

Appendix One

Middlemiss Submission

9 Oct 18

Relief Sought Shown as Track Changes

1.4 Issues for Waikato District

1.4.2.1 Challenges

- (a) Economic development challenges facing the district are as follows:
- (i) Growth across the district is uneven. Population and associated economic growth is occurring predominantly in the north (Tuakau, Pokeno, Te Kauwhata) and in the south around the Hamilton periphery. This challenge, which can be managed, is also an opportunity as new residents and businesses diversify and strengthen the economic base of the District.
 - (ii) Industrial diversity and the level of knowledge-intensive employment are low. Most new jobs appear to be in the service (tertiary) sector, whereas many of the industries driving growth in the region are of a primary nature.
 - (iii) There are skills constraints, with a relatively low level of people with tertiary qualifications and a high proportion of youth not in employment, education or training.
 - (iv) There is a large variation in economic well-being and household income across the district that is likely to remain into the future.
 - (v) The ability for the region to manage land and water changes/demands and environmental impacts of extraction across land-based industries may constrain further growth.
 - (vi) Soil resources, including soil quality, are under threat ~~due to where~~ subdivision and intensification of land use is inappropriate.
 - (vii) Environmental limits on water, land, and soils and to a small extent marine space mean that growth in these primary industries will need to come from increasing the value of processed products and services.
 - (viii) A decline in the mining sector, with coal resources in particular becoming increasingly difficult and expensive to access, as well as public concerns about the environmental impacts of coal and mineral mining in the region, are a concern, considering its share of the district's GDP.
 - (ix) With growth pressure in both the Urban and Rural sectors, maintaining and enhancing the natural environment, and ensuring the sustainability of ecosystem services.

1.4.3 The Rural environment

- (a) The district benefits from an extensive rural area which contains a range of attributes necessary for ~~productive~~ rural activities, including a variety of soils, mineral resources and landscapes that are able to sustain a diverse range of economic activities. A productive rural area is important to the economic health of the district and wider subregion, and needs to be recognised as a productive resource.
- (b) In addition, the rural parts of the district are valued for their landscape, character and amenity values, and indigenous habitats and waterways.

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1.4.3.1 Rural activities

- (a) Productive rural activities ~~are include~~ those activities that use rural resources for economic gain or which cannot be carried out easily or appropriately in an urban setting. Farming activities, including dairy, dry stock, horse breeding/training, honey production, horticulture, pig and poultry, mining, and forestry are all significant industries in economic terms for the Waikato district. Other productive rural activities include housing for people working in rural environments and ecosystem services that provide inputs for rural production (such as clean water) and assimilate output pollutants (such as nitrate and sediment run off).
- (b) Rural-based activities that do not use rural resources directly include rural service industries and major facilities such as Hampton Downs. The recreational use of the rural environment is also important to the district, with activities such as hunting, fishing, tramping, and cycling being very important in terms of tourism. Lifestyle uses can be sensitive to the effects of mining, farming and horticulture operations and other significant activities. There is therefore potential for conflict between rural activities and other land uses. ~~Excessive~~ lifestyle development in rural areas can have a

number of adverse effects that need to be ~~avoided~~ managed. These effects ~~may~~ include the loss of rural amenity, rural production, and high quality soils, resulting in the potential for reverse sensitivity conflicts, ~~demands for improved rural infrastructure and services that are difficult to provide economically, and reduced growth in urban areas, which affects the prosperity of urban areas.~~ However, through a design led site development process, and robust assessment criteria, rural residential development can be integrated into working rural environments in appropriate locations.

~~(c) — Rural areas are vulnerable to small scale change that, cumulatively, can have a profound effect on their efficient use for rural production and other rural activities. The continued modification of the rural environment through land use subdivision, and development as a result of residential and commercial growth, can adversely affect their natural and physical qualities and character. These qualities and character are important in maintaining investment in rural activities, which proportionally contribute the most to the district's GDP and provide a context to the development and sustainability of rural towns and villages.~~

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1.4.3.2 Protecting the rural environment

- (a) The continued use of rural areas for productive rural activities and other land and soil resource-dependent rural-based activities, as well as access to and the extraction of mineral resources, are important to the economic health and well-being of the district and wider subregion. It is therefore necessary to ~~ensure that the continued, effective operations of farming activities or productive rural activities are not adversely affected by~~ manage growth in lifestyle activities including rural residential development. A key focus is to ensure that the resource does not become so fragmented that its attraction for activities that require a rural setting is diminished.
- (b) Activities affecting landscape, historic and amenity values including rural character, recreational activities, high quality soils, significant mineral resources and ecological values need to be managed to avoid adverse effects on the environment, including cumulative effects. This should occur through limiting managing the extent to which non-rural activities are able to establish in the Rural Zone. ~~There is a need to uphold the increased level of control the Council has placed over subdivision activities in the Rural and Country Living Zones, particularly within the north Waikato and around the Hamilton City boundary. Any additional areas for rural residential development should be considered within identified growth areas of towns or villages. Non-rural activities must occur in towns, villages and~~

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~~defined growth areas, and the expansion of such areas should be managed so that adverse effects on rural areas are minimised.~~

(c) In line with the Regional Policy Statement, the district plan must ensure that rural-residential built development is directed away from natural hazard areas, regionally significant industry, high class soils, primary production activities on high class soils, electricity transmission, and locations identified as likely renewable energy generation sites and from identified significant mineral resources and their identified access routes.

~~(d) Rural areas also contain degraded natural and physical resources, including soil, water and indigenous habitats, because of inappropriate rural productive activities. For example, the loss of indigenous biodiversity and habitats in the Waikato District is significant, and the mauri of the Waikato River has been compromised and it is no longer a healthy and reliable food source for tangata whenua. Degraded natural and physical resources urgently need protection, enhancement and restoration, including the establishment of new ecological habitats. This work is expensive and labour intensive to undertake at the scale required to meet the Purpose of the Act. In situ incentivized subdivision is an important method to manage the demand for residential/lifestyle growth in rural areas, while at the same time achieving significant environmental restoration benefits.~~

Chapter 3: Natural Environment

3.1 Indigenous Vegetation and Habitats

3.1.1 Objective – Biodiversity and ecosystems

(a) Indigenous biodiversity values and the life-supporting capacity of indigenous ecosystems are maintained or enhanced.

~~(a)~~(b) New areas of indigenous biodiversity are established.

3.1.2 Policies

(a) Enable activities that maintain or enhance indigenous biodiversity including:

- (i) planting using indigenous species suitable to the habitat;
- (ii) the removal or management of pest plant and animal species;

~~(iii)~~ biosecurity works;

~~(iii)~~(iv) incentivized subdivision;

(b) Consider the following when avoiding, remedying or mitigating adverse effects on indigenous biodiversity:

- (i) the required range of natural food sources;
- (ii) habitats of threatened and at risk species;
- (iii) ecological processes and corridors
- (iv) ecological sequences;
- (v) migratory pathways;
- (vi) pest plants and pest animals;
- (vii) the Waikato river and its catchment;
- (viii) natural character and landscape values of the area;
- (ix) natural waterway habitats and hydrology;

~~(x)~~ ecological corridors, natural processes and buffer areas;

~~(x)~~ connections and linkages that integrate habitats and resources;

~~(x)~~(xii) the appropriateness of landuse activities, including primary production;

~~(x)~~(xiii) legal and physical protection of existing habitat;

(c) Provide for the removal of manuka or kanuka on a sustainable basis.

3.2 Significant Natural Areas

3.2.1 Objective – Significant Natural Areas

(a) Indigenous biodiversity in Significant Natural Areas is protected and enhanced.

3.2.2 Policy - Identify and Recognise

(a) Identify significant indigenous vegetation and habitats of indigenous fauna in accordance with the Waikato Regional Policy Statement and identify as Significant Natural Areas

~~(b)~~ Recognise and protect Significant Natural Areas by ensuring the characteristics that contribute to their significance are not adversely affected.

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~~(b)~~(c) Incentivise subdivision for ecological enhancement where it will maintain and support the viability of existing Significant Natural Areas.

3.2.3 Policy - Managing Significant Natural Areas

(a) Promote the management of Significant Natural Areas in a way that protects their long-term ecological functioning and indigenous biodiversity values, through such means as:

- (i) permanently excluding stock through voluntary covenants and conservation and incentive subdivisions
- (ii) undertaking plant and animal pest control
- (iii) retaining and enhancing indigenous vegetation cover
- (iv) maintaining and restoring natural wetland hydrology
- (v) avoiding physical and legal fragmentation
- (vi) legal protection of Significant Natural Areas through conservation covenants or similar mechanisms
- (vii) providing for the role of Mana Whenua as kaitiaki and for the practical exercise of kaitiakitanga in restoring, protecting and enhancing areas.

3.2.4 Policy – Incentivise subdivision

(a) Incentivise subdivision in the Rural Zone when there is the legal and physical protection of Significant Natural Areas, provided the areas are of a suitable size and quality to achieve a functioning ecosystem.

~~(a)~~(b) Incentivise in situ subdivision in the Rural Zone where there are significant ecological benefits.-

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Chapter 5: Rural Environment

The following objectives and policies apply to the Rural Zone.

Specific policies apply to Hamilton's Urban Expansion Area ([Objective 5.5.1](#) and Policies [5.5.1](#) and [5.5.2](#)) and the following Specific Areas:

- Agricultural Research Centres ([Policy 5.3.16](#))
- Huntly Power Station Coal and Ash Water ([Policy 5.3.17](#))
- Whaanga Coast Development Areas ([Policy 5.3.18](#))

5.1 The Rural Environment

5.1.1 Objective – The rural environment

Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in [Chapter 5](#).

(a) Subdivision, use and development within the rural environment where:

- (i) high class soils are protected for ~~productive~~ rural activities;
- (ii) ~~productive~~ rural activities are supported, while maintaining or enhancing the rural environment;
- (iii) urban subdivision, use and development in the rural environment is avoided, and other subdivision is managed-

5.2 Productive Versatility of Rural Resources

5.2.1 Objective - Rural resources

(a) Maintain or enhance the:

- (i) Inherent life-supporting capacity and versatility of soils, in particular high class soils;
- (ii) The health and wellbeing of rural land and natural ecosystems;
- (iii) The quality of surface fresh water and ground water, including their catchments and connections;
- (iv) Life-supporting and intrinsic natural characteristics of water bodies and coastal waters and the catchments between them.

5.2.2 Policy - High class soils

- (a) Soils, in particular high class soils, are retained for their ~~primary~~ productive value.
- (b) Ensure the adverse effects of activities do not compromise the physical, chemical and biological properties of high class soils.

NB: the Submitter considers that the distinction made in the Auckland Unitary Plan between “elite” and “prime” high class soils could be introduced into the Proposed Plan to better manage soil resources and requests that appropriate changes be made to the objectives, policies and rules accordingly.

5.2.3 Policy - Effects of subdivision and development on soils

- (a) Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located.
- (b) Subdivision which provides a range of lifestyle options is directed away from high class soils and/ or where indigenous biodiversity is being protected, where practicable.

5.3 Rural Character and Amenity

5.3.1 Objective - Rural character and amenity

- (a) Rural character and amenity are maintained.

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5.3.2 Policy - Productive rural activities

- (a) Recognise and ~~protect~~ enable the continued operation of the rural environment as a ~~productive~~ working environment by:
 - (i) Recognising that buildings and structures associated with farming and forestry and other operational structures for productive rural activities contribute to rural character and amenity values;
 - (ii) Ensuring ~~productive~~ rural activities are supported by appropriate rural industries and services;
 - (iii) Providing for lawfully-established rural activities and protecting them from sensitive land uses.

5.3.3 Policy – Industrial and commercial activities

- (a) Rural industries and services are managed to ensure they are in keeping with the character of the Rural Zone.
- (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.

5.3.4 Policy - Density of dwellings and buildings within the rural environment

- (a) Retain open spaces to ensure rural character is maintained.
- ~~(b)~~ Additional dwellings support workers' accommodation for large productive rural activities.
- ~~(b)(c)~~ Require site specific design responses for subdivision proposals that avoid, remedy and mitigate, any potential significant adverse effects of buildings on rural character and amenity.

5.3.8 Policy - Effects on rural character and amenity from rural subdivision

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

New Policy 5.3.8B - Environmental enhancement and restoration of ecosystem services

- a) Enable environmental enhancement and the restoration of degraded ecosystem services by the provision of in situ incentive subdivision opportunities.
- b) Avoid, remedy and mitigate, any potential adverse effects of subdivision and development on other rural activities, soil and mineral resources, and rural amenity values.
- c) Ensure that areas identified and restored are properly protected for the long term through appropriate legal mechanisms.

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Chapter 22 – Rules

The submitter seeks deletions, amendments and additions, to the Rules in Chapter 22, to give effect to the indicative changes proposed above to the issues, objectives, and policies. Without derogating from the generality of this relief, the Submitter requests;

- a) Deletion of Rule 22.3.1 and replacement with a more enabling provision.
- b) Deletion of Rule 22.3.2(b)(ii) requiring a minor dwelling to be no more than 20 m from the main dwelling.
- c) Deletion of Rule 22.3.7.5 and relaxation of the setback distances.
- d) Deletion of Rule 22.4.1.1 – Prohibited Subdivision and replacement with more enabling provisions for subdivision.
- e) Deletion of Rules 22.4.1.2, 22.4.1.4, 22.4.1.5, 22.4.1.6, 22.4.6 and 22.4.9 and replacement with more enabling provisions.
- f) Inclusion of a new Rule to provide for in situ incentive subdivision for environmental enhancement. The Auckland Unitary Plan provisions could be used for guidance.
- g) Potential inclusion of a transferrable development right subdivision regime, particularly to relocate small lots from elite soils that are inappropriately located. While not finally determined yet, and with spatial and temporal issues still to be finally addressed through the appeal process, the Auckland Unitary Plan provisions could be used for guidance.