	Stephanie Hooper		steph2190@hotmail.com
617	Nicole Falkner	Pokeno Playcentre	nicolefalkner@hotmail.co.nz
624	Glenn Soroka & Louise Meredith	Trustees of the Pakau Trust	julian@rmalawyer.co.nz
629	Sharon Burman	Burman Family Trust	theburmans@hotmail.com
636	Anna Noakes		noakesa@gmail.com
637	Livestock Improvement Corporation		graeme.mathieson@mitchlldaysh.co.nz
639	Dairy NZ Incorporated		graeme.mathieson@mitchellldaysh.co.nz
647	Karen Miles	D & K Miles Limited	milo.miles@xtra.co.nz
654	Ngaakau Tapatahi Trust		amcfarlane@bbo.co.nz
676	T&G Global Limited		Elizabethm@barker.co.nz; burnneteo@barker.co.nz
678	Christine Madsen	Madsen & Holmes	madsen@ps.gen.nz
680	Federated Farmers of New Zealand		plemiere@fedfarm.org.nz
683	Carolyn Watson		glenn@subdivision.govt.nz
686	Reid Crawford Farms Limited		neil@subdivision.co.nz
690	Paramjit & Taranpal Singh		leigh@subdivision.co.nz
691	McPherson Resources Limited		eloise@kineticenvironmental.co.nz
695	Sharp Planning Solutions Ltd		sharp.k19@gmail.com
696	Brenda and Gavin Butcher	Parkmere Farms	south.fork@xtra.co.nz
697	Waikato District Council		will.gauntlett@waidc.govt.nz
701	Steven & Theresa Stark		pukemorestation@xtra.co.nz
704	Margaret Millard	The C. Alma Baker Trust	millard@farmside.co.nz
706	Francis and Susan Turton		fjturton@xtra.co.nz
707	Soil & Health Association of New Zealand (S&H)		melissap@4sight.co.nz
723	Tyler Sharratt	Winstone Aggregates	Tyler.sharratt@winstoneaggregates.co.nz
724	Sue Robertson	Tamahere Community Committee	tamaherecommunitycommittee16@gmail.com
731	Jean Tregidga		jean@gin.co.nz
735	Cindy and Tony Young		tony@lifestyleservices.org
737	Ronald Rumbal	Ronald Rumbal and Catherine Evison	nzwandering@gmail.com
742	Kim Harris-Cottle	New Zealand Transport Agency	kim.harriscottle@nzta.govt.nz
746	The Surveying Company		leigh@subdivision.co.nz
747	Ryburn Lagoon Trust Limited		peter.hall@boffamiskell.co.nz
751	Chanel Hargrave and Travis		chanel@subdivision.co.nz

	Miller		
754	Pieter Van Leeuwen		pietsonja@xtra.co.nz
757	Karen White		herbal_planet@hotmail.com
761	Lyndendale Farms Limited		russell.clements@zoho.com; cate@feathersplanning.co.nz
766	Nicky Hogarth	Holcim (New Zealand) Limited	nicky.hogarth@holcim.com
771	Alison Brown	Bathurst Resources Ltd and BT Mining Ltd	alison.brown@bathurst.co.nz; joshua.leckie@laneneave.co.nz; Kelsey.barry@laneneave.co.nz
775	Sanderson Group Limited		jolliver@bbo.co.nz
782	Jack Macdonald		jack@trippandrews.co.nz
794	Middlemiss Farm Holdings Limited		peter.fuller@quaychambers.co.nz
797	Fonterra Limited		ian.johnson@mitchelldaysh.co.nz
798	Ngati Te Ata		c/- Karl Flavell PO Box 437 Pukekohe 2340
800	Environmental Management Solutions Limited		kelly@environmentalmanagement.co.nz
802	Vera van der Voorden		vera.raglan@xtra.co.nz
814	Jenny Goodwright	Awaroa Farm Ltd	jenny.goodwright@gmail.com
821	The Poultry Industry Association of New Zealand; I Brinks NZ Chicken; The Egg Producers Federation of		joan.forret@harkness.co.nz
823	NZTE Operations Limited		shutchings@greenwoodroche.com
825	John Lawson		johnragla@gmail.com
827	New Zealand Steel Holdings Ltd		Margaret.gracie@bluescopesteel.com
830	Linda Silvester		lgsilvester@gmail.com
831	Gabrielle Parson	Raglan Naturally	raglannaturally@gmail.com
833	Phil Page	Mainland Poultry Limited	phil.page@gallawaycookallan.co.nz
837	Stuart Seath		sasanack@xtra.co.nz
838	Madsen Lawrie Consultants		ben@madsen-lawrie.co.nz
872	Tarati Farms Limited		glenn@subdivision.co.nz
873	Anita Moleta & Penny Gooding		glenn@subdivision.co.nz
874	Louise & Tony Cole		glenn@subdivision.co.nz
877	Leigh Michael Shaw & Bradley John Hall		leigh@subdivision.co.nz
922	John Rowe		john@trippandrews.co.nz
923	Waikato District Health Board		Richard.Wall@waikatodhb.health.nz
924	Alice Barnett	Genesis Energy Limited	alice.barnett@genesisenergy.co.nz
938	Neil and Linda Porritt		pukeroro@xtra.co.nz; p.lang@xtra.co.nz
939	David Totman	Waipa District Council	david.totman@waipadc.govt.nz
942	Angeline Greensill	Tainui	tainuihapu.environmental@gmail.com
943	McCracken Surveys Limited		davem@mccrackensurveys.co.nz
945	First Gas Limited		teina.malone@beca.com
970	Margaret O'Brien		horiana60@outlook.com
972	Mark Scobie		neil@subdivision.co.nz

982	Joanne & Kevin Sands		neil@subdivision.co.nz
985	Neil Crispe	Koch Farms Limited	neil@subdivision.co.nz
986	Pam Butler	KiwiRail Holdings Limited (KiwiRail)	pam.butler@kiwirail.co.nz
988	Graham McBride		gmbride@xtra.co.nz