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9<sup>th</sup> October 2018

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## **SUBMISSION ON PROPOSED WAIKATO DISTRICT PLAN 2018 (STAGE 1)**

### **Introduction**

This Submission is from:

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The Surveying Company is a multi-disciplinary Property Development Consultancy that has been providing Planning, Surveying and Civil Engineering services throughout the Waikato, Auckland, including the former Franklin, Papakura, Manukau Districts, and Hauraki Districts for the past 30 years. This includes the application and management of Subdivision Resource Consents and Land Use Consents associated with the use and development of land.

We could not gain an advantage in trade competition through this submission.

We would like to present our submission in person at a hearing. If others make a similar submission I will consider presenting a joint case with them at the hearing.



## GENERAL SUBMISSION POINTS ARE AS FOLLOWS:

### Introduction:

There are a number of points of the Proposed Waikato District Plan (PWDP) that we support, support in part with amendments and oppose where we have provided alternative modifications to the plan. However, as a general overview, we believe the PWDP is lacking in providing for residential land supply as required by the future proof strategy and the infrastructure requirements particularly for Access Legs and Right of Ways are excessive. Furthermore, the PWDP fails to provide for vegetation enhancement opportunities in the rural areas and restricts farming activities rather than recognising the social and economic benefits of rural production. These main points are detailed further below. The specific provisions that this submission relates to however are provided over the following pages which have been categorised by chapters.

- Residential Land Supply

There are many larger sites (>1,000m<sup>2</sup>) within the existing urban areas of Tuakau and Pokeno which are suitable for infill subdivision. Subdivision of larger sites within the existing urban area should be encouraged to ensure that intensification of the existing urban areas can be achieved in accordance with the Future Proof Strategy. This will ensure efficient use of the existing urban land resources allowing additional residential development close to existing services and amenities.

Some of the rural areas of Buckland/Tuakau contain elite/prime soils that are used for rural production activities. These soils contribute significantly to both regional and national food supply. Intensification of land to rural residential (Country Living) in areas that do not contain elite/prime soils and adjoin urban development should be encouraged to ensure land supply requirements are met while preserving the soil resources. The maximisation of the lands rural residential (Country Living & Village) development potential will future proof the capacity of land supply to avoid further encroachment into the rural areas past the lifetime of this Plan.

- Vegetation Enhancement Opportunities

We support the incentivisation of legally and physically protecting Significant Natural Areas and other areas of existing biodiversity which offers positive benefits for the Region.

There is no provision for ecological enhancement and/or restoration in the Conservation Lot Rules. There are significant biodiversity and water quality benefits to be gained from ecological enhancement particularly along waterways and wetland areas. Water quality is a key issue identified by the Regional Policy Statement and The Vision and Strategy (which requires an improvement of water quality in the Waikato catchment, not simply maintenance). It is also recognised in the corresponding Rural Objectives and Policies which seek enhancement of surface and ground water quality and the natural characteristics of waterways. The Plan should be enabling of improving both biodiversity and water quality within the Waikato Catchment and incentivise enhancement and/or restoration of areas that meet one or more criteria in *Appendix 2: Criteria for Determining Significance of Indigenous Biodiversity*. Revegetation approximately costs \$45,000 to \$70,000 per hectare, excluding fencing of revegetated areas from stock.

Incentivisation through subdivision would assist in offsetting this cost and encourage enhancement and/or restoration planting.

We seek that provisions for ecological enhancement and/or restoration of appropriate areas be included in the Conservation Lot Subdivision rules. Appropriate features to be restored should meet one or more criteria in *Appendix 2: Criteria for Determining Significance of Indigenous Biodiversity*, or areas identified as Significant Natural Areas that don't meet the minimum size requirements for subdivision need to be increased in size through additional enhancement and/or restoration planting.

- **Infrastructure Requirements**

The proposed access standards are excessive and will result in the inefficient use of land and will prevent infill development in existing urban areas. The extra seal width also increases impervious surfaces and stormwater run-off without any apparent need or benefit relating to traffic effects. Excessive width also adds additional costs to developments. There are national documents that cover access to properties and this table should not form part of the Plan so that, if any amendment is made to the legislation, the plan does not need to be changed.

### **National Policy Statement on Urban Development Capacity:**

This national policy statement provides direction to decision-makers under the Resource Management Act 1991 (RMA) on planning for urban environments. It recognises the national significance of well-functioning urban environments, with a particular focus on ensuring that local authorities, through their planning, both:

- enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and
- provide enough space for their populations to happily live and work. This can be both through allowing development to go “up” by intensifying existing urban areas, and “out” by releasing land in greenfield areas.

In general, we support the direction of the Proposed Waikato District Plan as it gives effect to the National Policy Statement through the rezoning of land and allows for some intensification of existing urban areas.

## **Draft National Planning Standards:**

The purpose of the National Planning Standards is to improve consistency in plan and policy statement structure, format and content.

The standards were introduced as part of the 2017 amendments to the Resource Management Act 1991 (RMA). Their development is enabled by sections 58B–58J of the RMA.

They support the implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

The PWDP does not directly align with the Draft National Planning Standards (NPS).

The Draft NPS has a particular structure set out for various Plans, in this case, the District Plan Structure Standard (page 15). Of particular note, the proposed zonings under the PWDP are inconsistent with the Draft NPS. For example, both the Village Zone and Country Living Zone do not feature at all in the Draft NPS. The overall structure of the PWDP is inconsistent with the draft NPS. For example, the definitions section of the PWDP has been inserted into Section C Rules however the draft NPS requires the Definition section to sit within Part 1 Introduction and General Provisions, Interpretation.

The Draft Area Specific Matters Standard on page 43 gives a purpose statement to each zone. This will be a helpful tool when amending the zones in the PWDP to match the Draft NPS.

The Draft NPS sets out the mapping standard including the zone colour palette and symbology. The PWDP Planning Maps do not align with the colour palette or symbology table.

The objectives and policies in the PWDP are separated out from the zones in section B, however, the draft NPS chapter form (page 63) requires objectives and policies to be embedded in the particular zone.

The draft NPS has included a Definitions Standard (page 76) which provides mandatory definitions to improve plan consistency. The definitions listed in Chapter 13 of the PWDP are inconsistent with the definitions outlined in the draft NPS.

The above list is not exhaustive however just a few points of inconsistency that we have found between the PWDP and the draft NPS. While still in draft format, the draft NPS is outlining the way forward for all District, Regional, Unitary and Structure Plans across New Zealand. It is important for the PWDP to incorporate the draft NPS structure as once the standards have been approved by the Minister, Councils must amend their plans to incorporate the mandatory standards within one year and the discretionary content within five years of the publication of the standards in the NZ Gazette.

## **Future Proof Strategy:**

The Future Proof Strategy identifies 50 year land supply needs and seeks a shift in the existing pattern of land use towards accommodating growth through a more compact urban form based on concentrating growth in and around Hamilton (67%) and the larger settlements of the district (21%). This involves a reduction in the relative share of the population outside of the subregion's existing major settlements through tighter control over rural-residential development and encouraging greater urban densities in existing settlements. Growth in existing centres of Tuakau, Pokeno, Ngaruawahia and Huntly is supported and has been enabled through the rezoning of greenfield on the peripheries of these existing centres. Enabling densified housing options gives effect to the Future Proof Strategy. It is important that the Waikato District Plan looks beyond the 10 year life of the Plan and ensures that adequate densities and intensification are encouraged around existing Town Centres, especially where public transport stations are proposed to avoid further encroachment into rural land especially where the land is used for food supply purposes.

**THE SPECIFIC PROVISIONS THAT THIS SUBMISSION RELATES TO ARE SET OUT IN THE TABLES THAT FOLLOW:**

Prepared by:

**THE SURVEYING COMPANY LTD**

Reviewed by:



**LEIGH SHAW**

Planning Manager

Authorised by:



**JOHN GASSON**

Director



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Proposed Zone/Overlay	Do you?	Our Submission is:	We seek the following decision:
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## Zones/Overlays

Residential Zone	Support with amendments	<p>Our submission relates to the blanket residential zoning applied across all existing and proposed greenfield residential areas throughout the District.</p> <p>We support the rezoning of land for residential purposes throughout the District. However, the blanket zoning applied by the Council does not give effect to the following strategic direction outlined in Section A and Chapter B</p> <ul style="list-style-type: none"> <li>• 1.5.1 Compact Urban Development</li> <li>• 1.12.1 - Waikato District Council as a Future Proof Partner has made a commitment to the Future Proof Strategy which will manage growth for the next 30 years. Settlement patterns are a key tool used within the Future Proof Strategy. They provide the blueprint for growth and development and aim to achieve a more compact and concentrated urban form over time.</li> <li>• 1.12.3(c) A district that has a compact urban environment that is focused in defined growth areas, and offers ease of movement, community well-being and economic growth.</li> <li>• 4.1.2 - Future settlement pattern is consolidated in and around existing towns and villages in the district.</li> <li>• 4.1.5(a) Encourage higher density housing and retirement villages to be located near to and support commercial centres, community facilities, public transport and open space.</li> <li>• 4.1.10(i) Subdivision, land use and development in Tuakau's new residential and business areas occurs in a manner that promotes the development of a variety of housing densities, diversity of building styles and a high quality living environment;</li> <li>• 4.2.16 and 4.2.17.</li> </ul> <p>The blanket residential zoning will result in a monotonous suburban form which does not meet the compact form and intensification</p>	<p>We request that the residential zone is separated into two zones to support intensification and compact growth within existing Town Centres and future public transport stations. We propose that a zone similar to the mixed housing zone used in the AUP would be suitable or the medium density zone as defined in the Draft National Planning Standards.</p>
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		<p>outcomes sought by the strategic objectives of the Plan. This is at odds with the strategic direction which encourages a more compact urban form around existing Town Centres.</p> <p>As defined by the National Planning Standards the purpose of the residential zone is to provide primarily for residential activities in areas of suburban character. The residential zone should be broken into overlays to recognise the specific characteristics of each town. The residential zone should provide for smaller lot sizes and greater intensification within existing residential areas, this will ensure a compact urban form that is viable for future public transportation. New greenfield development can be subject minimum lot to meet the density requirements.</p>	
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Provision	Do you?	Our Submission is:	We seek the following decision:
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### Chapter 3: Natural Environment

3.1.1 Objective – Biodiversity and ecosystems	Support	We support Objective 3.1.1	Retain Objective 3.1.1
3.1.2 Policy Biodiversity and Ecosystems	Support	We support Policy 3.1.2	Retain Policy 3.1.2
3.2.8 Policy Incentivise Subdivision	Support in part	<p>We support Policy 3.2.8 with amendments for the following reasons:</p> <ul style="list-style-type: none"> <li>We support incentivising the protection of existing biodiversity with the ability to subdivide subject to meeting certain criteria.</li> <li>We seek that Policy 3.2.8 be expanded to include provision for the enhancement and/or restoration of areas when once restored, would be of a suitable size and quality to achieve a functioning ecosystem. Appendix 2 of the Proposed Plan - 'Criteria for Determining Significance of Indigenous Biodiversity' could provide the basis for assessing the eligibility of these areas. Eligible areas would likely be wetlands and waterways which are degraded in the Waikato District due to farming activities such as stock and cropping. Incentivising restoration is in line with The Vision and Strategy for the Waikato River.</li> </ul>	<p>Amend Policy 3.2.8 as follows:</p> <p><i>(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.</i></p> <p><i>(b) Incentivise subdivision in the Rural Zone when there is the enhancement and/or restoration of biodiversity, legal and physical protection of areas that are of a suitable size and meet the Criteria for Determining Significance of Indigenous Biodiversity.</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
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## Chapter 4: Urban Environment

4.2.15(iv)	Oppose	<p>We oppose policy 4.2.15(iv), <i>the importation of cleanfill is avoided in the Residential Zone</i>, for the following reasons:</p> <ul style="list-style-type: none"> <li>Cleanfill may be required in residential zoned sites to enable greenfield land to be developed for residential purposes. The requirement to avoid filling in all circumstances may restrict the ability to develop residential land where balanced cut to fill earthworks are inappropriate or cannot be achieved.</li> <li>This policy is contradictory to the objective 4.2.14(a) which states that <i>earthworks facilitate subdivision, use and development</i>. Policy 4.2.15(iv) should be amended to avoid this contradiction.</li> </ul>	<p>Delete this policy or rework to ensure fill can be imported where required to enable land to be developed for residential activities.</p> <p>Proposed amendment:</p> <p><i>The importation of cleanfill is avoided in the Residential Zone except where it is required to enable land to be developed for residential purposes.</i></p> <p>or</p> <p><i>The inappropriate importation of cleanfill is avoided in the Residential Zone where it is not required to enable greenfield land to be developed.</i></p>
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Provision	Do you?	Our Submission is:	We seek the following decision:
<p>4.2.16 Objective – Housing Options</p> <p>4.2.17 Policy – Housing Types</p>	Support with additions	<p>We support the objectives in 4.2.16 and 4.2.17 as they give effect to the strategic direction outlined in Section 4.1 and promote variety in the future housing stock to help achieve 4.1.2 and 4.1.5.</p> <p>Overall we support housing options and diversity in housing typologies for the following reasons:</p> <ul style="list-style-type: none"> <li>Enabling densified housing options gives effect to the Future Proof Strategy identified in 1.5.1 of the Plan that seeks a shift in the existing pattern of land use towards accommodating growth through a more compact urban form based on concentrating growth in and around Hamilton (67%) and the larger settlements of the district (21%). This involves a reduction in the relative share of the population outside of the subregion’s existing major settlements through tighter control over rural-residential development and encouraging greater urban densities in existing settlements.</li> </ul> <p>However, we believe the Plan needs to provide more direction through the objectives and policies on this issue. As the Plan has one residential zone it needs to identify through the objectives and policies locations where medium density development is appropriate and encourage higher densities in appropriate locations. The Plan should specify that multi-unit development and smaller lots are <u>encouraged</u> close to Town Centres, public amenities and public transport stations. This will ensure the Strategic objectives and met by encouraging higher densities within a walkable distance to existing amenities.</p> <p>Diversity and a range of housing choice should also be promoted within greenfield sites. The rural areas of Tuakau contain versatile soils that are used for rural production activities. These soils contribute significantly to both regional and national food supply. Intensification of urban land at higher densities should be encouraged within Tuakau residential areas to ensure that land supply requirements meet while preserving the soil resources. The maximisation of the lands residential development potential will future proof the capacity of land supply to avoid further encroachment into the rural area past the lifetime of this Plan. Intensification and higher densities should be encouraged in appropriate locations to avoid additional sprawl into the rural areas.</p>	<p>Addition sought within Objective 4.2.16</p> <p><i>Multi-unit development including low rise apartments is promoted within walking distance to existing Town Centres, public amenities and public transport.</i></p> <p><i>Smaller lots size and multi-unit development promoted within new greenfield sites where the land is within walking distance to amenities and reserves.</i></p>
Policy – Multi-unit Development 4.2.18(b)(v)(D)	Oppose	<p>We oppose policy 4.2.18(b)(v)(D), <i>variation in roof design</i>, for the following reasons:</p> <ul style="list-style-type: none"> <li>This is a principle for good design and should be a directive with the design guidelines rather than a policy.</li> </ul>	Delete sub-policy D

Provision	Do you?	Our Submission is:	We seek the following decision:
4.7.3 Policy Residential Subdivision	Support	We support these policies as they reflect good design principles while still providing flexibility in design outcomes.	
4.5.11(a)(ii) Policy Residential upper floors: Business Town Centre Zone and Business Zone	Oppose	<p>We oppose Policy 4.5.11(a)(ii), <i>avoiding residential activity at ground level</i>, for the following reasons:</p> <ul style="list-style-type: none"> <li>There may be circumstances where ground floor residences are appropriate, especially where dealing with zone or heritage interfaces.</li> </ul>	Delete 4.5.11(a)(ii)
4.7.2(a) (i – vi) Policy – Subdivision location and design	Support	We support policy 4.7.2(a)(i – vi) as this promotes quality design.	
4.7.2(a) (vii) Policy – Subdivision location and design	Oppose	<p>We support policy 4.7.2(a)(i – vi) as this promotes quality design.</p> <p>We oppose policy 4.7.2(a)(vii), <i>promote consistent grid layout</i>, for the following reasons:</p> <ul style="list-style-type: none"> <li>Imposing and promoting a grid pattern in all circumstances is contrary to Policies 4.1.9(a) and 4.2.2(a)(ii) and 4.7.3(a)(vii) which require the contour, landform and character of the landscape to be maintained. The Plan needs to provide more flexibility for alternative roading designs to respond to the context of the site and the wider environment.</li> <li>The design guideline and policy 4.7.3(a)(iv) aim to limit the length and number of cul-de-sacs which is a more appropriate policy response than promoting a consistent grid layout in all situations.</li> </ul>	<p>Delete 4.7.2(a)(vii) or;</p> <p>Reword Policy</p> <p><i>Promote consistent grid layout while allowing for alternative road designs where a grid layout is not appropriate due to topographical constraints.</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
4.7.4 Policy Lot sizes	Support in Part	<p>We support policy 4.7.4(a) however the policy needs to be expanded to cover multi-unit development. There is a need to promote intensification to achieve compact development to support future public transport. For public transport to be viable higher densities within walking distance from a transport station needs to be promoted. Policy needs to reflect that in residential areas the density is higher.</p> <p>This is important for Tuakau and Pokeno Where a commuter train from Auckland to Hamilton is under discussion. As the Plan has one residential zone it needs to identify through the objectives and policies locations where medium density development is appropriate and encourage higher densities in appropriate locations. The Plan should specify that multi-unit development and smaller lots are <u>encouraged</u> close to Town Centres, public amenities and public transport stations. This will ensure the Strategic objectives and met by encouraging higher densities within a walkable distance to existing amenities.</p> <p>The rural areas of Tuakau contain versatile soils that are used for rural production activities. These soils contribute significantly to both regional and national food supply. Intensification of urban land at higher densities should be encouraged within Tuakau residential areas to ensure that land supply requirements meet while preserving the soil resources. The maximisation of the lands residential development potential will future proof the capacity of land supply to avoid further encroachment into the rural area past the lifetime of this Plan. Intensification and higher densities should be encouraged in appropriate locations to avoid additional sprawl into the rural areas.</p>	<p>Addition to policy sought as follows:</p> <p><b>4.7.4 Policy – Lot sizes</b></p> <p>(a) Minimum lot size and dimension of lots enables the achievement of the character and density outcomes of each zone;</p> <p><i>(b) Smaller lots size and multi-unit development promoted within walking distance to existing Town Centres, public amenities and public transport.</i></p> <p><i>(c) Smaller lots size and multi-unit development promoted within new greenfield sites where the land is within walking distance to amenities and reserves.</i></p> <p>(d) Avoid undersized lots in the Village Zone.</p>
4.7.7 Policy Achieving sufficient development density to support the provision of infrastructure services	Support in Part	<p>We support the intent of the policy, however (a) and (b) are contradictory. There may also be other constraints such as flooding, overland, flow paths, rivers that mean the minimum density cannot be achieved.</p>	<p>Rework the policy so (a) and (b) do not contradict themselves.</p> <p>Recognise that the minimum potential yield may not be achieved where there are proven geotechnical constraints <i>or other topographical constraints.</i></p>
4.7.10 Policy Recreation and Access	Support in Part	<p>We support the intent of the policy however development of reserves should be in accordance with the Parks and Reserves Strategy. This should be referenced in the Policy.</p>	<p>Additional sub-policy sought:</p> <p><i>(iv) Giving effect to the Parks and Reserves Strategy.</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
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## Chapter 5: Rural Environment

5.1 The Rural Environment	Support with amendments	We are generally supportive of the Rural Zone objectives and policies, however, seek any changes necessary to give effect to the amendments sought throughout this submission.	We seek any changes as necessary to reflect and give effect to the amendments sought throughout this submission.
5.1.1 Objective The Rural Environment	Support	<p>We support Objective 5.1.1 for the following reasons:</p> <ul style="list-style-type: none"> <li>The Waikato District encompasses valuable areas of high class soils that are of primary importance for food production both regionally and nationally. Protecting these soils from adverse effects of inappropriate use and development that may impact their life-supporting capacity is of national importance, this is now being recognised with a national policy statmenty for Versatile Land and High Class Soils under consideration.</li> <li>Urban subdivision is an inefficient use of rural production land. Urban subdivision, particularly ad-hoc subdivision, may undermine the integrated development of identified townships and expansion areas. We support the strength of wording in this objective and agree that urban development within the Rural Environment is an outcome contrary to the intent of the Proposed Plan and should be avoided.</li> </ul>	We seek this objective be retained.
5.2.1 Objective Rural Resources	Support in Part	<p>We support Objective 5.2.1, with amendments, for the following reasons:</p> <ul style="list-style-type: none"> <li>We support sub-policy (i) which seeks to maintain or enhance the life-supporting capacity and versatility of soils. Accessibility to versatile land is also a key consideration in managing this resource and that we suggest 'accessibility' be included in this policy.</li> <li>We support the enhancement and/or restoration of natural ecosystems, surface and ground water quality, and the natural characteristics of fresh waterbodies and coastal waters as set in sub-parts ii, iii and iv of this Policy. A method of enhancement should be incentivising the stock exclusion, restoration of biodiversity, and protection of waterways through rural subdivision. Providing for conservation lot subdivision via enhancement and/or restoration would enable this policy.</li> </ul>	<p>Amend Objective 5.2.1 as follows:</p> <p><i>(a) Maintain or enhance the:</i>  <i>(i) Inherent life-supporting capacity, <b>accessibility</b> and versatility of soils, in particular high class soils;</i></p>
5.2.2 Policy High Class Soils	Support	We support this policy which seeks to retain high class soils and ensure adverse effects do not compromise the life support properties of high class soil.	Retain this policy.

Provision	Do you?	Our Submission is:	We seek the following decision:
5.2.3 Policy Effects on subdivision and development of soils	Support in Part	<p>We support Policy 5.2.3 with amendments for the following reasons:</p> <ul style="list-style-type: none"> <li>• We support provisions that incentivise protection, enhancement and/or restoration of biodiversity values within the Waikato District through subdivision. However, this Policy only provides for a subdivision where existing indigenous biodiversity is being protected. There are a number of waterways and wetlands in the Rural Zone of the Waikato District that would benefit from stock exclusion (through fencing) and enhancement and/or restoration.</li> <li>• The cost of full restoration is approximately \$45,000 + GST per ha (excluding fencing of revegetated areas from stock). Subdivision offers an incentive for landowners to undertake restoration works which they would be unlikely to do without a financial offset.</li> <li>• To allow for the protection and/or restoration, particularly of water ways, would achieve the outcome sought in Policy 5.2.1(a)(iii), being the enhancement of water quality. It would also support Policy 3.1.2 which seeks enhancement of indigenous biodiversity values through planting, pest control and other biosecurity measures.</li> <li>• The Vision and Strategy for the Waikato River seek restoration of the health and wellbeing of the Waikato River Catchment – improvements over time. Incentivising the fencing and restoration of waterways in the Waikato District would contribute positively to the improvement of water quality and achieving the objectives of the Vision and Strategy.</li> </ul>	<p>Amend policy 5.2.3 as follows:</p> <p><i>(b) Subdivision which provides a range of lifestyle options is directed away from high class soils and/or where indigenous biodiversity is being protected, enhanced, and/or restored (with plantings).</i></p>
5.3.1 Objective Rural character and amenity	Support in Part	<p>We support in part the intent of this objective, however, recognition of the variation of what defines rural character and amenity values across a large District is needed.</p> <p>The Waikato District encompasses coastal areas, hill country comprising large landholdings and primarily pastoral uses and smaller landholdings, particularly in the northern part of the District which is used for higher value production activities such as intensive cropping, greenhouses etc.</p> <p>Consideration of 'Rural Character' should take into account the unique variables of the locality including land holding pattern, built form, landuse activities, vegetation and geomorphology.</p>	<p>Amend Objective 5.3.1.a as follows:</p> <p><i>Rural character and amenity are maintained while recognising the localised character of different parts of the District.</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
5.3.8 Policy Effects on rural character and amenity from rural subdivision	Support in Part	<p>We support 5.3.8 in part with amendments as follows</p> <p><i>(b) – Ensure development does not compromise the predominant open space, character and amenity of rural areas</i> this doubles up with 5.3.8.(d)(ii) and 5.3.8.(e) which both seek to ensure that rural character and amenity are maintained.</p> <p>Not all rural areas comprise open space character and amenity. It is recognised that the district's rural character is varied in nature and comprises landscapes, landforms and structures. These are also areas of active and dynamic primary production and associated activities rather than necessarily benign landscapes.</p> <p>It should be recognised that rural landscapes can be visually altered by structures and buildings such as greenhouses and packhouses. However, these are recognised as important components of primary production activities, form part of the rural environment and are generally considered rural in appearance and value.</p> <p>We suggest removing 5.3.8.b.</p>	<p>Amend Policy 5.3.8 as follows:</p> <p><del><i>(b)Ensure development does not compromise the predominant open space, character and amenity of rural areas.</i></del></p> <p><i>(d)Rural hamlet subdivision and boundary relocations ensure the following:</i></p> <p><i>(i)Protection of rural land for productive purposes;</i></p> <p><i>(ii)Maintenance of the localised rural character and amenity of the surrounding rural environment;</i></p> <p><i>(iii)Minimisation of cumulative effects.</i></p> <p><i>(e)Subdivision, use and development opportunities ensure that localised rural character and amenity values are maintained.</i></p>



Provision	Do you?	Our Submission is:	We seek the following decision:
5.3.13 Policy Waste Management Activities	Support in part	<p>We support, in part, the inclusion of Policy 4.6.2. Due to the extensive growth in the Auckland and Waikato Regions, there is a surplus of fill material and it is becoming increasingly difficult to find locations to dispose of this material. The Proposed Plan in no way recognises disposal of surplus material as an essential part of the construction process or the need to provide for it within the Rural Zone. The Franklin Section of the Waikato District Plan recognises landfills (including cleanfill) as an Essential Service under Section 15. In particular Objective 15.1.1.1 of the Franklin Section recognises the importance to the economic and social well-being of the district and the essential nature of network and other utilities and other essential services and to provide for their development, operation and maintenance. While the Industrial Zone provides for effects associated with waste management activities (dust, traffic), this land is in relatively short supply (compared with Rural Zone) and as such cleanfills often seek to locate in the Rural Zone. We seek revision of Policy 5.3.13 to <u>provide</u> for Landfills – Classes 1-5 in the Rural Zone, subject to appropriate siting, to recognise the necessity of these facilities to the economic, health and wellbeing of the District.</p>	<p>This policy is amended as follows:</p> <p><i>Waste Management Activities</i></p> <ul style="list-style-type: none"> <li>a) Provide for <del>the rehabilitation of existing quarry sites, including</del> landfill and cleanfill activities, <del>where siting is appropriate, environmental effects are managed and</del> there is environmental gain.</li> <li>b) Waste management facilities are appropriately located to ensure compatibility with the surrounding rural environment.</li> <li>c) Waste management facilities within the following areas are undertaken in a manner that protects the natural values of:.....</li> </ul>

Provision	Do you?	Our Submission is:	We seek the following decision:
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### Chapter 13: Definitions

Dwelling	Oppose	<p>This definition is vague.</p> <p>Where a term has a defined meaning in the RMA, the term should not be redefined in Plans. Cross reference the Act so that, if any amendment is made to the legislation, the plan does not need to be changed.</p> <p>It is noted that the Building Act 2004 provides a definition of 'household unit' that, from an initial assessment, looks like it could be usefully applied in a planning sense.</p> <p>It is important to clarify that this definition does not include:</p> <ul style="list-style-type: none"> <li>- Mobile home</li> <li>- Campervan</li> <li>- Tent</li> <li>- Caravan</li> <li>- Cabin</li> <li>- MOTEL</li> <li>- Boarding-house</li> <li>- Hotel</li> <li>- TRAVELLERS' ACCOMMODATION</li> <li>- Hostel</li> <li>- SPECIAL HOUSING DEVELOPMENTS</li> </ul>	Rewrite the definition of a dwelling
Cleanfill	Support with amendments	<p>The reasons we support, in part, the inclusion of a definition of cleanfill:</p> <ul style="list-style-type: none"> <li>• Cleanfill is distinct from other waste given the low risk for contamination of land, water and air. Unlike other 'waste', cleanfill can be used to re-contouring for roads and building platforms. It is therefore important to define what material can be used for these activities to minimise the risk of contamination of land and water from the use of inappropriate material.</li> <li>• The definition of cleanfill in the Proposed Plan is inconsistent with the leading national technical document for waste management in New Zealand – WasteMINZ Technical Guidelines for Disposal to Land. Different cleanfill standards can lead to inconsistencies</li> </ul>	Ensure consistency of definitions of fill activities with the WasteMINZ definitions.

Provision	Do you?	Our Submission is:	We seek the following decision:
		<p>between the Regional and District Council acceptance criteria and require different levels of monitoring/testing. The definition in the Proposed Plan is more akin to 'Controlled Cleanfill' in the WasteMINZ guidelines.</p> <p>Cleanfill definition under the Proposed Plan is:</p> <p><i>"Means inert material such as concrete, brick or demolition products (excluding asphalt) and other inorganic materials which may be mixed with materials of natural origin, such as clay, soil, sand, aggregate (rock). When buried will have no adverse effect on people or the environment, and is free of:</i></p> <ul style="list-style-type: none"> <li><i>• combustible, decaying, putrescible, degradable or leachable components;</i></li> <li><i>• contamination from hazardous substances;</i></li> <li><i>• materials likely to create leachate by biological or chemical breakdown;</i></li> <li><i>• products or materials derived from the treatment, disposal or stabilisation of hazardous waste;</i></li> <li><i>• materials that may present a risk to human or animal health such as medical and veterinary materials; and/or</i></li> <li><i>• liquid waste."</i></li> </ul> <p>The cleanfill definition under the WasteMINZ Technical Guidelines for Disposal to Land are:</p> <p><i>'Virgin excavated natural materials (VENM) such as clay, soil and rock that are free of: combustible, putrescible, degradable or leachable components;</i></p> <ul style="list-style-type: none"> <li><i>• hazardous substances or materials (such as municipal solid waste) likely to create leachate by means of biological breakdown;</i></li> <li><i>• products or materials derived from hazardous waste treatment, stabilisation or disposal practices; • materials such as medical and veterinary waste, asbestos, or radioactive substances that may present a risk to human health if excavated;</i></li> <li><i>• contaminated soil and other contaminated materials; and liquid waste. When discharged to the environment, clean fill material will not have a detectable effect relative to the background.'</i></li> </ul>	

Provision	Do you?	Our Submission is:	We seek the following decision:
Farming	Support with amendments	<p>This definition should be amended to include free-range poultry farming.</p> <p>There also needs to be a definition of 'horticultural activities'. This should clarify that glasshouses/greenhouses and plant nurseries and orchards are part of horticultural activities.</p>	<p>Include free-range poultry farming as part of 'Farming'.</p> <p>Define 'horticultural activities' and make it clear that this includes greenhouses.</p>
Height Control Plan	Support with amendments	The definition is required to be amended in response to submission points relating to daylight access for the zone rules as opposed below.	<p>Amend definition and illustration as follows:</p> <p><b>Height control plane</b>  ... Such lines commence at a specified vertical distance above the natural ground level at the boundary, point into the site at right angles to the boundary, and rise at an angle of <u>45</u> degrees.</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
Waste Management Facility	Support in Part	<p>We support, in part, the inclusion of a definition for Waste Management Facility in part for the following reasons:</p> <ul style="list-style-type: none"> <li>• We support this definition being revised to include all types of waste disposal to land classes excluding cleanfill (solid waste landfill, construction and demolition waste fill, managed fill, controlled fill), in accordance with the leading technical document for waste management in New Zealand – WasteMINZ Technical Guidelines for Disposal to Land. At present, the definition only refers to Landfill and Cleanfill.</li> <li>• The definition recognises ancillary activities associated with waste disposal including recycling centres.</li> <li>• We seek that a definition for an operation that accepts cleanfill for disposal, distinct from where cleanfill is imported for rural production purposes, or to form buildings sites, roads etc., be included in the Proposed Plan. Cleanfills pose less risk to the environment than other types of waste management facilities and are a necessary consequence of urban growth. Therefore, Cleanfill facilities should be provided for in appropriate zones (Rural and Industrial Zones) where the effects can be managed.</li> </ul>	<p>The definition for Waste Management be amended as follows:</p> <p><i>‘Waste management facilities include: <b>disposal of waste to land (excluding cleanfill)</b>, commercial composting operations, recovery operations, transfer stations, recycling centres and resource recovery centres.’</i></p> <p>A definition for <b>Cleanfill Facility</b> is included in the Proposed Plan:</p> <p><i>‘A facility where cleanfill material is accepted for disposal.</i></p> <p><i>Excludes:</i></p> <ul style="list-style-type: none"> <li>• <i>storage and use of cleanfill material within an earthworks site for the purpose of engineering contours for specific activities;</i></li> <li>• <i>placement of cleanfill material associated with road construction and road maintenance activities; and</i></li> <li>• <i>onsite storage and use of overburden or aggregate by-product that is cleanfill material associated with mineral extraction activities.’</i></li> </ul>

Provision	Do you?	Our Submission is:	We seek the following decision:
Other definitions to be included:		<p>There needs to be a separate definition for 'Free Range Poultry Farming' as per the Franklin Section of the District Plan.</p> <p>There needs to be a separate definition for 'Poultry Hatcheries' as per the Franklin Section of the District Plan.</p> <p>There needs to be a separate definition for 'On Site Primary Produce Manufacturing' and 'Farming Visit' as per the Franklin Section of the District Plan.</p> <p>There needs to be a separate definition for 'Packhouse' as per the Franklin Section of the District Plan.</p> <p>There needs to be a separate definition for 'Sleepout' as per the Franklin Section of the District Plan.</p>	A separate definition for each of these activities as per the Franklin Section of the District Plan.

Provision	Do you?	Our Submission is:	We seek the following decision:
Intensive farming	Oppose	<p>Intensive farming is the growing of fungi, livestock, or poultry <u>within</u> a building or structure, or an animal feed lot with limited or no dependence on natural soil quality on the site.</p> <p>Free-range farming is a distinct land based activity that should not come under the definition of intensive farming.</p> <p>Poultry Hatcheries should also be excluded from this definition.</p>	<p>Amend the definition to read: It includes:</p> <p>(a) intensive pig farming undertaken wholly or principally in sheds or other shelters or buildings;</p> <p><del>(b) free-range pig farming;</del></p> <p>(c) poultry or game bird farming undertaken wholly or principally within sheds or other shelters or buildings;</p> <p><del>(d) free-range poultry or game bird farming;</del></p> <p>(e) mushroom farming; and</p> <p>(f) <u>intensive goat farming animal feedlots feeding livestock on food other than pasture grasses.</u></p> <p>It excludes the following, provided the building is used for the purpose for which it was built:</p> <p>...; <del>and</del></p> <p>(d) glasshouse production or nurseries;</p> <p><u>(e) free-range poultry or game bird farming;</u></p> <p><u>(f) free-range pig farming; and</u></p> <p><u>(g) concentrated but temporary wintering of stock as part of normal farming operations, such as using animal feedpads and standoff pads.</u></p> <p><u>(h) Poultry Hatcheries</u></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
Living Court	Support in Part	Covered decks form part of an outdoor living court and should be included in the definition.	<p>Amend definition as follows:</p> <p><b>Living Court:</b> Means an area of outdoor space directly related to the living area of a household unit, and for the household's exclusive use. It does not include parking, manoeuvring areas and buildings, but does include swimming pools, pergolas and similar open-framed structures <u>including a covered deck.</u></p>
Multi-unit development	Support in Part	This definition needs to be expanded to include multiple detached dwellings for clarity.	<p><b>Multi-unit development</b> Means multiple residential units <u>being attached or detached</u> which are integrated in a comprehensive manner. It includes:</p> <ul style="list-style-type: none"> <li>a) an apartment building;</li> <li>b) a duplex.</li> <li>c) <u>Terraced housing</u></li> </ul>
Produce Stall	Support with amendments	This definition should include the sale of farm and garden produce grown or produced on a site owned by the same landholder. There can be multiple sites either side by side or throughout the District that may be owned by the same person and therefore it makes sense for this landowner to sell produce from their stall that is grown on other land that they own.	Amend the definition to include the sale of farm and garden produce grown or produced on a site owned by the same landholder.



Provision	Do you?	Our Submission is:	We seek the following decision:
Significant Natural Area	Support in part	We support the inclusion of Significant Natural Area's definition, however, we would like to see it expanded to also include areas that have been assessed by a suitably qualified Ecologist as meeting one more of the criteria in Appendix 2 of the Proposed Plan – <i>Criteria for Determining Significance of Indigenous Biodiversity</i> . This would align with the wording of the Conservation Lot Subdivision provisions which allow for subdivision where an identified Significant Natural Area is being protected or an area meeting the Criteria for Determining Significance of Indigenous Biodiversity.	<p>The wording of the definition for Significant Natural Area is amended as follows:</p> <p><i>Means an area of significant indigenous biodiversity that is identified as a Significant Natural Area of the planning maps or has been assessed as meeting one or more of the Criteria for Determining Significance of Indigenous Biodiversity (Appendix 2) by a suitably qualified Ecologist.</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
Viable Record of Title	Oppose	<p>This definition is a simplistic interpretation that will change the status of existing lawfully established titles that are less than 5,000m<sup>2</sup>. It also refers to rule 22.4.9 which includes a new standard for an area of 1,000m<sup>2</sup> exclusive of boundary setbacks and is suitable for building. Previously created titles were not assessed against (and future titles may be granted consent as a discretionary activity) this ridiculous rule.</p> <p>There are existing lawfully established allotments that are less than 5,000m<sup>2</sup>. There are also titles larger than 5,000m<sup>2</sup> that have restricted building areas that would not comply with rule 22.4.9.</p> <p>These are also considered to be viable certificates of title and any change in definition to take away existing rights would open Council up to legal proceedings.</p>	<p>Amend the definition to read: Means in the Rural Zone, a Record of Title that <del>contains at least 5000m<sup>2</sup></del>, is not a road severance, and <del>can accommodate a suitable building platform as a permitted activity under Rule 22.4.9 (subdivision rule for building platform)</del> <u>which satisfies one of the following criteria:</u></p> <ul style="list-style-type: none"> <li>- <u>contains at least 5000m<sup>2</sup>, or</u></li> <li>- <u>is a lot approved or granted consent by a territorial local authority, or</u></li> <li>- <u>was separately recorded on the valuation roll of the former Franklin County Council as at 22 September 1977, or</u></li> <li>- <u>had the right to erect one dwelling as a Permitted activity as at 30 May 1994 in terms of the Transitional District Plan of the Franklin District Council.</u></li> </ul>

Provision	Do you?	Our Submission is:	We seek the following decision:
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## Chapter 14: Infrastructure and Energy

Chapter 14 Table 14.12.5.14 Access and Road Conditions	Oppose	<p>Residential and Village Zones:</p> <p>Access Leg and R-O-W widths are too wide. We oppose the following standards in the residential and village zone:</p> <table><tr><th>Users</th><th>Legal width</th><th>Minimum total seal width</th></tr><tr><td>1</td><td>4m</td><td>N/A</td></tr><tr><td>2 – 4</td><td>8m</td><td>4m</td></tr><tr><td>5 to 8 Access Allotment</td><td>8m</td><td>5m</td></tr></table> <p>The proposed access standards are excessive and will result in the inefficient use of land and will prevent infill development in existing urban areas. The current standards in the Franklin Section of the Plan are appropriate for the residential zone. The extra seal width also increases impervious surfaces and stormwater run-off without any apparent need or benefit relating to traffic effects. Excessive width also adds additional costs to developments.</p>	Users	Legal width	Minimum total seal width	1	4m	N/A	2 – 4	8m	4m	5 to 8 Access Allotment	8m	5m	<p>Preferred Option:</p> <p>Apply NZS 4404 standards – Table 3.2 Rooding Design Standards.</p> <p>Alternative Option:</p> <p>Use former Franklin Section standards as follows:</p> <table><tr><th>Users</th><th>Legal width</th><th>Minimum total seal width</th></tr><tr><td>2 – 4</td><td>3.5m</td><td>2.7m</td></tr><tr><td>5 – 8</td><td>8m</td><td>5m</td></tr></table>	Users	Legal width	Minimum total seal width	2 – 4	3.5m	2.7m	5 – 8	8m	5m
Users	Legal width	Minimum total seal width																						
1	4m	N/A																						
2 – 4	8m	4m																						
5 to 8 Access Allotment	8m	5m																						
Users	Legal width	Minimum total seal width																						
2 – 4	3.5m	2.7m																						
5 – 8	8m	5m																						
Chapter 14 Table 14.12.5.14 Access and Road Conditions	Oppose	<p>Rural and Country Living Zones:</p> <p>Access Leg and R-O-W widths are too wide. We oppose the following standards in the Rural and Country Living zone:</p> <table><tr><th>Users</th><th>Legal width</th><th>Minimum total seal width</th></tr><tr><td>1</td><td>4m</td><td>N/A</td></tr><tr><td>2 – 4</td><td>8m</td><td>4m</td></tr><tr><td>5 to 8 Access Allotment</td><td>8m</td><td>5m</td></tr></table> <p>We oppose the requirement to seal access and ROW’s in the Rural and Country Living zones. Metal access ways are appropriate in rural zones and are more consistent with the character of rural areas.</p>	Users	Legal width	Minimum total seal width	1	4m	N/A	2 – 4	8m	4m	5 to 8 Access Allotment	8m	5m	<p>Preferred Option:</p> <p>Apply NZS 4404 standards – Table 3.2 Rooding Design Standards.</p> <p>Alternative Option:</p> <p>Use former Franklin Section standards as specified in 22B.7.2</p>									
Users	Legal width	Minimum total seal width																						
1	4m	N/A																						
2 – 4	8m	4m																						
5 to 8 Access Allotment	8m	5m																						

Provision	Do you?	Our Submission is:	We seek the following decision:
Table 14.12.5.1 - Separation Distances	Oppose	There is no analysis in the s32 regarding this relevance or practicality of this table. Roads are classified in terms of the relative importance of their movement and access functions. At the 'top' of the hierarchy are those roads which have as their principal purpose the unrestricted movement of vehicles. Accordingly, the access available to properties along the route of such roads is either totally restricted or strictly managed through design. At the other extreme (local roads) the objective is to maximise the ease and safety of access to properties.	Adopt the Waikato District Plan - Franklin Section 9.5 Location of Vehicle Crossings for arterial and collector roads.
Table 14.12.5.3 - Minimum sight distances	Oppose	There is no analysis in the s32 regarding this relevance or practicality of this table. There are national documents that cover sight distances so this matter should not form part of the Plan so that, if any amendment is made to the legislation, the plan does not need to be changed.	Delete this table and refer to RTS6 - Guidelines for visibility at driveways

Provision	Do you?	Our Submission is:	We seek the following decision:
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## Chapter 16: Residential Zone

16.1.2 Permitted Activities	Support with addition	<p>Multi-unit development of up to three dwellings should be a Permitted Activity. This will allow for infill development and avoid unnecessary Resource Consent costs and time delays where and effects could be managed through permitted standards. The construction of up to three dwellings on a residential site is unlikely to result in adverse effects provided the relevant controls can be met.</p> <p>The proposed addition to the permitted activity table will allow existing land to be developed more efficiently without the need to subdivide the land.</p>	<p>Addition sought to 16.1.2 <u>P13 Multi – unit development of up to three dwellings is a Permitted Activity.</u></p> <p>Similar standards as to 16.1.3 RD1 (including proposed amendments) applied as permitted activity standards.</p>
16.1.3 Restricted Discretionary Activity RD1 Multi-unit Development	Oppose in Part (Amendment s Sought)	<p>We support the provision for multi-unit housing as it gives effect to the strategic direction outlined in Section A and Chapter B 4.1. The provision supports variety in the future housing stock to help achieve policies 4.1.2, 4.1.5, 4.2.16 and 4.2.17. Multi-unit development of up to three dwellings should be a Permitted Activity. This will allow for infill development and avoid unnecessary Resource Consent costs and time delays where and effects can be managed through permitted standards. Provision should also be made for low rise apartments close to the town centre to enable the directive in Policy 4.2.17(a) <i>Enable a variety of housing types in the Residential Zone where it is connected to public reticulation, including:</i></p> <p><i>(i) Integrated residential development such as low-rise apartments and multi-unit development;</i> <i>(ii) Retirement villages.</i></p> <p>There are a number of larger (1000m<sup>2</sup>) sections within the older existing residential areas in both Tuakau, Te Kauwhata, Ngaruawahia and Pokeno. These areas are often close to the Town Centre. Intensification of these sites should be encouraged given their proximity to existing services. These sites could accommodate low-rise apartments and multi-unit development to achieve the policy directives of the Plan. Provision should be made within the rules for this.</p> <p>We do not support the following conditions of the rule:</p> <p>(c) The minimum net site area does not support diversity in building types. For example, low rise apartments or attached housing options may be well-designed with a minimum net site area below 300m<sup>2</sup>.</p> <p>(e) The building coverage should be increased to 60%.</p> <p>While the policy directive support variety in housing types the provisions of the Plan encourage a typical suburban form rather than enabling medium density development.</p>	<p>Amend the conditions as follows:</p> <p>(c) The minimum net site area per residential unit is <u>250m<sup>2</sup></u>;</p> <p>(e) Total building coverage of the site does not exceed <u>60%</u></p> <p><u>Where multi-unit apartments are proposed apply conditions in 17.1.3 RD1.</u></p> <p>Addition sought to 16.1.2 <u>P13 Multi – unit development of up to three dwellings is a Permitted Activity.</u></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
16.2.4.1 Earthworks – General P1	Support with amendments	Where subdivision has been approved by Council and lots have been created there should be no requirements for land owners to apply for additional resource consents for earthworks to undertake permitted activities on the land. The earthworks thresholds need to be lenient enough to ensure the land can be developed without additional consents. Permitted land use standards should be able to control the adverse effects of any works.	P1 increase the permitted volume in 16.2.1.1 p1(a)(ii) to <u>500m<sup>3</sup></u> .
16.2.4.1- Earthworks – General P2	Support	We support this provision to enable the creation of stable building platforms.	Retain 16.2.4.1 Earthworks – General P2
16.2.4.1- Earthworks – General P3	Support with amendments	Cleanfill may be required in residential zoned sites to enable greenfield land to be developed for residential purposes. The requirement to avoid filling in all circumstances may restrict the ability to development residential land where balanced cut to fill earthworks are inappropriate or cannot be achieved. The importation volume is too low to enable residential development.	We seek the following amendments to 16.2.1P3(a)(i) Not exceed a total volume of <u>100m<sup>3</sup></u> ; 16.2.1P3(a)(ii) Not exceed a depth of <u>1.5m</u>
16.2.4.1- Earthworks – General NC1	Oppose	Cleanfill may be required in residential zoned sites to enable greenfield land to be developed for residential purposes. The requirement to avoid filling in all circumstances may restrict the ability to development residential land where balanced cut to fill earthworks are inappropriate or cannot be achieved. The importation volume is too low to enable residential development. The Non-Complying status is too restrictive and needs to be more lenient to enable greenfield development within residential zones.	Deleted 16.2.4.1- Earthworks – General NC1  Insert new Restricted Discretionary Activity as follows:  <u><i>RD 2 Earthworks including the importation of cleanfill to a site.</i></u>

Provision	Do you?	Our Submission is:	We seek the following decision:
16.3.1 Dwelling	Oppose	<p>We oppose the condition is too restrictive. Up to three dwellings permitted on a site where the multi-unit dwelling standards can be met.</p> <p>Multi-unit development of up to three dwellings should be a Permitted Activity. This will allow for infill development and avoid unnecessary Resource Consent costs and time delays where and effects could be managed through permitted standards.</p> <p>There are a number of larger (1000m<sup>2</sup>) sections within the older existing residential areas in both Tuakau, Te Kauwhata, Ngaruawahia and Pokeno. These areas are often close to the Town Centre. Intensification of these sites should be encouraged given their proximity to existing services. These sites could accommodate low-rise apartments and multi-unit development to achieve the policy directives of the Plan. Provision should be made within the rules for this.</p> <p>This will allow existing land to be developed more efficiently without the need to subdivide the land allowing land owners to build additional dwellings on existing lots.</p> <p>Permitted standards can control amenity effects to ensure that neighbouring sites are not affected.</p> <p>This approach has been taken by Auckland Council where additional dwelling can be constructed on properties without Resource Consent provided permitted standards can be achieved.</p>	<p>We seek the following addition to 16.3.1</p> <p><u><i>P2 Multi – unit development of up to three dwellings added as a Permitted Activity.</i></u></p> <p><u><i>Similar standards as to 16.1.3 RD1 (including proposed amendments) applied as permitted activity standards.</i></u></p> <p><u><i>Amend rule to state that 16.3.1 does not apply to multi-unit development.</i></u></p>
16.3.2 Minor Dwelling	Support with amendments	<p>We support the provision as it will enable more diversity in the housing stock to achieve policies 4.1.2, 4.1.5, 4.2.16 and 4.2.17.the Reduce the net site area to 600m<sup>2</sup>.</p> <p>The Plan should encourage intensification and housing options in the residential zones, especially in growth areas such as Tuakau and Pokeno. The permitted standards will control if the site is an appropriate size to accommodate a minor dwelling.</p>	<p>We seek the following amendment to 16.3.1</p> <p>P1(a)(i) The net site area is <u><i>600m<sup>2</sup></i></u> or more</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
16.3.3.1 Height- Building general P1	Oppose	<p>We oppose the 7.5m permitted height limit and request that the height limit is increased within the residential area surrounding Pokeno and Tuakau.</p> <p>The height limit does not enable the efficient use of urban land and fails to increase the development capacity of existing urban areas.</p> <p>The strategic direction outlined in Section A and Chapter B 4.1.of the Plan supports increase densities and housing choice throughout the district. The provision supports variety in the future housing stock to help achieve policies 4.1.2, 4.1.5, 4.2.16 and 4.2.17. This includes the provision of low rise apartments and multi-unit development.</p> <p>The 7.5m height limit restricts the potential to build medium density housing. While the Plan seeks some intensification and increased density to accommodate future growth the land use provisions in the Plan create a suburban form which is at odds with the strategic direction and objectives and policies for the urban environment.</p>	<p>Amendment to 16.3.3.1 Sought:</p> <p>The maximum height of any building must not exceed <u>11m</u></p> <p>If the height limit is increased it is recommended the HIRB in 16.3.6 is amended.</p>
16.3.5 Daylight Admission P1	Oppose	<p>We oppose the <i>height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary</i> for the following reasons:</p> <ul style="list-style-type: none"> <li>• Inconsistency with previous Planning documents which are less restrictive.</li> <li>• Too restrictive for urban areas.</li> <li>• Adequate amenity and daylight for adjoining sites can be achieved with a less restrictive control plane.</li> <li>• The 37 degree angle is difficult to calculate.</li> </ul>	<p>Amendment to 16.3.5 P1 as follows:</p> <p>Buildings must not protrude through a height control plane rising at an angle of <u>45 degrees</u> commencing at an elevation of 2.5m above ground level at every point of the site boundary.</p>
16.3.6 Building Coverage P1	Oppose	<p>We oppose the 40% building coverage as the height limit does not enable the efficient use of urban land and fails to increase the development capacity of existing urban areas.</p> <p>Increase building coverage to allow greater utilisation of residential zoned land to support the strategic direction outlined in Section A and Chapter B 4.1.of the Plan supports increase densities and housing choice throughout the district.</p>	<p>We seek the following amendment to 16.3.7</p> <p>The total building coverage must not exceed <u>50%.</u></p>



Provision	Do you?	Our Submission is:	We seek the following decision:
16.3.7 Living Court P1 and P2	Oppose	<p>The Plan requires excessive outdoor living areas relative to 450m<sup>2</sup> lot size provision for residential Lots.</p> <p>While the Plan seeks some intensification and increased density to accommodate future growth the land use provisions in the Plan create a suburban form which is at odds with the strategic direction and objectives and policies for the urban environment.</p> <p>Excessive sized outdoor living areas will restrict the ability to develop the urban land. The size standards exceed the existing Franklin District Plan standard which requires 60m<sup>2</sup> of outdoor living area.</p> <p>The Perception of urban living is changing and people no longer need large outdoor areas. Smaller outdoor living courts have been adopted by Auckland Council to promote a more compact living approach and should be adopted by the Waikato District Council to achieve the strategic objectives.</p> <p>Reducing the minimum outdoor living court allows for variety in lifestyle and lower maintenance.</p> <p>In addition, 16.3.8 requires an additional service court which ensures adequate outdoor space for living and other domestic requirements.</p>	<p>We seek the following amendment to 16.3.7</p> <p>P1(a)(iii) When located on the ground floor it has a minimum area of <u>40m<sup>2</sup></u> and a minimum dimension of <u>3m</u> in any direction.</p> <p>P1(a)(iv) When located on a balcony of an above ground apartment, it must have a minimum area of <u>10m<sup>2</sup></u> and a minimum dimension of 2m in any direction.</p> <p>P2(a)(iii) When located on the ground floor it has a minimum area of <u>10m<sup>2</sup></u> and a minimum dimension of <u>2m</u> in any direction.</p> <p>P2(a)(iv) When located on a balcony of an above ground apartment, it must have a minimum area of <u>8m<sup>2</sup></u> and a minimum dimension of <u>1.6m</u> in any direction.</p>
Section C  Chapter 16  16.3.8 Service court	Oppose	<p>The Plan requires excessive service court for modern urban living. Excessive service courts will restrict the ability to develop urban land efficiently.</p> <p>There is no assessment in the s32 analysis to support the size of the service court.</p>	<p>We seek the following amendment to 16.3.8</p> <p>(i) minimum area of <u>5m<sup>2</sup></u>; and (ii) contains a circle of at least <u>2m</u> diameter.</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
Section C Chapter 16 16.3.9.1 Building setbacks – All boundaries	Oppose	<p>The Plan requires excessive building setbacks for residential Lots that will restrict the ability to develop the urban land. The setbacks exceed the existing Waikato District Plan - Franklin Section standards for minimum side and rear yards of one metre and</p> <p>Reducing the side yard allows for variety in lifestyle and lower maintenance.</p>	<p>We seek the following amendments to 16.3.9.1</p> <p>P1(a)(iii) <u>1.2m</u> from every boundary other than a road boundary</p> <p>P1(a)(iv) <u>1.2m</u> from every vehicle access to another site</p>
Section C Chapter 16 16.3.9.3 Building setback – water bodies	Oppose	<p>These are not consistent with other zones or the existing Waikato District Plan - Franklin Section provisions.</p>	<p>Adopt the provision of 24.3.6.3 Building setback – water bodies, including:</p> <p>P1(a)(ii) ...from the bank of any <u>named</u> river ...</p> <p>P3. A building must be set back a minimum of 10m from the bank of a perennial or intermittent <u>named or unnamed</u> stream.</p>
16.4.1 Subdivision General	Support in Part	<p>We support the general residential subdivision provisions in 16.4.1 of the Proposed Plan (with the exception of specific points below) for the following reasons:</p> <ul style="list-style-type: none"> <li>• Provides for the efficient use of the urban land resource.</li> <li>• Enables the subdivision of land to provide for the growth of the district.</li> </ul>	

Provision	Do you?	Our Submission is:	We seek the following decision:
16.4.1(a)(i)	Support in Part	<p>We support the minimum lot size of 450m<sup>2</sup> for greenfield development areas.</p> <p>There are many larger sites within the existing urban areas of Tuakau and Pokeno which are suitable for infill subdivision. Subdivision of larger sites within the existing urban area should be encouraged to ensure that intensification of the existing urban areas can be achieved in accordance with the Future Proof Strategy. This will ensure efficient use of the existing urban land resources allowing additional residential development close to services and amenities.</p> <p>We proposed the subdivision of existing sites to 350m<sup>2</sup> in accordance with the Franklin District Plan. Lot sizes below this should be provided where an integrated land use and subdivision consent can show compliance with the land use standards.</p>	<p>Retain minimum net site area for greenfield subdivision.</p> <p>Insert additional provision for infill subdivision requiring a minimum net site area of 350m<sup>2</sup> in accordance with the Franklin District Plan.</p>
16.4.1 RD1(a)(iii)  16.4.2 RD1 (a)(iv)	Oppose	<p>We oppose rule 16.4.1(a)(iii) <i>Where roads are to be vested in Council, they must follow a grid layout</i> for the following reasons:</p> <ul style="list-style-type: none"> <li>We accept that grid layouts result in increase permeability, legibility and walkability of residential areas. However, the establishment of formal and informal grid patterns may not be appropriate to all sites. Sites with topographical natural or physical constraints may be unable to practically implement a grid layout. There may also be sites where the lay of the land is best suited to an alternative roading design</li> <li>There is no analysis in the s32 regarding this relevance or practicality of this rule. While grid layouts are an accepted urban design principle for good subdivision design they are not an absolute response. Therefore, they should be used as a principle and not enforced through a rule.</li> </ul>	<p>Delete 16.4.1 RD1(a)(iii)</p> <p>Delete 16.4.2 RD1 (a)(iv)</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
16.4.1 RD1 (a)(iv)  16.4.3 RD1 (a)(v)	Oppose	<p>We oppose rule 16.4.1(a)(v) <i>where 4 or more proposed lots are being created, rear lots must not exceed 15% of the total number of lots being created.</i></p> <ul style="list-style-type: none"> <li>This is not able to be achieved on some sites due to the configuration of the site and topographical constraints which mean the creation of roads will be difficult.</li> <li>The standard is arbitrary and there is no assessment in the s32 analysis to support the 15% standard.</li> </ul>	<p>Preferred option:</p> <p>Delete rule 16.4.1(a)(v) and make this a matter of discretion.</p> <p>Alternative option:</p> <p>Amend 16.4.1 RD1 (a)(iv) and 16.4.3 RD1 (a)(v) to increase the percentage of rear lots to no more than <u>25%</u>.</p>
16.4.3(a)(ii)	Oppose	<p>We oppose the minimum average net site area of 875m<sup>2</sup> for the following reasons:</p> <ul style="list-style-type: none"> <li>Inefficient use of land that fails to take into account the anticipated growth for the area.</li> <li>Fails to give effect to the Future Proof Strategy identified in 1.5.1 of the Plan that seeks a shift in the existing pattern of land use towards accommodating growth through a more compact urban form based on concentrating growth in and around Hamilton (67%) and the larger settlements of the district (21%). This involves a reduction in the relative share of the population outside of the subregion's existing major settlements through tighter control over rural-residential development and encouraging greater urban densities in existing settlements. Average residential lot size of 875m<sup>2</sup> is considered to be an inefficient use of the residential land resource.</li> <li>Does not achieve the minimum density required by strategic Policy 4.1.5. This is an inconsistency between the rules and the Plans objectives. Therefore, for the rule should give effect to the Plan, this should be rectified.</li> </ul>	<p>Amend 16.4.3(a)(ii) as follows:</p> <p>(ii)Have a minimum average net site area of <u>700m<sup>2</sup></u></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
16.4.13 RD1(a)	Oppose	<p>We oppose rule 16.4.13(a) <i>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> for the following reasons:</p> <ul style="list-style-type: none"> <li>• Roading infrastructure is expensive and the rule will result in additional costs for developers which may not be justifiable from an economic perspective.</li> <li>• This is an arbitrary standard which may not be relevant for all reserve types or developments.</li> <li>• Safety and surveillance of reserves may be achieved with less road frontage.</li> <li>• There is no analysis in the s32 stating why the 50% rule has been applied.</li> <li>• This can be assessed through assessment criteria or a matter of discretion.</li> </ul>	Delete rule 16.4.13(a) and make this a matter of discretion.
Section C  Chapter 16  16.4.14 Subdivision of esplanade reserves and esplanade strips	Oppose	<p>We accept that esplanade reserves and esplanade strips enable public access and recreation. However, this needs to be assessed on a case by case basis and Council should allow a waiver or reduction in width in certain circumstances.</p>	Adopt the Waikato District Plan - Franklin Section Rule 11.5 - Esplanade Reserves and Strips

Provision	Do you?	Our Submission is:	We seek the following decision:
<b>Chapter 17: Business Zone</b>			
17.1.3 Restricted Discretionary Activities RD1	Support in Part	<p>We support the provision for multi-unit housing as it gives effect to the strategic direction outlined in Section A and Chapter B 4.1. The provision for multi-unit development supports variety in the future housing stock to help achieve policies 4.1.2, 4.1.5, 4.2.16 and 4.2.17.</p> <p>Multi-unit development of up to five units should be a Permitted Activity. This will allow for infill development and avoid unnecessary Resource Consent costs and time delays where and effects can be managed through permitted standards.</p> <p>Provision for low rise apartments close to town centre gives effect to the directive in Policy 4.2.17(a) <i>Enable a variety of housing types in the Residential Zone where it is connected to public reticulation, including:</i>  <i>(i) Integrated residential development such as low-rise apartments and multi-unit development;</i>  <i>(ii) Retirement villages.</i></p> <p>Residential development at ground floor level may be an appropriate design response to the context of the site and surrounding area. Where buildings adjoin the residential zone, residential ground floor activities may be an appropriate design response.</p>	<p>Add Permitted activity to 17.1.2 as follows:</p> <p><u>P19 Multi-unit development of up to five units complying with the conditions (apply conditions in 17.1.3 RD1)</u></p> <p>Delete 17.1.5.NC1 and amend to Discretionary Activity captured by 17.1.4 D3</p> <p>Multi-unit development that does not comply is a Discretionary.</p> <p><b>Or</b></p> <p>An additional provision added to 17.1.3 RD 1 to allow residential development of the ground floor where the site adjoins a residential zone.</p>
17.1.5 Non – Complying Activities NC 1 and NC 2	Oppose	<p>We opposed the Non-Complying Activity status given to ground floor residential activities in NC1 and NC2.</p> <p>The activity status is too restrictive and does not provide for innovation in design or development concepts which may promote good outcomes for the zone. Residential activities are seen as being appropriate for a residential zone and therefore the non-complying status does not enable this.</p> <p>Residential development at ground floor level may be an appropriate design response to the context of the site and surrounding area. Where buildings adjoin the residential zone, residential ground floor activities may be an appropriate design response.</p>	<p>Deleted 17.1.5.NC1 and amend to Discretionary Activity</p> <p>Deleted 17.1.5.NC2 and amend to Discretionary Activity</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
17.3.1.1 Height P1	Oppose	<p>We oppose the 10m height limited under 17.3.1.1 P1 for the following reasons:</p> <p>The building height should be increased from 10m to 15m to allow for 4 storeys. This will ensure development and re-development (especially of smaller sites) is economically viable for developers and allow for a range of uses making residential development viable on upper floors.</p>	<p>Amend 17.3.1.1 P1 as follows:</p> <p>The maximum height of any building must not exceed <u>15m</u>.</p>
17.3.2 Daylight Admission P1	Oppose	<p>We oppose the <i>height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary</i> for the following reasons:</p> <ul style="list-style-type: none"> <li>• Inconsistency with previous planning documents which are less restrictive.</li> <li>• Too restrictive for urban areas.</li> <li>• Adequate amenity and daylight for adjoining sites can be achieved with a less restrictive control plane.</li> <li>• The 37 degree angle is difficult to calculate.</li> </ul>	<p>Amendment to 17.3.2 P1 as follows:</p> <p>Buildings must not protrude through a height control plane rising at an angle of <u>45 degrees</u> commencing at an elevation of 2.5m above ground level at every point of the site boundary.</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
<b>Chapter 18: Business Town Centre Zone</b>			
18.1.3 Restricted Discretionary Activities RD1	Support in Part	<p>We support the provision for multi-unit housing as it gives effect to the strategic direction outlined in Section A and Chapter B 4.1. The provision for multi-unit development supports variety in the future housing stock to help achieve policies 4.1.2, 4.1.5, 4.2.16 and 4.2.17.</p> <p>Multi-unit development of up to five units should be a Permitted Activity. This will allow for infill development and avoid unnecessary Resource Consent costs and time delays where and effects can be managed through permitted standards.</p> <p>Provision for low rise apartments close to town centre gives effect to the directive in Policy 4.2.17(a) <i>Enable a variety of housing types in the Residential Zone where it is connected to public reticulation, including:</i>  <i>(i) Integrated residential development such as low-rise apartments and multi-unit development;</i>  <i>(ii) Retirement villages.</i></p> <p>Residential development at ground floor level may be an appropriate design response to the context of the site and surrounding area. Where buildings adjoin the residential zone, residential ground floor activities may be an appropriate design response.</p>	<p>Add Permitted activity to 18.1.2 as follows:</p> <p><u>P19 Multi-unit development of up to five units complying with the conditions</u></p> <p>(apply conditions in 18.1.3 RD1)</p> <p>Delete 18.1.5.NC3 and amend to Discretionary Activity captured by 18.1.4 D2</p> <p>Multi-unit development that does not comply is a Discretionary.</p> <p><b>Or</b></p> <p>Additional provision added to 18.1.3 RD 1 to allow residential development of the ground floor where the site adjoins a residential zone.</p>
18.1.3 Restricted Discretionary Activities RD2	Support	We support this rule as it will ensure good design and character outcomes within the Town Centres.	Retain this rule



Provision	Do you?	Our Submission is:	We seek the following decision:
18.1.5 Non – Complying Activities NC 2 and NC 3	Oppose	<p>We opposed the Non-Complying Activity status given to ground floor residential activities in NC1 and NC3.</p> <p>The activity status is too restrictive and does not provide for innovation in design or development concepts which may promote good outcomes for the zone. Residential activities are seen as being appropriate for a residential zone and therefore the non-complying status does not enable this.</p> <p>Residential development at ground floor level may be an appropriate design response to the context of the site and surrounding area. Where buildings adjoin the residential zone, residential ground floor activities may be an appropriate design response.</p>	<p>Deleted 18.1.5.NC2 and amend to Discretionary Activity</p> <p>Deleted 17.1.3.NC3 and amend to Discretionary Activity</p>
18.3.1.1 Height P1	Oppose	<p>We oppose the 10m height limited under 18.3.1.1 P1 for the following reasons:</p> <p>The building height should be increased from 10m to 15m to allow for 4 storeys. This will ensure development and re-development (especially of smaller sites) is economically viable for developers and allow for a range of uses making residential development viable on upper floors.</p>	<p>Amend 18.3.1.1 P1 as follows:</p> <p>The maximum height of any building must not exceed <u>15m</u>.</p>
18.3.2 Daylight Admission P1	Oppose	<p>We oppose the <i>height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary</i> for the following reasons:</p> <ul style="list-style-type: none"> <li>• Inconsistency with previous Planning documents which are less restrictive.</li> <li>• Too restrictive for urban areas.</li> <li>• Adequate amenity and daylight for adjoining sites can be achieved with a less restrictive control plane.</li> <li>• The 37 degree angle is difficult to calculate.</li> </ul>	<p>Amendment to 18.3.2 P1 as follows:</p> <p>Buildings must not protrude through a height control plane rising at an angle of <u>45 degrees</u> commencing at an elevation of 2.5m above ground level at every point of the site boundary.</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
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## Chapter 22: Rural Zone

Transferable Rural Lot Subdivision  - Currently no provision	Oppose	<p>It is recognised that there continues to be a demand for countryside living properties, and when there is no supply, the land values escalate. Land values can increase to the point where it becomes more economical to subdivide land to use for country lifestyle residential, rather than to use it for primary production. This result would severely affect the districts primary focus to preserve the primary productive capabilities. A large number of lots created for <u>horticulture</u> still remain. These are dispersed across the areas of land with little regard for locational constraints and loss of prime soils if developed as a countryside living property.</p> <p>Within the wider rural areas it is appropriate to provide further countryside living on lots that have less versatile soils and can absorb adverse effects, and where redistribution of existing vacant lots/consented lots is achieved. Incentives can be offered for the transfer of existing titles of vacant lots and consented lots into such developments. The pressure on land generated by the demand for countryside living can be managed by directing such development to those areas that can better absorb it.</p> <p>Many small rural lots that are located in areas of prime/high quality soil do not have houses or other buildings on them. If all these titles were to be fully developed, the consequences would be major. The rural area would change in character and use, from rural to country living. This would have wide-ranging adverse effects on the rural economy, business sector and sustainability of prime/versatile soils. The ability to transfer a consented title will provide an added incentive for conservation lot subdivisions. It will provide an opportunity to transfer the title created off the property to another locality that is more appropriate and can absorb the development.</p> <p>There has been no provision made for Transferable Rural Lot Subdivision. We believe there are true environment benefits to this subdivision mechanism within the Waikato District for the reasons discussed above and further in brief below:</p> <ul style="list-style-type: none"> <li>- It enables the ability to transfer existing titles and consent titles that contain prime/high quality soils to other more suitable locations within the district that can better absorb the development.</li> </ul>	<p>The addition of full provisions for Transferable Rural Lot Subdivision within the Rural Zone</p> <p>Adopt the Waikato District Plan - Franklin Section Rule 22B.12 – Transferable Rural Lot Right, including the provision to transfer “approved lots”</p>
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Provision	Do you?	Our Submission is:	We seek the following decision:
		<ul style="list-style-type: none"> <li>- It enables land that has prime/high quality soils to be amalgamated together to allow larger farming units that are more efficient to operate as a rural production farming unit.</li> <li>- It enables the transfer of lots created by environmental protection (conservation lots) to localities that can better absorb the development and are more attractive in terms of distance to amenities, town and the motorway. These transfers will ensure the parent title can continue to operate as a larger and more productive farming unit.</li> </ul>	

Provision	Do you?	Our Submission is:	We seek the following decision:
22.1.2 Permitted Activities P2	Support with amendments	Increase event occurrences to 6 times per year consistent with the Franklin Section of the District Plan. This would still only allow for an average of one event every 2 months which is considered to be appropriate given the other standards (eg hours of operation and general noise levels) to be complied with.	Increase event occurrences to 6 times per year.
22.1.2 Permitted Activities P4	Support with amendments	Condition (b) should allow for the storage of materials and machinery outside provided that they are fully screened (not visible) from places off site (including roads and highways). Some rural properties are large enough and have sufficient on site features to ensure that materials and machinery can be adequately screened. This will have the same intent as storing them in a building.	Allow for the storage of materials and machinery outside provided that they are fully screened (not visible) from places off site (including roads and highways).
22.1.2 Permitted Activities P7	Support with amendments	We support Farming as a permitted activity, however, seek to have the definition of farming amended as per our comment under Chapter 13.	See proposed amendments to the Farming definition in Chapter 13
22.1.2 Permitted Activities	Oppose	Free-range poultry farming is a distinct land based activity utilising pasture and should be treated the same as any other permitted livestock activity that utilises natural soil quality on the site. The Rural Zone is the only location that a free-range poultry activity can occur where poultry has access to areas of open grazing land. The effects of free-range poultry farming can be mitigated by compliance with certain standards.	Amend the Permitted activity table to include:  <b>Activity</b> <u>Free-Range Poultry Farming</u>  <b>Activity specific conditions</b> (a) <u>Coops and associated areas for the treatment and/or disposal of wastes and composting must be set back at least 20m from the nearest site boundary.</u>

Provision	Do you?	Our Submission is:	We seek the following decision:
22.1.2 Permitted Activities	Oppose	<p>There needs to be greater scope in the Permitted Activity table to allow for the following activities as per the Franklin Section of the District Plan.</p> <ul style="list-style-type: none"> <li>• On Site Primary Produce Manufacturing</li> <li>• Farming Visit, Public Garden</li> <li>• Packhouse and coolstore</li> <li>• Farmers' market (meeting certain performance standards).</li> </ul> <p>These activities are appropriate for the Rural Zone as they are associated with farming activities and can be readily expected to establish without the need for resource consent.</p>	Amend the Permitted activity table to include these activities.
22.1 Land Use Activities	Oppose	<p>Poultry Hatcheries should be provided for as a Controlled Activity as per the Franklin Section of the District Plan. While this can be considered as an intensive farming operation, the effects of production processing, incubation and hatching of fertilised eggs can be adequately controlled by performance standards and conditions of consent. This includes ancillary activities and buildings including rearing and production sheds which are essential to the biosecurity and operation requirements of a hatchery. Poultry Hatcheries also play a critical role in the continued operation and growth of the poultry industry which provides food for people and contributes to individual and community wellbeing.</p>	Provide for Poultry Hatcheries as a Controlled Activity.
22.1.2 Permitted Activities P9	Support with amendments	<p>We support Produce Stalls as a permitted activity, however, seek to have the definition of Produce Stall amended as per our comment under Chapter 13.</p>	See proposed amendments to Produce Stall definition in Chapter 13

Provision	Do you?	Our Submission is:	We seek the following decision:
22.1.3 Restricted Discretionary Activities	Oppose	<p>Free-range poultry farming is a distinct activity that should not come under the definition of intensive farming. Refer to the above comments.</p> <p>22.1.3(d)(i) – Free-range poultry farming should not be subject to a 100m boundary setback. A 20m setback is adequate for a permitted free-range farming activity excluding grazing which should be allowed to occur in paddocks up to the boundary of the site (as per any other permitted livestock activity).</p> <p>22.1.3(d)(ii) – This condition should not apply to free-range poultry farming which should be treated the same as any other permitted livestock activity.</p> <p>22.1.3(e)(i) – This condition should not apply to poultry hatcheries for the reasons given above. The condition is also too restrictive for other types of poultry farming to achieve when combined with the 300m building setback for a sensitive land use. With the introduction of minor dwellings as a permitted activity, any application for a new poultry farm would result in potentially affected parties given that such a farming activity will restrict a neighbour's ability to establish a dwelling or minor dwelling (or other residential activity like a sleepout) as a permitted activity.</p> <p>There is no 300m site boundary setback condition in the Franklin Section of the District Plan, only assessment criteria which provide a buffer area/guideline of 20m from the boundaries of a site and 100m from an existing dwelling on an adjacent property. This is considered to be more appropriate as it recognises changes and technological advancement in modern poultry shed design including ventilation and feeding/drinking systems which reduce the effects of poultry farming. Any site boundary setbacks need to reflect this and the effects of the activity including the lower bird densities that have/are being introduced across the poultry industry. We are also unable to find in Council's Section 32 report for the Rural Zone the justification for a 300m setback?</p>	<p>Remove reference to free range poultry farming from this section and impose more suitable setbacks.</p> <p>Poultry Hatcheries should be excluded from these conditions or any references in this section.</p> <p>Remove reference to an arbitrary 300m site boundary setback for poultry farming and refer to assessment criteria/guidelines and effects of the activity as per the Franklin Section of the District Plan.</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
22.1.3 Restricted Discretionary Activities	Oppose	<p>The Plan fails to provide opportunities for small scale commercial/retail activities that may be ancillary to rural activities occurring on the site. The following are examples of activities that should be provided (in a limited capacity) in the rural zone:</p> <ul style="list-style-type: none"> <li>• Rural commercial services that support rural production activities;</li> <li>• Small scale commercial activities ancillary to a primary rural activity, such as cafes on berry picking farms.</li> <li>• Tourism activities and ancillary commercial or food and beverage activities,</li> <li>• Small wedding venues.</li> <li>• Veterinary Clinics.</li> <li>• Boarding Kennels and Catteries.</li> <li>• Care Centres (less than 10 people).</li> </ul> <p>There are a range of small scale activities that support the rural economy and can be appropriately accommodated in the Rural Zone. For example, the District has some great tourism opportunities which rural land owners may want to draw upon however the Plan makes no provision for. Changing the Plan to allow for some more Restricted Discretionary Activities will give more clarity around the types of non-productive activities that may be acceptable in the Rural Zone and are reasonably expected to locate in this area.</p>	<p>Addition of the further activities as stated. Also, refer to the Auckland Unitary Plan which has further definition and provision for similar activities.</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
22.1.5  Discretionary Activities  D4 Waste management facilities	Oppose	<p>The Waste Management Facility Definition covers a wide range of activities (for example scrap metal recyclers, cleanfill). Cleanfill (as per the WasteMINZ definition) involves the depositing and handling of non-contaminated material. This material does not generate objectionable odour, contamination or high dust emissions, unlike other activities that involve disposal of material to land. The activity status for a cleanfill facility should be a Restricted Discretionary Activity where sited within the Rural Zone. With matters of discretion and assessment criteria restricted to waste acceptance, design and construction, site operation procedures, response to natural hazards, management of non-complying material, landscape effects, dust, noise, traffic effects and monitoring.</p>	<p>We seek the following amendments:</p> <p>Cleanfill is specifically provided for as a Restricted Discretionary Activity outside of an Outstanding Natural Landscape; an Outstanding Natural Feature; an Outstanding Natural Character Area; and a High Natural Character Area.</p> <p>With matters of discretion to waste acceptance, design and construction, site operation procedures, response to natural hazards, management of non-complying material, landscape, dust, noise, biodiversity, water quality, traffic effects and monitoring.</p>
22.2.3.1 Earthworks – General	Support	We are generally supportive of this provision.	



Provision	Do you?	Our Submission is:	We seek the following decision:
22.3 Land Use – Building		<p>This rule refers to Permitted dwellings and minor dwellings but does not reference other buildings such as accessory buildings (eg garages and sleepouts) to dwellings/minor dwellings. It also does not reference buildings such as milking sheds or greenhouses that are associated with permitted farming activities.</p> <p>Therefore, it is correct that section 9 of the RMA applies here in that all buildings not listed under Rule 22.3 are Permitted as they will not contravene a district rule? There is no overriding activity status for any other building not listed in Rule 22.3 like there is under Rule 22.1 Land Use – Activities, so it is assumed that the buildings themselves are all permitted (subject to meeting the other standards in Rule 22.3).</p> <p>If so, then for example, is it intended that an industrial or commercial building is a permitted land use in the Rural Zone as long as it meets the other standards in Rule 22.3, noting that the use of the building itself (i.e the industrial use/activity within the building) requires resource consent under Rule 22.1 Land Use – Activities.</p> <p>Perhaps this could be clarified in the rule.</p>	<p>Further clarification around what buildings are permitted and how this relates to the activities in Rule 22.1 Land Use – Activities.</p> <p>Amendments should be made to avoid any confusion, especially if our understanding of the applicability of s9 of the RMA and what Rule 22.3 allows for is incorrect.</p>
22.3.1 Number of dwellings within a lot P1	Oppose in part	Three Dwellings on lots over 100 hectares should be permitted as per the Franklin Section of the District Plan. Lots of over 100 hectares are able to absorb and mitigate the effects of a third house by virtue of their size.	Allow for three Dwellings on lots over 100 hectares as a permitted activity.
22.3.2 Minor dwelling P1	Support subject to other issues being addressed	<p>We generally support this provision, however, it impacts (along with other residential activities) on the identification of potentially affected persons for an application for a new intensive farming activity needs to be considered in relation to Rule 22.3.7.2(a)(vii).</p> <p>We are also unable to find in Council’s Section 32 report for the Rural Zone the justification for a 20m separation distance? There is no longer a requirement that the minor dwelling has to be occupied by a dependent relative, therefore a larger separation distance would provide enhanced privacy between residents of each dwelling.</p>	<p>We seek the following amendments:</p> <p>The minor dwelling must be located within <b>50m</b> of the dwelling;</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
22.3.5 Daylight Admission P1	Support with amendments	This rule should be allowed to be infringed where the written consent of the owners and occupiers of the abutting site(s) have been obtained. The reason for this is that similar to a yard infringement this rule only affects the adjoining neighbouring property so with their approval should be able to be infringed without resource consent.	Amend to allow the rule to be infringed where the written consent of the owners and occupiers of the abutting site(s) have been obtained.
22.3.6 Building Coverage P1	Oppose	Buildings associated with permitted and controlled farming activities should be exempt from this rule. The rule could unduly restrict someone wanting to use the land for a productive purpose (like greenhouses) which for example would only allow 500m <sup>2</sup> on a 25,000m <sup>2</sup> property inclusive of the area required for a dwelling etc. Overall, the 2% building coverage is too low.	Exclude buildings associated with permitted and controlled farming activities (including free range poultry farming and poultry hatcheries). Also, consider whether a building coverage rule in the rural zone is necessary at all given there is no such requirement in the Franklin Section of the District Plan. Alternatively, consider increasing the 2% limit.

Provision	Do you?	Our Submission is:	We seek the following decision:
22.3.7.1 Building setbacks – all boundaries	Oppose	<p>This rule should be allowed to be infringed where the written consent of the owners and occupiers of the abutting site(s) have been obtained. This should be specified as per the Franklin section without the need to pay Council \$350 to process a permitted boundary activity.</p> <p>P1(a)(iii) – a 25m boundary setback can be significant for a site under 1.6 hectares and can unduly restrict the use of the land. Council’s Section 32 report for the Rural Zone (pg 84) states that larger setback are required if the neighbouring lot is over 6 hectares for reverse sensitivity reasons. However, there is no justification as to why 25m is an appropriate distance. The 12m boundary setback referred to in other instances could be appropriate here as it is unclear as to what an extra 13m in an open rural landscape would achieve in relation to reducing reverse sensitivity effects from adjoining land. For example, 12m is still sufficient for a person on a property less than 1.6 hectares to establish screen planting or internal fencing to reduce potential effects?</p> <p>P3(a)(iii) – It is unclear as to why a habitable building on a property greater than 1.6 hectares needs to be 25m from every boundary other than a road boundary. While these properties are larger and have more room to accommodate the setback, we don’t see why a 12m setback would not be adequate here similar to the reasons given above.</p> <p>Furthermore many existing dwellings, especially within the former Franklin District, will encroach into the new boundary setback. While these will have existing use rights it would mean any minor dwelling, extension to the existing dwelling or accessory building, within the curtilage area or the existing dwelling may not be able to comply with the permitted setback standards resulting in an increase in consents at additional costs to these land owners. The existing rural environment should be considered in the development appropriate boundary setbacks rather than applying the former WDP standards which don’t adequately reflect the existing environment or building setbacks.</p>	Amend rules to have a 12m setback from the boundary of an adjoining site (or this may be reduced where written neighbours’ consent has been obtained).

Provision	Do you?	Our Submission is:	We seek the following decision:
22.3.7.2 Building setback sensitive land use	Oppose	<p>Rule 22.3.7.2(a)(vii) – This rule sets an arbitrary distance for all ‘intensive farming’ which is not necessarily reflective of the effects of a poultry farm. While it is assumed that the intent of this rule is to address reverse sensitivity effects and possibly allow for further expansion of a poultry farm, it also results in all properties within 300m of the boundary of a site proposed for a poultry farming operation being considered as adversely affected for notification purposes. This because the establishment of a new poultry farm would restrict a neighbour’s ability to establish a potential dwelling or minor dwelling (or other residential activity like a sleepout) as a permitted activity in the future. Furthermore, this is not rule failure of the poultry farm activity and can’t be included as a consent requirement in the application.</p> <p>The setback distance needs to be justified, amended or deleted in relation to poultry farming and/or the definition of sensitive land use (which includes residential activities) amended so that it does not unduly result in the notification of applications for new poultry farms.</p> <p>In addition, any setback should be taken from the intensive farming activity itself, not the site boundary of the activity. This is because the effects that the setback is trying to mitigate are generated by/from the <u>activity</u>, not the site boundary. If an intensive farming activity decides to expand in the future within the site boundary then the effects of this on the receiving environment will simply need to be addressed at that time and the application considered on its merits.</p> <p>Poultry farms also generally establish on large rural sites and therefore a 300m sensitive building setback from the boundary (and not the activity) is even more significant. This is evidenced when a poultry farm is located in just one corner or at one end of a large (eg 40-100 hectare) property.</p> <p>When combined with Rule 22.1.3(e)(i), there is a total setback of 600m that affect poultry farm applications (i.e 300m from the their site boundary to be a restricted discretionary activity and 300m from any dwelling/minor dwelling (or other sensitive activity like a sleepout) that is either existing or potentially able to be constructed on neighbouring land. It is almost impossible for a site to be found in the District where the ‘Building setback sensitive land use’ rule would not affect the establishment/notification of a poultry farm.</p> <p>We are also unable to find in Council’s Section 32 report for the Rural Zone the justification for a 300m setback?</p>	Further consideration and amendments or removal of this rule is needed in relation to its effect on applications for poultry farming activities.

Provision	Do you?	Our Submission is:	We seek the following decision:
22.4.1.1 Prohibited subdivision	Strongly Oppose	<p>We oppose the Prohibited Activity Status for the rural subdivision activities listed under Section 22.4.1.1 for the following reasons:</p> <p>In the Rural Zone</p> <ul style="list-style-type: none"> <li>• With regards to PR2 and PR3, there may be circumstances where the subdivision of high class soils has overall positive effects that can be supported by the objectives and policies. It is fanciful to think that every subdivision on high class soil would result in a significant adverse effect on the environment. Relocating consented lots within a holding (multiple Records of Title held in the same ownership) may produce a better outcome from a farming and landscape perspective.</li> <li>• There are circumstances where it may be unavoidable to create an additional Record of Title, ie where a title is limited as to parcels and held together by covenant.</li> <li>• The rule relies on a definition of <u>High Class Soils</u>. High class soils as defined in the Proposed Plan, (relying on soil classification only), may not be versatile due to a range of factors identified through case law.</li> <li>• It is unfair and unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site. Established rural activities include greenhouses, packhouses, packing sheds, intensive farming, poultry hatcheries or commercial orchard activities.</li> <li>• Rural activities that do not need to be held on the same certificate of title as other rural activities, there may be circumstances where subdivision enables more significant opportunities for economic wellbeing and the efficient and effective operation of the activity.</li> <li>• A number of commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than having no other option but to dispose of the entire property, or the need to invest more capital in the operation by selling areas used for less productive activities.</li> <li>• The prohibited activity status prevents opportunities for subdivision where there is a significant capital investment, particularly in buildings and the intensive rural activity will continue to be commercially viable and sustainable in the long-term following its separation from other rural activities on the site.</li> </ul>	<p><i>That the activity status for PR1, PR2, PR3, PR4 be changed from Prohibited to Non-Complying Activities.</i></p> <p><i>That reference to 'lot' in this rule is changed to 'Record of Title'.</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
		<ul style="list-style-type: none"> <li>PR4 states any subdivision of a lot previously amalgamated for the purpose of a transferable lots subdivision prohibited. This rule may unreasonably restrict the subdivision potential over and above what is necessary to avoid undermining the intent of the rule under which these Records of Title were created (Rule 22B – Franklin Section). Under Rule 22B of the Franklin Section the donor certificates of title had to meet a minimum area of 1ha each, however, there is no maximum, with many donor Records of Title ranging upwards from 20ha prior to the amalgamation. We also note that under the Franklin Section of the District Plan there was no corresponding rule that limited any further subdivision of the donor lot. While subdividing lots amalgamated under Section 22b of the Franklin Section require closer scrutiny this should merit a Non-Complying Activity status only. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundary boundaries with a neighbour without creating an outcome that may compromise the prior transferable subdivision.</li> </ul> <p>We seek the removal of the Prohibited Activity status completely from the rural subdivision provisions of the Plan. The objectives and policies of the Proposed Plan should be sufficiently strong to ensure that the subdivision of land containing high class soils is protected in the Rural Zone from inappropriate subdivision and development, and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.</p> <p>We suggest the Prohibited Activities listed under 22.4.1.1 be considered as Non-Complying Activities</p> <p>We also seek that the word ‘lot’ as used in these rules be changed for ‘Record of Title’. It may be necessary to create multiple lots and hold them in one Record of Title. This may occur where a stream or a public road bisects land held together in one Record of Title.</p>	

Provision	Do you?	Our Submission is:	We seek the following decision:
22.4.1.2.a.i-ii General Subdivision	Support	We support the inclusion of the General Subdivision rules.	Retain the General Subdivision provisions.
22.4.1.2.a.iv General Subdivision	Support in part	<p>We support the inclusion of Rule 22.4.1.2.a.iv in part for the following reasons:</p> <ul style="list-style-type: none"> <li>The creation of an additional <u>vacant</u> lot between 8,000m<sup>2</sup> and 1.6 ha is supported.</li> <li>General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and the farming regime is already in place on the balance lot, should be provided flexibility in lot size to ensure that the existing farming regime can continue.</li> <li>This will ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not to meet an arbitrary rule. A lot size consistent with the established farming regime will avoid the redevelopment of farm tracks and fence lines to access what is a relatively small piece of land.</li> <li>The creation of any additional lot between 8,000m<sup>2</sup> and 1.6 ha as a restricted discretionary activity is supported.</li> <li>A discretionary rule should also be provided for lots less than 8,000m<sup>2</sup> and greater than 1.6ha where they contain an existing dwelling. There may be site specific factors that create a unique situation that is conducive to the proposed lot size whilst remaining consistent with the objectives and policies and achieving the Anticipated Environmental Results.</li> <li>For lots smaller than 8000m<sup>2</sup>, it is only necessary to confirm the provision of services within the lot boundaries.</li> <li>Lots greater than 1.6ha <u>may</u> need an assessment with respect to the productive potential of the land. If the land comprises existing curtilage around the house then the lot will not result in any unreasonable effects with respect to the productive potential of the balance land. If the land comprises productive potential, then a Farm Management report should be provided to demonstrate that the both the proposed lot and the balance lot are sized to ensure rural land uses continue to predominate.</li> </ul> <p>Furthermore, the creation of lots that accommodate existing and well-established rural activities where these are of a viable, sustainable and permanent nature and it is appropriate for these to be subdivided from other rural activities on the site should be provided for.</p>	<p>Amend 22.4.1.2. as follows:</p> <p><b>D1</b></p> <p><i>(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RD1.</i></p> <p><i>(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RD1.</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
22.4.1.2.a.v General Subdivision	Oppose	<p>In addition to our comments on Rule 22.4.1.2.a.iv above, we oppose Rule 22.4.1.2.a.v for the following reasons:</p> <ul style="list-style-type: none"> <li>• There is no analysis in the s32 regarding this relevance or practicality of this rule.</li> <li>• We agree with the intent of this rule, which is to design subdivision to avoid the fragmentation of the high class soils. However, the strict and arbitrary 80/20 requirement of this rule though may not necessarily result in the best layout, design or farming outcome for the site.</li> <li>• The objectives and policies (5.1.1, 5.2) give primacy to the protection of high class soils. In addition to the objectives and policies (5.2), we would like to see matters relating to the retention of high class soils and the maintenance of productivity/farming systems addressed as a matter of discretion for the General Subdivision provisions also. The strength of the objectives and policies together with expanded matters of discretion are sufficiently strong to ensure adverse outcomes on high class soils are avoided.</li> </ul> <p>The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with every subdivision application under the General Provisions to demonstrate that this exact figure is met. This becomes an additional compliance cost that does not necessarily result in a better environmental outcome and becomes a box-ticking exercise for Council. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion as shown opposite.</p>	<p>Remove Rule 22.4.1.2.a.v (80/20 Rule) of the General Subdivision provisions and include under matters of discretion:</p> <p><i>(b) (vi) Effects on rural productivity and fragmentation of high class soils.</i></p>
22.4.1.4 Boundary Relocations	Support in part	<p>We support the inclusion of boundary relocation provisions and support flexibility to allow rural properties to rationalise large landholdings to provide a logical lot arrangement that better supports the farming activity. In our experience, rural boundary relocations are typically undertaken where land is exchanged between two Records of Title to accommodate the existing farming activity (one farmer may be leasing land from another and they wish to formalise this arrangement), or when a farmer owns multiple titles and wants to create a small rural lot for a dwelling and hold the balance of the farm together in one Record of Title. Boundary relocations typically result in positive effects through the enhancement of the productive farming system and allow for the relocation of potential house sites to more favourable locations.</p>	<p>We seek the following amendments be made to 22.4.1.4:</p> <p><i>(a) The boundary relocation must:</i></p> <p><i>(i) Relocate a common boundary or boundaries between two or more existing Records of Title or consented lots that existed prior to 18 July 2018.</i></p> <p>The inclusion of <i>effects on high</i></p>



Provision	Do you?	Our Submission is:	We seek the following decision:
		<p>Many farms in the District are held in multiple Records of Title, and have the ability to relocate boundaries and create General and Conservation Lots under the proposed provisions. We would like to see provision made for the relocation of the boundaries of adjacent <u>consented lots and Records of Title</u> held in common ownership as per the Franklin Section of the District Plan:</p> <p><i><u>“Where a property contains either an existing title or a lot which Council has consented to, then one or the other may be relocated within the property or with common property boundaries, subject to the standards and criteria set out below. Lots are to be relocated within the property and reduced down to a minimum size of 2500m<sup>2</sup> each, provided that the balance lot is in one title.</u></i></p> <p><i>Many properties in the District consist of more than one title as subdivision has occurred in accordance with various rules over the years but the titles have never been sold. Often these titles are not ideal sizes and do not correspond well with either countryside living needs or rural activity needs, that is, they are too big or too small. Boundary Relocation rules in the operative District Plan attempted to provide for the re-organisation of titles into a more appropriate and logical layout. However, they were not utilised due to the requirement that titles had to be reduced in number upon relocation. The Boundary Adjustment rule has been used instead to achieve more logical layout of existing titles.” – Underline added for emphasis.</i></p> <p>We consider the retention of the date, 18 July 2018 appropriate, as this would allow for closer scrutiny and a higher activity status for those Records of Title and consented lots created under the Transferable and Environmental Lot rules of the previous sections of the District Plan which had restrictions on size. We also consider it appropriate to include as a matter of discretion – <i>high class soils, farm management and productivity</i>. We note that the relocation of a lot created under the previous Transferable Lot Rules from an area that contained no high class soils to high class soils would create an adverse outcome. The inclusion of high class soils as a matter of discretion together with the proposed objectives and policies in Chapter 5 (Rural Environment), would provide Council with a robust framework to ensure that adverse effects on high class soils were avoided.</p>	<p><i>class soils, farm management and productivity</i> in the matters of discretion.</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
22.4.1.5 Rural Hamlet Subdivision	Support in part	<p>We support subdivision provisions for Hamlet subdivision in the Rural Zone. When designed well positive benefits of Rural Hamlets include shared infrastructure, improved and enhancement of the productive farming system, and providing housing and lifestyle choices within the District.</p> <p>We seek the inclusion of consented lots, including General and Conservation Lots, in the Hamlet provisions. This would have positive outcomes through the provision of shared infrastructure, enhancement of the production systems. It would also limit the wide dispersal of lots and enable subdivision layout to account for effects from intensive farming or mineral extraction activities.</p> <p>Rural Hamlets can be difficult to achieve in reality and Hamlet design needs to specifically respond to the site circumstances and it may be more appropriate to have smaller size lots to ensure the benefits of Hamlet design are achieved. The purpose of Rural Hamlets is to allow for compact design within a rural setting, dwellings within a Hamlet borrow their rural character and amenity from adjoining rural production land. Under the proposed provision five lots at 1.6ha would take up 8ha of land and would visually result in dispersed rural housing, not a Hamlet. The Hamlet provisions should ensure that a response to the landscape context is more important than meeting performance standards relating to lot size and should allow for a reduction in the lot size. Particularly as rural character and amenity values will be maintained by the 20ha+ balance surrounding the Hamlet.</p>	<p>Allow for the relocation of consented lots to ensure General Lots can be clustered within a Hamlet and reduce lot size requirements to ensure from a visual, character and farming perspective that a Rural Hamlet is achieved.</p> <p>We seek the following amendments to 22.4.1.5:</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 <b>and/or consented lots</b> form one continuous landholding;</i></p> <p><i>(iii) Each proposed lot has a minimum of <b>85,000m<sup>2</sup></b>;</i></p> <p><i>(iv) Each proposed lot has a maximum area of <b>1.60ha</b>;</i></p> <p><i>(v) The proposed balance lot has a minimum area of 20ha; and</i></p> <p><i>(vi) It does not create any additional lots beyond the number of existing Records of Title.</i></p> <p><i>(b) Council's discretion is restricted to the following matters:</i></p> <p><i>(i) subdivision layout and design</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
			<p><i>including dimension, shape and orientation of the proposed lots and <b>specified building areas</b>;</i></p> <p><i>(ii) subdivision layout and design including dimension, shape and orientation of the proposed lots;</i></p> <p><i>(iii) effects on rural character and amenity values;</i></p> <p><i>(iv) effects on landscape values;</i></p> <p><i>(v) potential for reverse sensitivity effects;</i></p> <p><i>(vi) extent of earthworks including earthworks for the location of the building platforms and access ways;</i></p> <p><i><b>(vii) effects on rural productivity and fragmentation of high class soils.</b></i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
22.4.1.6 Conservation Lot Subdivision	Support in part	<p>In addition to our comments on Rule 22.4.1.2.a.iv above, we support the Rule 22.4.1.6, Conservation Lot Subdivision, in part, for the following reasons:</p> <ul style="list-style-type: none"> <li>We support the incentivisation of legally and physically protecting Significant Natural Areas and other areas of existing biodiversity which offers positive benefits for the Region.</li> <li>There is no provision for ecological enhancement and/or restoration in the Conservation Lot Rules. There are significant biodiversity and water quality benefits to be gained from ecological enhancement particularly along waterways and wetland areas. Water quality is a key issue identified by the Regional Policy Statement and The Vision and Strategy (which requires an improvement of water quality in the Waikato catchment, not simply maintenance). It is also recognised in the corresponding Rural Objectives and Policies which seek enhancement of surface and ground water quality and the natural characteristics of waterways. The Plan should be enabling of improving both biodiversity and water quality within the Waikato Catchment and incentivise enhancement and/or restoration of areas that meet one or more criteria in <i>Appendix 2: Criteria for Determining Significance of Indigenous Biodiversity</i>. Revegetation approximately costs \$45,000 to \$70,000 per hectare, excluding fencing of revegetated areas from stock. Incentivisation through subdivision would assist in offsetting this cost and encourage enhancement and/or restoration planting.</li> <li>We seek that provisions for ecological enhancement and/or restoration of appropriate areas be included in the Conservation Lot Subdivision rules. Appropriate features to be restored should meet one or more criteria in <i>Appendix 2: Criteria for Determining Significance of Indigenous Biodiversity</i>, or areas identified as Significant Natural Areas that don't meet the minimum size requirements for subdivision are able to be increased in size through additional enhancement and/or restoration planting. Minimum areas for enhancement and/or restoration should be in accordance with Rule 22.4.1.6.</li> <li>Rule 22.4.1.6.iii requires the legal protection of the conservation feature. We agree that any area that enables subdivision under these rule be legally protected by way of a registered interest on the Record of Title. However other forms of legal protection, such as the vesting of the conservation area in Council ownership (such as an esplanade reserve to afford public access) or by way of a S221 consent notice (for</li> </ul>	<p>We seek the following amendments to Rule 22.4.1.6:</p> <p>(i) <i>The lot must contain:</i></p> <p><i>A. a contiguous area of existing Significant Natural Area either as shown on the planning maps, and/or</i></p> <p><i>B. a contiguous area, to be protected, enhanced and/or restored,</i></p> <p><i>as determined by an experienced and suitably qualified ecologist in accordance with the table below:</i></p> <p>(ii) <i>The area of Significant Natural Area, and/or area to be enhanced and/or restored, is assessed by a suitably qualified person as satisfying at least one criteria in Appendix 2 (Criteria for Determining Significance of Indigenous Biodiversity);</i></p> <p>(iii) <i>The Significant Natural Area or area to be restored is not already subject to legal protection <del>a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth II National Trust Act.</del></i></p> <p>(iv) <i>The subdivision proposes to legally protect all areas of Significant Natural Area and/or</i></p>

Provision	Do you?	Our Submission is:	We seek the following decision:
		<p>areas that have unusual management requirement) may be appropriate. We suggest that this rule require legal protection only and leave the mechanism of protection to the discretion of Council when assessing the application (eg. encumbrance, bond, consent notice, covenant or vesting as a reserve).</p> <p>Rule 22.4.1.6.vi requires a minimum area of 8000m<sup>2</sup>, flexibility for lot area should be provided where the lot boundaries encompass an existing dwelling curtilage or established rural activities. This avoids unnecessary fragmentation of productive farming land. This could be addressed as a Matter of Discretion.</p>	<p><del>area to be restored by way of a conservation covenant pursuant to the Reserves Act 1977 or the Queen Elizabeth Natural Trust Act.</del></p> <p>(v) An ecological management plan is prepared to address the ongoing management of the <del>covenant</del> <i>protected</i> area to ensure that the <del>Significant Natural Area</del> <i>area to be protected</i> is self-sustaining and that plan:</p> <ul style="list-style-type: none"> <li>A. Addresses fencing requirement for the <del>covenant</del> <i>protected</i> area;</li> <li>B. Addresses ongoing pest plan and animal control;</li> <li>C. Identifies any enhancement <del>and/or restoration or edge</del> planting required within the <del>covenant</del> <i>area to be protected</i>.</li> </ul> <p>(vi) All proposed lots ....(vii) subdivision entitlement.</p> <p>(b) Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> <li>(i) Subdivision layout and proximity of building platforms to <del>Significant Natural Area</del> <i>the area to be protected</i>;</li> <li>(ii) Matters contained in an ecological management plan for the <del>covenant</del> <i>protected</i> area.</li> <li>(iii) Effects of the subdivision on <del>localised</del> <i>rural character and</i></li> </ul>

Provision	Do you?	Our Submission is:	We seek the following decision:
			<p>amenity values;</p> <p>(iv) Extent of earthworks including earthworks for the location of building platform and access ways.</p> <p>(v) Mechanism of legal protection for the area to be protected.</p> <p>Add a discretionary rule as follows:</p> <p><b>D1</b></p> <p>(a) Conservation lot subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.6(vi-vii) RD1.</p> <p>(b) Conservation lot subdivision around established rural activities that does not comply with Rule 22.4.1.6(vi-vii) RD1.</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
22.4.1.6.iii	Support in part	Support the legal protection of the ecological areas, however other mechanisms (besides QE II and Reserves Act) maybe more appropriate, including the vesting in Council as Esplanade Reserve or the protection by way of S221 Consent Notice. A S221 Consent Notice may be more appropriate for areas that are being restored and require site specific maintenance schedules etc.	Remove specific reference to QE II and the Reserves Act.
22.4.1.7 Subdivision to create a reserve	Support	Support the enhancement of public access and incentivising the provision of access through subdivision provides a win with both ways for the landowner and public.	Retain this provision.
22.4.9 Subdivision – Building Platform	Support in Part	We support the requirement for a building platform, in part, however, we would like to see this as a 30m diameter circle exclusive of setback, instead of a 1000m <sup>2</sup> area with no dimensions specified.	We seek that Rule 22.4.9 be amended as follows:  <i>(a)(i) can accommodate a 30m diameter circle <del>has an area of</del> 1,000m<sup>2</sup> exclusive of boundary setbacks.</i>
Chapter 22 Rural Rule 22.4	Oppose	The proposal to include additional trails/cycleway on the Planning Maps need to be reflected in the provisions, particularly subdivision provisions for each zone.	The inclusion of the following rule:  <i>Subdivisions of land containing mapped off-road walkways/trails/cycleways</i>  <i>RD1</i>  <i>(a)The subdivision where walkways/trails/cycleways shown on the planning maps are to be provided as part of the subdivision must comply with all of the following conditions:</i>  <i>(i)The walkway/trail/cycleway is at least 3 metres wide and is designed and constructed for shared pedestrian and cycle</i>

Provision	Do you?	Our Submission is:	We seek the following decision:
			<p><i>use, as per Rule 14.12.1 P8 (Transportation);</i></p> <p><i>(ii)The walkway/trail/cycleway is generally in accordance with the walkway/trail/cycleway route shown on the planning maps;</i></p> <p><i>(iii)The walkway/trail/cycleway is shown on the plan of <u>subdivision</u> and vested in the Council.</i></p> <p><i>(b)Council's discretion shall be restricted to the following matters:</i></p> <p><i>(i)Alignment of the walkway/trail/cycleway;</i></p> <p><i>(ii)Drainage in relation to the walkway/trail/cycleway;</i></p> <p><i>(iii)Standard of design and construction of the walkway/trail/cycleway;</i></p> <p><i>(iv)Land stability;</i></p> <p><i>(v)Amenity matters including batter slopes; and</i></p> <p><i>(vi)Connection to reserves.</i></p> <p><i>D1</i></p> <p><i>A subdivision that does not comply with the above Rule.</i></p>



Provision	Do you?	Our Submission is:	We seek the following decision:
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## Chapter 23: Country Living Zone

23.2.3.1 Earthworks – General P1, P2 and P3	Support with amendments	Where subdivision has been approved by Council there should be no requirements for land owners to apply for additional resource consents for earthworks to undertake permitted activities on the land. The earthworks thresholds need to be lenient enough to ensure the land can be developed without additional consents. Permitted land use standards should be able to control the adverse effects of any works.	P1 increase the permitted volume in 23.2.3.1 p2(a)(i) to <u>500m<sup>3</sup></u> .
23.3.2 Minor Dwelling – P1	Support	Rule 23.3.2P1 – (a) one minor dwelling within a site must not exceed 70m <sup>2</sup> gfa; (b)Where there is an existing dwelling located within a site:  (i)The minor dwelling must be located within 20m of the dwelling;  (ii)The minor dwelling must share a single driveway access with the existing dwelling.	Retain this rule.
23.3.5 – Daylight Admission – P1	Support with amendments	Rule 23.3.5P1 - Buildings must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.  We support this rule, however, believe the angle (37 degrees) to be harder to follow than the general standard of 45 degrees that is presented across many other Plans in New Zealand. 45 degrees is clear cut and easy to measure.	Amend this rule to read:  “A building must not protrude through a height control plane rising at an angle of <u>45</u> degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary”.
23.3.7.5 – Building setback - Waterbodies	Support with amendments	This rule has not included minimum setbacks from the bank of a perennial or intermittent stream.	Include the following in the P1 provisions: “a building must be set back a minimum of 10 metres from the bank of a perennial or intermittent stream (named or unnamed)”.

Provision	Do you?	Our Submission is:	We seek the following decision:
23.4.2 General Subdivision	Support with amendments	<p>Rule 23.4.2RD1(a) Subdivision must comply with all of the following conditions:</p> <p>(i) All proposed lots must have a net site area of at least 5000m<sup>2</sup>.</p> <p>...</p> <p>A blanket minimum lot size can present challenges when designing a subdivision where there are different parent lot shapes, sizes and topographical/vegetative/other constraints. Incorporating a minimum net size area and average net size area for the subdivision will provide for greater flexibility in the instances where physical constraints exist.</p>	<p>Amend the rule as follows:</p> <p>(a) Subdivision must comply with all of the following conditions:</p> <p>(i) <u>All proposed lots must have a minimum net site area of 3500m<sup>2</sup> and an average net site area of 5000m<sup>2</sup>.</u></p>
23.4.7 – Road Frontage - RD1(a)	Oppose	<p>We oppose Rule 23.4.7RD1(a) – Every proposed lot as part of the subdivision with a road boundary, other than a proposed lot containing an access allotment, utility allotment, right of way or access leg must have a width along the road boundary of at least 15m.</p> <p>The layout of a development is dependent on the size and shape of the site as well as its topography (amongst other constraints). While a 15m minimum width along a road boundary can generally work in many developments that have the ability to follow a grid design, the reality is that not every site is flat with no topographical or size/shape constraints.</p> <p>Sites with topographical natural or physical constraints may be unable to practically implement a layout that achieves 15m road frontage for all lots with the road. There may also be sites where the lay of the land is best suited to an alternative roading design.</p> <p>There is no analysis in the s32 regarding this relevance or practicality of this rule.</p>	<p>Remove this rule and adopt the Waikato District Plan - Franklin Section 26.6.4 Frontage to Road (Vehicular Access Requirement) provisions</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
23.4.9(a) – Subdivision Creating Reserves – RD1	Oppose	<p>We oppose rule 23.4.9(a) <i>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> for the following reasons:</p> <ul style="list-style-type: none"> <li>• Roading infrastructure is expensive and the rule will result in additional costs for developers which may not be justifiable from an economic perspective. The enforcement of the rule may increase the cost of development which could be passed onto purchasers.</li> <li>• This is an arbitrary standard which may not be relevant for all reserve types or developments.</li> <li>• Safety and surveillance of reserves may be achieved with less road frontage.</li> <li>• There is no analysis in the s32 stating why the 50% rule has been applied. While this may be a principle to follow it should not be enforced through a rule.</li> </ul>	Remove this rule and make it a matter of Discretion.

## Chapter 24: Village Zone

Section C Chapter 24	Support in Part	<p>We support the general village zone provisions in Chapter 24 of the Proposed Plan (with the except of specific points below) for the following reasons:</p> <ul style="list-style-type: none"> <li>• Provides for the efficient use of the urban land resources.</li> <li>• Enables the subdivision of land to provide for the growth of the district.</li> </ul>	See requests below.
Section C Chapter 24 24.1.1 Permitted Activities	Support in Part	Retirement villages do not feature as a land use activity in the village zone. Given the demand for such facilities, provision should be made for retirement villages in all urban areas, including the village zone.	Include “A new retirement village or alterations to an existing retirement village” as outlined in our submission above as a permitted activity within Rule 24.1.1.

Provision	Do you?	Our Submission is:	We seek the following decision:
24.2.4.1 Earthworks – General P1, P2 and P3	Support with amendments	Where subdivision has been approved by Council there should be no requirements for land owners to apply for additional resource consents for earthworks to undertake permitted activities on the land. The earthworks thresholds need to be lenient enough to ensure the land can be developed without additional consents. Permitted land use standards should be able to control the adverse effects of any works.	P1 increase the permitted volume in 24.2.4.1 p1(a)(ii) to <u>500m<sup>3</sup></u> .
Section C  Chapter 16  24.2.4.1 Earthworks - general	Neutral	These provisions seem to be workable but we are interested in the thoughts of other submitters.  Cleanfill may be required in residential zoned sites to enable greenfield land to be developed for residential purposes. It is unclear whether this is a P2 permitted activity or a NC1 non-complying activity. NC1 would be too restrictive and needs to be more lenient to enable greenfield development within residential zones.	Recognise that the importation of fill to enable residential development is appropriate.
24.3.2 Minor Dwelling – P1	Support	Rule 24.3.2P1 – (a) one minor dwelling up to 70m <sup>2</sup> gross floor area within the site; (b) the net site area is 1000m <sup>2</sup> or more.	Retain this rule.
24.3.4 – Daylight Admission – P1	Support in part	Rule 24.3.4P1 - A building must not protrude through a height control plane rising at an angle of 37 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.  We support this rule, however, believe the angle (37 degrees) to be harder to follow than the general standard of 45 degrees that is presented across many other Plans in New Zealand. 45 degrees is clear cut and easy to measure.	Amend this rule to read:  “A building must not protrude through a height control plane rising at an angle of <u>45</u> degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary”.
Section C  Chapter 24  24.3.5 Building coverage	Support	These building coverages recognise the different attribute of lot connected to public wastewater and correspond with rule 24.4.2 Subdivision – Te Kowhai and Tuakau	Retain this rule.

Provision	Do you?	Our Submission is:	We seek the following decision:
24.3.6.3 – Building setback – waterbodies - P3	Support	<p>Rule 24.3.6.3P3 – a building must be set back a minimum of 10 metres from the bank of a perennial or intermittent stream.</p> <p>It is important to also define a stream to avoid confusion with the definition of a river. The RMA defines a river as “<i>a continually or intermittently flowing body of fresh water; and includes a stream and modified watercourse.</i>” If a watercourse is named “<i>Stream</i>” then it should be subject to the appropriate setback by the Plan.</p>	<p>Retain this rule with the following additions:</p> <p>P1(a)(i)C. <u>Named</u> River bank, ...</p> <p>P3. A building must be set back a minimum of 10m from the bank of a perennial or intermittent <u>named or unnamed</u> stream.</p>
24.4.1 – Subdivision – General – RD1	Support with amendments	<p>Rule 24.4.1RD1 - (a)Proposed lots must have a minimum net site area of 3000m<sup>2</sup>, except where the proposed lot is an access allotment, utility allotment or reserve to vest.</p> <p>Should reticulation become available in other locations (other than Te Kowhai and Tuakau) then the minimum lot size should reflect this.</p> <p>A blanket minimum lot size can present challenges when designing a subdivision where there are different parent lot shapes, sizes and topographical/vegetative/other constraints. Incorporating a minimum net size area and average net size area for the subdivision will provide for greater flexibility in the instances where physical constraints exist.</p>	<p>Amend the rule to read:</p> <p>(i)Proposed lots not connected to public water and wastewater infrastructure must have a minimum net site area of <u>2500m<sup>2</sup> and an average net site area of 3000m<sup>2</sup></u>, except where the proposed lot is an access allotment or reserve lot.</p> <p>(ii)Proposed lots connected to public water and wastewater infrastructure must have a minimum net site area of 1,000m<sup>2</sup>, except where the proposed lot is an access allotment or reserve lot.</p>
24.4.2 – Subdivision – Te Kowhai and Tuakau – RD2(a)	Support	<p>Rule 24.4.2RD2(a) – (i) Proposed lots connected to public water and wastewater infrastructure must have a minimum net site area of 1,000m<sup>2</sup>, except where the proposed lot is an access allotment or reserve lot.</p>	<p>Retain this rule.</p>

Provision	Do you?	Our Submission is:	We seek the following decision:
24.4.9 – Road Frontage - RD1(a)	Oppose	<p>We oppose Rule 24.4.9RD1(a) – Every proposed lot as part of the subdivision with a road boundary, other than a proposed lot containing an access allotment, utility allotment, right of way or access leg must have a width along the road boundary of at least 20m.</p> <p>The layout of a development is dependent on the size and shape of the site as well as its topography (amongst other constraints). While a 20m minimum width along a road boundary can generally work in many developments that have the ability to follow a grid design, the reality is that not every site is flat with no topographical or size/shape constraints.</p> <p>Sites with topographical natural or physical constraints may be unable to practically implement a layout that achieves 20m road frontage for all lots with the road. There may also be sites where the lay of the land is best suited to an alternative roading design.</p> <p>There is no analysis in the s32 regarding this relevance or practicality of this rule.</p>	Adopt the Waikato District Plan - Franklin Section 26.6.4 Frontage to Road (Vehicular Access Requirement) provisions
24.4.11(a) – Subdivision Creating Reserves – RD1	Oppose	<p>We oppose rule 24.4.11(a) <i>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> for the following reasons:</p> <ul style="list-style-type: none"> <li>• Roading infrastructure is expensive and the rule will result in additional costs for developers which may not be justifiable from an economic perspective. The enforcement of the rule may increase the cost of development which could be passed onto purchasers.</li> <li>• This is an arbitrary standard which may not be relevant for all reserve types or developments.</li> <li>• Safety and surveillance of reserves may be achieved with less road frontage.</li> <li>• There is no analysis in the s32 stating why the 50% rule has been applied. While this may be a principle to follow it should not be enforced through a rule.</li> </ul>	Remove this rule and make it a matter of Discretion.

Provision	Do you?	Our Submission is:	We seek the following decision:
Section C Chapter 24 24.4.12 Subdivision of Esplanade Reserves and Esplanade Strips	Oppose	We accept that esplanade reserves and esplanade strips enable public access and recreation. However, this needs to be assessed on a case by case basis and Council should allow a waiver or reduction in width in certain circumstances.	Adopt the Waikato District Plan - Franklin Section Rule 11.5 - Esplanade Reserves and Strips

### ***Appendix 3.4 Multi Unit Development***

Appendix	Support in Part	Design Guide – Multi-unit Development – We support the principles and outcomes sought in the design guide. However, the design guidance preferring consistent front setbacks and separation between buildings as well as consistent fencing and boundary treatment (i.e. through fencing heights/materials, landscaping, the configuration of pedestrian entrances) encouraged by the design guide could create a repetitive built form. There may be good design outcomes created by variations by in setbacks and boundary treatments.	Recognise alternative options may be suitable.
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