

Report: Summary of Submissions by Submitter Number/Name

<b>Submitter Number:</b>	985	<b>Submitter:</b>	Neil Crispe
<b>Organisation:</b>	Koch Farms Limited		
<b>Point Number</b>	985.1		
<b>Summary of Decision Requested:</b>	<b>Retain</b> Objective 5.1.1 The rural environment as notified.		
<b>Decision Reasons:</b>	<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 high class soils from adverse effects of inappropriate use and development is of national importance and is recognised with a NPS 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.</li> <li>• Supports the objective and agrees that urban development within the rural environment should be avoided.</li> </ul>		
<b>Point Number</b>	985.2		
<b>Summary of Decision Requested:</b>	<b>Retain</b> Objective 5.2.1 Rural resources, except for the amendments sought below <b>AND</b> <b>Amend</b> Objective 5.2.1 Rural resources, as follows: (a) <i>Maintain or enhance the:</i> (i) <i>Inherent life-supporting capacity, accessibility and versatility of soils, in particular high class soils...</i>		
<b>Decision Reasons:</b>	<ul style="list-style-type: none"> <li>• Supports sub-policy (i) which seeks to maintain or enhance the life supporting capacity and versatility of soils.</li> <li>• Accessibility to versatile land is also a key consideration in managing this resource and should be included in this policy.</li> </ul>		
<b>Point Number</b>	985.3		
<b>Summary of Decision Requested:</b>	<b>Retain</b> Policy 5.2.2 High class soils as notified.		
<b>Decision Reasons:</b>	<ul style="list-style-type: none"> <li>• Submitter supports Policy 5.2.2 which seeks to retain high class soils and ensure adverse effects do not compromise the life support properties of high class soil.</li> </ul>		
<b>Point Number</b>	985.4		
<b>Summary of Decision Requested:</b>	<b>Retain</b> Objective 5.3.1 Rural character and amenity, except for the amendments sought below; <b>AND</b> <b>Amend</b> Objective 5.3.1(a) Rural character and amenity as follows; <i>Rural character and amenity are maintained while recognising the localised character of different parts of the District.</i>		
<b>Decision Reasons:</b>	<ul style="list-style-type: none"> <li>• Supports the intent of the objective but needs recognition of the variation of what defines rural character and amenity values across a large District.</li> <li>• The Waikato District encompasses coastal areas, hill country comprising large landholdings particularly in the northern part of the district and primarily pastoral uses and smaller landholdings which is used for higher value production activities such as intensive cropping, greenhouses etc.</li> <li>• 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.</li> </ul>		
<b>Point Number</b>	985.5		
<b>Summary of Decision Requested:</b>	<b>Retain</b> Policy 5.3.8 Effects on rural character and amenity from rural subdivision, except for the amendments sought below <b>AND</b> <b>Amend</b> Policy 5.3.8 Effects on rural character and amenity from rural subdivision, as follows: (b) <i>Ensure development does not compromise the predominant open space, character and amenity of rural areas;</i> ... (d) <i>Rural hamlet subdivision and boundary relocations ensure the following;</i> (i) <i>Protection of rural land for productive purposes;</i> (ii) <i>Maintenance of the localised rural character and amenity of the surrounding rural environment;</i>		

(iii) Minimisation of cumulative effects.

(e) Subdivision, use and development opportunities ensure that localised rural character and amenity values are maintained.

**Decision Reasons:**

- Policy is supported in part.
- Policies 5.3.8(b), (d)(ii) and (e) are duplicates which seek to ensure that rural character and amenity are maintained.
- Not all rural areas comprise open space character and amenity. The district's rural character is varied in nature and comprises landscapes, landforms and structures and are areas of active and dynamic primary production and associated activities rather than necessarily benign landscapes.
- 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.

**Point Number**

985.6

**Summary of Decision Requested:**

**Amend** the activity status for Rules 22.4.1.1 PR1, PR2, PR3 and PR4 Prohibited subdivision from prohibited activities to non-complying activities.

**Decision Reasons:**

- Oppose the Prohibited Activity status for rural subdivision activities under Rule 22.4.1.1.
- 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. 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.
- There are some circumstances it may be unavoidable to create an additional Record of Title, i.e. where it is limited to parcels and held together by covenant.
- The rule relies on a definition of High Class Soils. 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.
- It is unreasonable to prohibit the creation of lots that accommodate existing and well-established rural activities are viable and 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, packhouse, packing sheds, intensive farming, poultry hatcheries or commercial orchards.
- Rural activities do not need to be held on the same certificate of title as other rural activities. Subdivision may enable more opportunities for economic wellbeing and the efficient and effective operation of the activity.
- Commercial reasons could necessitate subdivision including the desire to sell or lease the business rather than disposal of the entire property or the need to invest more capital in the operation.
- 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 following separation from other rural activities on the site.
- PR4 unreasonably restricts subdivision potential over what is necessary to avoid undermining the intent of the rule under which these Record of Title were created. 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. It is noted that 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. The land affected may contain qualifying Significant Natural Areas or may be able to relocate boundaries without creating an outcome that may compromise the prior transferable subdivision.
- 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 and that subdivision in the Urban Expansion Zone does not undermine the integrated and efficient development of this zone.

**Point Number**

985.7

**Summary of Decision Requested:**

**Amend** Rule 22.4.1.1 Prohibited subdivision to replace the term 'lot' with 'Record of Title'.

**Decision Reasons:**

- It may be necessary to create multiple lots and hold them in one Record of Title. This may occur when a stream or a public road bisects land held together in one Record of Title.

**Point Number**

985.8

**Summary of Decision Requested:**

**Retain** Rule 22.4.1.2(a)(i), (ii) and (iii) General Subdivision, as notified.

**Decision Reasons:**

- Supports the inclusion of the General Subdivision rules.

**Point Number**

985.9

**Summary of Decision Requested:**

**Retain** Rule 22.4.1.2(a)(iv) General subdivision, which classifies creation of an additional lot between 8,000m<sup>2</sup> and 1.6ha as a restricted discretionary activity.

**Decision Reasons:**

- The creation of an additional vacant lot between 8,000m<sup>2</sup> and 1.6ha as a restricted discretionary activity is supported.

**Point Number**

985.10

**Summary of Decision Requested:**

**Add** a new discretionary activity to Rule 22.4.1.2 General subdivision, as follows:

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**(a) General subdivision around an existing dwelling and associated curtilage that does not comply with Rule 22.4.1.2. (iv) RD1.**

**(b) General subdivision around established rural activities that does not comply with Rule 22.4.1.2. (iv) RD1.**

**Decision Reasons:**

- General Subdivision creating a child lot around an existing dwelling, where a curtilage is established and 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.
- Ensure the boundaries proposed are a practical outcome to ensure the most efficient ongoing management of the land and not 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.
- 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.
- For lots smaller than 8000m<sup>2</sup>, it is only necessary to confirm the provision of services within the lot boundaries.
- Lots greater than 1.6ha may 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.
- Creation of lots should be provided for 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.

**Point Number**

985.11

**Summary of Decision Requested:**

**Delete Rule 22.4.1.2(a)(v) General Subdivision (80/20 Rule);**

**AND**

**Add new matters of discretion to Rule 22.4.1.2(b) General subdivision, as follows;**

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

**Decision Reasons:**

- There is no analysis in the s32 regarding this relevance or practicality of this rule.
- The submitter agrees with the intent of this rule which is to design subdivision to avoid 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.
- 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), the submitter 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. 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.
- The requirement to demonstrate the 80/20 split will result in the necessary inclusion of Landuse Capability Reporting with even 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. Council's Consent Planners should have the discretion of where these are required in accordance with the recommended matter of discretion.