

**FURTHER SUBMISSIONS ON THE PROPOSED WAIKATO DISTRICT PLAN (STAGE 1)**

*16 July 2019*

**TO: Waikato District Council**  
Private Bag 544  
Ngaruawahia 3742  
By Email: [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

**Name of further submitter: Middlemiss Farm Holdings Limited – Submitter 794**

The further submitter wishes to appear before the Committee to speak to its submissions.

**Contact Details:**

Middlemiss Farm Holdings Limited  
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Middlemiss Farm Holdings Limited (Submitter 794) owns property at 95 Jericho Road and it is seeking both general relief to the issues, objectives, policies and rules, in the Proposed Waikato District Plan (Proposed Plan), and also site-specific relief.

These further submissions have been prepared in response to submissions that have been made on the Proposed Plan by other parties. In addition to the submission points in the table, Middlemiss is also supportive generally of the submissions from the The Surveying Company (746) and the Balle Bros Group Limited (466) and in particular those parts of the Balle submission that support ecological enhancement (wherever it occurs) and incentives for this to be enabled.

In accordance with clause 8A of Schedule 1 of the Resource Management Act 1991 these further submissions are being served on the primary submitters referred to.

Yours sincerely,



Peter Fuller  
**Barrister**

Name of Submitter	Submission Number	Provision	Middlemiss Position	Reasons	Relief
Waikato Regional Council (81)	81.1	Amend objectives and policies as they relate to issues	Oppose but subject to the relief being sought by WRC	There may be merit in the WRC concerns but it is not specified in detail at this stage	Reject submission subject to final wording proposed
	81.2	Amend each zone chapter description	Oppose but subject to the relief being sought by WRC	As above	As above
	81.9	Setback of 10 m	Support	10 m will meet the requirements of the Act	Accept submission
	81.14 81.83 81.89	Amend - NPS – UDC should be “considered” and other amendments	Support in part	The Proposed Plan is legally required to “give effect” to the NPS – UDC (not just consider)	Accept submission as far as it goes and subject to final wording
	81.18	Amend to provide for Corridor Plan and Future Proof Strategy	Support in part	The incorporation of these outputs is supported but there are timing issues (scope) with the inclusion of material from concurrent processes.	Accept submission as long as within legal scope and subject to the content of these non-statutory plans
	81.19	Amend Env Protec Area	Oppose – subject to the relief being sought by WRC	There may be merit in the WRC issue but it is not specified in detail at this stage	Reject submission subject to final wording proposed
	81.24	Map natural character assessments of wetlands, lakes, rivers and their margins.	Oppose	The proposed assessment and mapping exercise has the potential to delay the current Proposed Plan and could be included to Stage 2 if required.	Reject submission
	81.25 & 26	Amend provisions on natural	Oppose	As above	As above

		character			
	81.166	Rule 22.4.1.1 – Prohibition of subdivision	Oppose	This rule is too restrictive and will not promote the Purpose of the Act.	Reject submission
	81.167	22.4.1.2.a.ii General Subdivision Minimum site size Increase minimum of 40ha	Oppose	The increase from 20 ha is overly restrictive and will limit opportunities for more intensive productive activities. While the WRC is concerned about the fragmentation of productive land, arguably a more significant issue in the District is the dramatic loss of biodiversity and the fragmentation of natural values and patterns e.g. around the waterways.	Reject submission
	81.168 & 169	General subdivision rules	Oppose	The proposed changes ignore the benefits of incentive based enhancement subdivision in appropriate locations to restore fragmented ecological patterns and biodiversity in rural areas.	Reject submission
	81.173	Rule 22.4.1.5(v) Hamlet subdivision balance lot to be 40 ha.	Oppose	As above	Reject submission
	81.175	Amend Rule 22.4.5 to make conservation lot subdivision DA.	Oppose	RDA is an appropriate activity status to meet the Purpose of the Act.	Reject submission
<b>Auckland Council (372)</b>	372.3	Section 1.5 Hamilton-Auckland Corridor Plan	Support subject to final detail of the plans	It is appropriate to refer to the higher level strategic spatial plans but these are	Conditional acceptance of submission as above

				non-RMA process and are not yet in final form.	
	372.4	Section 1.5 – protection of high-class soils	Oppose subject to actual relief being sought by AC	The appropriate management and protection of high class soils is a complex policy matter that requires more details before Middlemiss can fully respond.	Reject submission
	372.19	Rule 22.4.1.1 – prohibited subdivision - Rule prohibits subdivision of high-class soils	Oppose	Subdivision on high-class soils may be appropriate where it meets the Purpose of the Act.	Reject submission
	372.21	Rule 22.4.5.1 – Rural hamlets - Amend to make more restrictive.	Oppose	The Waikato District is experiencing significant growth and there should be the opportunity to create new hamlets etc, and not be constrained to the “existing towns and villages”.	Reject submission
	372.25	Objective 5.1.1. High-class soils AC supports the provision	Oppose	“Production” in the Proposed Plan and the AC submission is too narrowly defined and needs to include activities that maintain and enhance ecosystem services.	Reject submission
	372.26	Policy - high class soils	As above	As above	As above
	372.27	Policy 5.3.8(d) – rural hamlet provision AC seeks the deletion of the policy	Oppose	Rural hamlets are a way of providing for the needs to people and the demand for rural residential living and can be used to leverage significant environmental protection and	Reject submission

				enhancement.	
<b>Horticulture NZ (419)</b>	419.6	Rule 16.3.9.2 – Building setbacks  Sensitive landuse to be 100m from boundary.	Oppose	This proposed rule would compromise adjoining land owners rights to quiet enjoyment of their land and is too larger distance and does not take into account site characteristics.	Reject submission
	419.32	Rule 22.3.7.2 – building setback	As above	As above	Reject submission
	419.36 & 37	Rule 22.4.1.1 – Prohibited subdivision on high class soils  Delete rule and replace with non-complying	Support in part	The deletion of the prohibition is supported but the proposed rule may still be too restrictive for general application.	Accept in part
	419.38	Rule 22.4.1.2 – General subdivision  Delete rule and add consequential amendments	Oppose	Even in areas of high-class soils there will be areas and features that can benefit from appropriate protections and enhancement subdivision.	Reject submission
	419.39	Rule 22.4.1.5 – Rural Hamlet subdivision  Add limitation for high class soils.	Oppose	As above	Reject submission
	419.40	Rule 22.4.1.6 – Conservation lots  Add limitation for high class soils.	Oppose	As above and horticulture production should not necessarily trump conservation.  Ecosystem services are essential to sustain commercial production e.g. clean water availability.	Reject submission
	419.47	Rule 23.3.7.2 – building	Oppose	Unreasonable constraint on use of	Reject

		setbacks Add 100 m restriction for sensitive activities		land as above	submission
	419.52	Rule 24.3.6.2	As above	As above	As above
	419.57	New policy on rural character	Oppose	The proposed policy is too heavily weighted towards traditional "production" values and does not acknowledge the importance of natural patterns and ecosystem services.	Reject submission
	419.92	Objective 5.1.1 New clause to avoid effects of scattered countryside living.	Oppose	Countryside living is an appropriate activity, e.g. for workers servicing rural activities, in rural areas if well managed and located.	Reject submission
	419.124	Chapter 13 definition of high-class soils The submitter seeks to broaden to I -III	Oppose	Such a wide classification will encompass significant areas of the District that may otherwise be appropriate for non-traditional rural production activities.	Reject submission
<b>Fish and Game (433)</b>	433.1	Objective 5.2.1(a) – fresh water Amend to strengthen enhancement and health.	Support	The changes are appropriate to better protect and enhance freshwater quality.	Accept submission
	433.5	Policy 5.3.8 – Add new clause regarding public access.	Oppose in current form	The proposal does not sufficiently acknowledge design constraints, and security and health and safety risks, of unfettered public access.	Reject subject to further amendments

	433.10	Policy 5.3 Add new clause on public access.	As above	As above	As above
	433.39	Policy 3.2.8 – Delete and replace incentive protection of SEA.	Oppose	The notified policy is preferred.	Reject submission
	433.40	Policy 3.3.2 – retain and amend.	Support	The amendments are appropriate.	Accept submission
	433.61	Rule 22.4.1.6 – Add 2 new subdivision rules to Environmental Benefits	Support	The new rules will facilitate the maintenance and enhancement of ecosystems and productive green infrastructure.	Accept submission
<b>Meridian Energy</b>	580.12	Enhancement of Planting of SEAs not required	Oppose	Ecological systems are dynamic and enhancement is appropriate to meet the Purpose of the Act.	Reject submission
	580.13	Env compensation and offsetting	Support	The proposed methods are appropriate, particularly where avoidance, remedy and mitigation cannot be achieved.	Accept submission
	580.21	Env compensation	As above	As above	As above
	581.12	Reverse sensitivity for heavy industry	Oppose	As a general principle heavy industry should internalise its external effects within its zone and the land of the HI activity.	Reject submission
	581.13	Sustainable farming	Support	Maintain the life supporting capacity of	Accept submission

				rural areas.	
	581.35	Hamlet subdivision reverse sensitivity	Oppose	Provision does not need amendment.	Reject submission
<b>Department of Conservation (585)</b>	585.32	Zone descriptions and introductions on biodiversity loss.	Support	The Proposed Plan does pay enough regard to biodiversity loss, including relevant data, and the urgent need for large scale protection and enhancement across the district.	Grant relief subject to detailed wording
	585.35	SEA Mapping and appropriate management of non-mapped areas that meet SEA criteria.	Support	SEA mapping will not be full-proof and ecology is dynamic so there should be provisions to recognise, manage, protect, and derive a development benefit, from new areas.	Grant relief subject to detailed wording – consider the approach in the Auckland Unitary Plan – Operative in Part
	585.40	3.1.2 (a)(i) – eco-sourcing	Oppose	Climate change may mean that eco-sourcing may not always be the best way to future proof indigenous ecology.	Reject relief or modify
	585.41	Plant diseases	Support	Appropriate considering current and future threats	Grant relief sought.
	585.47	3.2.4 Biodiversity offsetting	Support	Amendment proposed is appropriate.	Grant relief sought
	Various submission points	3.2.6 SEA vegetation clearance	Oppose	Proposed rules or a variation to them are appropriate.	Reject relief sought
	585.9	Def Biodiversity offsets –	Support	Definition proposed, or similar is appropriate.	Grant the relief sought
	585.10	Def – Env	Support in	A new definition is	Grant the relief



		Compensation	part	supported but the last part or the proposed definition is ambiguous.	sought but with further amendment
	585.14	Appendix 6 – Biodiversity offsets	Support subject to final wording	It is appropriate to refer to the guidance.	Grant the relief sought
<b>Federated Farmers (680)</b>	680.1	Withdraw and assess against National Planning Standards	Oppose	The Proposed Plan is underway and to withdraw the change is unnecessary and would cause considerable delay and additional costs.  The Standards may be relevant and can be included as relief if in scope and desirable in any event.	Reject the relief sought
	680.2	Landowner support best for biodiversity gains	Support in principle	It is now clear that while biodiversity has suffered as a result of human impacts, that fate of biodiversity in NZ depends on positive human intervention. E.g. predator control to increase kiwi populations.	Grant the relief subject to final wording
	680.3	Format and structure	Conditional opposition	The submitter has not specified changes in detail.	Reject relief sought subject to further details.
	680.4	Non-regulatory methods	Conditional support	As above	Accept relief sought subject to further details.
	680.5 to 680.8	General and wide ranging amendments.	Conditional opposition	These submission points are broad and wide ranging (as above) and Middlemiss wishes to be a party to these topics.	Reject relief subject to further details.

	680.9	Section 1.4.3(b)	Oppose	The amendments proposed complicate the intent of the issue.	Reject the submission.
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