

**BEFORE THE ENVIRONMENT COURT
I MUA I TE KOOTI TAIAO O
AOTEAROA**

UNDER	the Resource Management Act 1991
IN THE MATTER	of an appeal under clause 14 of Schedule 1 of the Resource Management Act 1991 against a decision of the Waikato District Council on the Waikato District Proposed District Plan
BETWEEN	THE SURVEYING COMPANY Appellant
AND	THE WAIKATO DISTRICT COUNCIL Respondent

MEMORANDUM FOR THE APPELLANT

Dated: 22 January 2025

MAY IT PLEASE THE COURT:

1. The purpose of this Memorandum is to advise the Court (and other parties) of the following changes to the relief sought by the Appellant:
 - (a) Remove all 'General Residential Zone Appeal Points' from Annexure 1 – Reasons and Relief Sought of The Surveying Company Appeal.
 - (b) Remove all 'Transport Appeal Points' from Annexure 1 - Reasons and Relief Sought of The Surveying Company Appeal.
 - (c) Remove all 'Other Appeal Points' from Annexure 1 – Reasons and Relief Sought of The Surveying Company Appeal except for the point relating to Part 2 – Eco – Ecosystems and indigenous biodiversity which is to be amended as follows:

Part 2 – ECO – Ecosystems and indigenous biodiversity	This part of the Decision does not provide an appropriate planning framework for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal. Amendments to the Objectives and Policies within this part of the decision to give effect to the relief sought in this appeal
---	--	---

2. For clarity, an amended Annexure 1 – Reasons and Relief Sought is attached to this memorandum as Attachment A.

Dated: 22 January 2025



.....
S Nairn, authorised to sign on behalf of the Appellant

ANNEXURE 1 – REASONS AND RELIEF SOUGHT

(Updated January 2025)

General Rural Subdivision Appeal Points

Decision	Reason(s) for appeal	Relief sought												
Removal of Conservation lot subdivision rule	<p>The Decision to delete the Conservation lot subdivision rule appears to be outside the scope of any submissions on the Proposed Plan and the powers of the Hearings Panel.</p> <p><u>Extract from Council Planners report:</u></p> <p>12.3 General Submissions</p> <table border="1"> <thead> <tr> <th colspan="3">General Submissions</th></tr> </thead> <tbody> <tr> <td>273.12</td><td>Russell Luders</td><td>No specific decision is sought, but the submission opposes Rule 22.4.1.6 RD1(a) Conservation Lot Subdivision.</td></tr> <tr> <td>345.10</td><td>Brent Trail</td><td>No specific decision sought, but submission opposes Rule 22.4.1.6 RD1(a)(iii) and (iv) Conservation lot subdivision.</td></tr> <tr> <td>706.9</td><td>Francis and Susan Turton</td><td>No specific decision sought, but submission opposes Rule 22.4.1.6 RD1(a)</td></tr> </tbody> </table> <p>Submissions where no specific relief is sought</p> <p>418. Submissions received from Russell Luders [273.12] and Francis and Susan Turton [706.9] do not seek any specific relief, but oppose Rule 22.4.1.6 RD1 (a). Similarly a submission from Brent Trail [345.10] also does not seek any specific relief but opposes Rule 22.4.1.6 RD1 (a)(iii) and (iv). Given that the relief sought is not clear, I cannot determine what relief the submitters are seeking.</p> <p>No evidence was presented at the Rural Hearing to support the Decision determination that the Conservation lot rule should be deleted because incentives were no longer required following the gazettement of the NPS-FW.</p> <p>Based on the Rural Hearing evidence, the Council Planner recommended amending the rule to only allow for the protection of SNA's but they did recommend also including wetlands and a new provision for enhancement riparian planting to create additional lots.</p>	General Submissions			273.12	Russell Luders	No specific decision is sought, but the submission opposes Rule 22.4.1.6 RD1(a) Conservation Lot Subdivision.	345.10	Brent Trail	No specific decision sought, but submission opposes Rule 22.4.1.6 RD1(a)(iii) and (iv) Conservation lot subdivision.	706.9	Francis and Susan Turton	No specific decision sought, but submission opposes Rule 22.4.1.6 RD1(a)	Reinstate this rule with amendments as noted in the Appellants submission including provision for ecological enhancement and/or restoration as sought below.
General Submissions														
273.12	Russell Luders	No specific decision is sought, but the submission opposes Rule 22.4.1.6 RD1(a) Conservation Lot Subdivision.												
345.10	Brent Trail	No specific decision sought, but submission opposes Rule 22.4.1.6 RD1(a)(iii) and (iv) Conservation lot subdivision.												
706.9	Francis and Susan Turton	No specific decision sought, but submission opposes Rule 22.4.1.6 RD1(a)												
No provision for ecological enhancement and/or restoration within Conservation lot subdivision rule.	<p>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 WRPS and The Vision and Strategy (which requires an improvement of water quality in the Waikato catchment, not simply maintenance).</p> <p>Allowing for ecological enhancement as part of the Conservation lot provisions will also give effect to the following policies in the NPS-FW:</p> <p>Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.</p> <p>Policy 6: There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.</p> <p>Incentives to protect, maintain and enhance indigenous biodiversity and ecosystems are required to recognise and provide for sections 6(a) and (c) or have regard to sections 7(b), (c), (d) and (f) of the Act.</p>	<p>Provision for ecological enhancement and/or restoration of appropriate areas to be included in the Conservation Lot Subdivision rules (see page 60 of TSC submission).</p> <p>Consequential amendments to other District Plan provisions including:</p> <ol style="list-style-type: none"> Objectives and policies to support the provision for environmental enhancement and/or 												

	They are also required to give effect to the objectives and policies in the WRPS, including: objectives 3.4, 3.8, 3.16, 3.19 and policies 8.2, 8.3 and 11.1.	restoration within Conservation lot subdivision rule. 2. Exclusion from the Prohibited Activity rules.
No provision for Transferable Rural Lot Subdivision	<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 more appropriate areas. 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 versatile soil do not have houses or other buildings on them. These are dispersed across the areas of land with little regard for locational constraints and loss of versatile soils if developed as a countryside living property. If all these titles were to be fully developed, it would have wide-ranging adverse effects on the rural economy, business sector and sustainability of 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. There are 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"> - It enables the ability to transfer existing titles and consent lots to other more suitable locations within the district that can better absorb the development. - It enables land that has versatile soil to be amalgamated together to allow larger farming units. - 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. 	<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> <p>Consequential amendments to other District Plan provisions including objectives and policies to support the provision for Transferable Rural Lot Subdivision.</p>
<p>SUB-R40 and SUB-R41– Prohibited activity status.</p> <p><i>Specifically relates to ‘high class soil’ SUB-R40(1)(a) and SUB-R41(1)(a).</i></p>	<p>It is not appropriate to apply a Prohibited activity status solely based on ‘high class soil’.</p> <p>There may be circumstances where the effects of a subdivision captured by the Prohibited activity status would be considered acceptable. It is unreasonable/fanciful to think that every subdivision on high class soil that would be prohibited by this rule will result in a significant adverse effect on the environment, and that these effects are of such a magnitude that they cannot be considered through a resource consent process.</p> <p>The rule also creates uncertainty for landowners seeking to subdivide land that may contain high class soil. This is because neither the landowner nor a Council planner will be able to determine if the rules apply to a property or not unless a Land Use Capability (LUC) Classification is prepared to determine whether the property contains high class soil. Even when such a classification is carried out there could be debate or disagreement between Council’s specialist and the</p>	<p>This rule deleted.</p> <p>In the alternative, the activity status be changed from Prohibited to Non-complying</p>

	<p>landowner's specialist as to whether or not the land contains high class soil. If there is on-going disagreement between LUC specialists it is not unforeseeable that the landowner may have to seek a determination from the Environment Court as to whether the property contains high class soil and hence whether the Prohibited activity status applies to a particular subdivision proposal. In essence, the prohibited rule prevents a proper assessment of the soils (an application cannot be lodged) and proper assessment of an application on its merits.</p> <p>A prohibited activity rule needs to be stated in a clear, precise and absolute manner, and should avoid reserving discretion or being subject to interpretation.</p>	
<p>SUB-R42 – Prohibited activity status. <i>Subdivision of a donor lot resulting from a transferable rural lot right.</i></p>	<p>It is not appropriate to apply a Prohibited activity status to a 'donor' record of title. A 'donor title' not only includes the 'donor lot' but also includes the adjoining title that the donor lot was amalgamated with. This adjoining title was simply used as a mechanism to rescind the development right/title of the donor lot that was transferred. The adjoining title (while now part of the 'donor title') was not subdivided at that time and it is unreasonable that this land be prohibited from subdivision. It is also unreasonable to think that such subdivision will result in a significant adverse effect on the environment, and that these effects are of such a magnitude that they cannot be considered through a resource consent process.</p> <p>The prohibited rule exempts titles where the transfer of consented environmental lots have not resulted in-situ. That is, the underlying title which created the environmental lots (but is not subdivided at that time) is not subject to SUB-R42.</p> <p>The Commissioners decision does not provide any reasons as to why the same exception cannot be applied to adjoining titles that have also not been subdivided under the transferable rural lot right rule.</p> <p>Furthermore, the prohibited activity status does not give effect to the WRPS which recognises transferable development rights as a suitable mechanism for directing growth:</p> <p>6.17.3 Directing development to rural-residential zones Waipa District Council and Waikato District Council should investigate, and shall consider adopting through district plans, provisions such as transferable development rights which will allow development to be directed to rural-residential zones identified in district plans.</p>	<p>This rule deleted.</p> <p>In the alternative, activity status be changed from Prohibited to Discretionary</p>
<p>SUB-R43 – General Subdivision</p> <p>SUB-R46 – Boundary Relocation</p> <p>SUB-R48 – Rural Hamlet subdivision</p> <p><i>Specifically relates to new or additional lots to not</i></p>	<p>The standard does not recognise situations where the location of lots on more than 15% high class soil is unavoidable.</p> <p>For example, the titles involved in a rural hamlet subdivision may contain 100% of their total land area as high class soil and would therefore default to a Non-complying activity status under SUB-R48(2). In this case, a more suitable title arrangement may be achieved in terms of high class soils but is unlikely to find favour with the objectives and policies of the District Plan.</p> <p>The same applies for General subdivisions where the creation of an additional lot with more than 15% high class soil could be unavoidable and would be considered as a Non-complying activity.</p> <p>The standard is also overly restrictive when taking into account the limited subdivision opportunities provided for in the Decisions version of</p>	<p>Delete standard or increase the percentage of high class soil and amend the activity status to Discretionary for Rural Hamlet and General subdivisions which infringe this standard.</p> <p>Consequential amendments to other District Plan provisions to give effect to the above</p>

<p><i>contain more than 15% high class soil.</i></p>	<p>the PWDP (including increase to a 40 hectare title size for General subdivision) and Prohibited activity status of SUB-R40 and SUB-R41 which relate to high class soil.</p> <p>This standard does not give effect to Policy 14.2 (High Class Soils) of the WRPS which appropriately seeks to avoid a decline in the availability of high class soil due to <u>inappropriate</u> subdivision, use and development. The types of subdivisions sought are appropriate and therefore should not be expected to avoid high class soil. It is also noted that in some instances, high class soil would still be available for primary production after subdivision.</p> <p>Policy 14.2 High class soils Avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development.</p>	<p>relief including amendments to policy SUB-P16(3)(b) and Strategic objective SD-08.</p>
<p>SUB-R46 – Boundary relocation</p> <p><i>Specifically relates to SUB-R46(1)(a)(ii)(1) – titles used must contain at least 5000m²</i></p>	<p>The requirement that all Records of Title must contain an area of at least 5,000m² does not take into account titles that were created under the operative Waikato District Plan (Franklin Section) of between 2,500m² and 5,000m².</p> <p>The Franklin Section of the operative Waikato District Plan provided for a minimum lot size of 2,500m² as a performance standard for subdivisions. All titles less than that 5,000m² that complied with the subdivision rules at that time would not be able to comply with standard SUB-R46(1)(a)(ii)(1). This would unnecessarily trigger a Discretionary activity status under SUB-R46(2).</p>	<p>Reduce the area of the Record of Titles used in boundary relocation subdivisions to 2,500m².</p> <p>This would allow those titles lawfully created under the Franklin Section of the District Plan to be considered as a Restricted discretionary activity as opposed to automatically defaulting to a Discretionary activity under SUB-R46(2).</p>
<p>SUB-R43 – General Subdivision</p> <p><i>Specifically relates to:</i></p> <p><i>40 hectare title size SUB-R43(1)(a)(ii)</i></p> <p><i>8,000m² minimum lot size SUB-R43(1)(a)(iv)</i></p> <p><i>High class soil SUB-R43(1)(a)(v)</i></p>	<p>The increase to a 40 hectare title size will unduly restrict growth in the General Rural Zone and limit opportunities for farmers to generate additional revenue through a general lot subdivision. The rule does not provide for the economic well-being of farmers that require additional revenue to undertake environmental protection and enhancement works and further invest in, or expand, their rural production activity. This in turn does not support rural production.</p> <p>Furthermore, the Decision on this matter does not take into account the removal of the Conservation lot subdivision rule. The recommendation by the Council planner to increase the title size from 20ha to 40ha was partly based on the ability for rural landowners to generate additional lots through the Conservation Lot subdivision rule (para 181 and 184 of s42A Report, Hearing 18: Rural Subdivision). When taking into account the Prohibited activity status of SUB-R40, R41 and R42 along with the 15% high class soil restriction and absence of any conservation lot/ecological enhancement provisions, the ability for rural land to be subdivided has been unnecessarily limited.</p> <p>There is no planning justification for requiring a Non-complying activity status for lots less than 8,000m² that can still achieve the building</p>	<p>A 20 hectare title size (as per the notified version of the Plan). Consequential amendments to other District Plan provisions to give effect to the above relief including amendments to policy SUB-P16(4).</p> <p>Additional allotments less than 8,000m² to be Discretionary Activities or reduce the minimum lot size requirement. Consequential</p>

	<p>platform (SUB-R56) and setback requirements. A lesser lot size would still deliver a sound rural planning framework while providing greater opportunity for more rural land to be retained within the balance lot and utilised for rural production activities.</p> <p>It is also noted that the boundary relocation provisions Sub-R46(1) allow for an allotment of less than 8,000m² as a Restricted discretionary activity.</p> <p>Refer to above reasons relating to high class soils.</p>	<p>amendments to other District Plan provisions to give effect to the above relief including amendments to policy SUB-P16(3)(a).</p> <p>Refer to above relief regarding high class soils.</p>
<p>Policy SUB-P16(3)(a).</p> <p>Policy SUB-P16 (3)(b)</p> <p>Policy SUB-P16(4).</p>	<p>Policy SUB-P16(3)(a) seeks to avoid the creation of lots smaller than 0.8ha. This policy conflicts with the boundary relocation provisions Sub-R46(1) which could result in an allotment of less than 0.8ha as a Restricted discretionary activity.</p> <p>Policy SUB-P16 (3)(b) seeks to avoid the creation of new lots wholly located on high class soil. The use of the word 'avoid' or 'avoiding' conflicts with the Restricted discretionary activity status for boundary relocations that create lots over 4ha located wholly on high class soil.</p> <p>Policy SUB-P16(4)(b) does not reflect the boundary relocation provisions Sub-R46(1) which do not need to result in a balance lot greater than 40ha. Furthermore, the policy does not recognise that if a 40 hectare title was subdivided under SUB-R43 – General Subdivision then the balance lot would be less than 40ha.</p>	<p>Amend policy SUB-P16(3)(a) to replace the word 'avoiding' with more suitable wording that recognises the creation of lots smaller than 0.8ha.</p> <p>Amend policy SUB-P16 (3)(b) to replace the word 'avoiding' with more suitable wording that recognises the creation of lots located wholly on high class soil.</p> <p>Amend policy SUB-P16(3)(a) to allow for balance lots less than 40ha.</p>

~~General Residential Zone Appeal Points~~

Decision	Reason(s)	Relief Sought
<p>SUB-R11(1)(a)(i) – 450m² minimum lot size.</p> <p>The minimum site size of new sites will be 450m²</p>	<p>The minimum Residential Zone site sizes of 450m² mean that the potential density of Residential Zone subdivisions are limited where infill and redevelopment site sizes of 350m² could/should be encouraged on existing sites/around approved development. A smaller lot size will allow for efficient residential intensification around approved development (s 7(c)).</p> <p>The Appellants' submission sought to amend the Residential Zone lot size for more infilling to make better use of utilities already in place and where the land is within walking distance to amenities and reserves. This gives effect to the NPS UD and the WRPS regarding the integration of infrastructure and landuse activities.</p>	<p>Amend the rule SUB-R11 RD1(a)(i) Subdivision – General subdivision to add an infill net site area of 350m².</p>

<p>Infill and redevelopment of sites will have a minimum site size of 450m².</p>	<p>Higher densities also mean that services can be provided more economically.</p> <p>It is important to have a consistent and integrated planning framework (both vertically and horizontally), and the relief sought also aligns with Part 2 SD Strategic Directions SD 04 Housing variety and Part 2 2 UFD Urban Form and Development Strategic Direction Objective UFD 01 for urban compact form that provides for connected liveable communities.</p> <p>SD-04 Housing variety.</p> <p>A variety of housing types are available to meet the community's needs.</p> <p>Part 2. District-wide matters / Strategic direction / UFD Urban form and development</p> <p>UFD – Urban form and development</p> <p>Objective</p> <p>UFD 01 Urban environment.</p> <p>A compact urban form that provides for connected, liveable communities.</p>	
<p>Reinstate multi-unit rules.</p>	<p>The Appellant seeks to reinstate the multi-unit rules, from the legacy Operative Waikato District Plan: Franklin Section, or reintroduction of the deleted multi-unit development rules in the Decision.</p> <p>Multi-unit development gives effect to the NPS UD and implements the strategic direction Urban Form and Development UFD 01 policy. The Appellants' submission supported multi-unit development as this supports variety and choice in the future housing stock/market which supports policies GRZ 04, GRZ P11 in the District Plan (Decision version). Provision should be made within the PDP Decision version particularly where the district has older existing residential areas containing 1,000m² sections that are close to town centres. These sites could appropriately accommodate multi-unit development to achieve the policy directives of the Plan.</p> <p>The Franklin Section of the Plan provided for more variation in density requirements. The Waikato District Councils' urban design guidelines will ensure the design and location of each development is appropriate and maintains amenity values.</p>	<p>Apply the legacy ODP: Franklin Section multi-development provisions with the reduce lot size.</p> <p>Alternatively reinstate the multi-unit development rules that were in the notified version of the PWDP.</p>
<p>GRZ-01 Policy refers to low density. Purpose states a mix of building types.</p>	<p>The Decision has deleted the provision for multi-unit development of up to three dwellings within a site. The legacy ODP: Franklin Section multi-unit development rule required a 300m² net site area.</p> <p>The Appellant put in a submission for multi-unit development of up to three dwellings to be a Permitted Activity.</p> <p>Policy GRZ 01 and GRZ 02 needs to be amended to cover multi-unit development if multi-unit development is incorporated into the Plan as sought.</p> <p>It is important the Plan optimises the use of serviced urban land in appropriate locations through the Residential Zone that are accessible to the community.</p>	<p>Amend Policy GRZ 01 and GRZ-02 to cover multi-unit development</p>

	business and community services. Higher density dwellings will promote housing choice and affordability.	
GRZ-S2 Allow for more than one dwelling per site or reinstate multi-unit development rule.	<p>The Decision to delete multi-unit housing, leaving the GRZ with only GRZ S2 Land use building of one residential unit within a site, retirement village or minor residential units, does not recognise the positive outcomes to be gained from promoting multi-unit development options. Good design can be achieved within greenfield sites where land is within walking/cycling distance to amenities and reserves.</p> <p>The construction of up to three dwellings on a residential site is unlikely to result in adverse effects providing the relevant controls are met. With multi-unit development, alternative good design and good outcomes can be created by variations in setbacks and boundary treatment.</p> <p>Compared to what the Plan Decision has enabled for retirement villages or minor dwellings, reinstating multi-unit development and amending infill to smaller 350m² lot sizes would provide a variety of housing types and integrated development (low-rise apartments, multi-unit development, retirement villages and minor residential units) in the Residential Zone where it is connected to public reticulation. Overall, the density would be appropriate to the physical attributes of the proposal.</p> <p>The relief sought gives effect to the NPS-UD, as is required (s 75) and is also consistent with the policy direction in the Enabling Housing Act.</p>	Introduce multi-use development provisions (to allow up to three units per site) and allow smaller site areas for infill development.

Village Zone / Large Lot Residential Zone Subdivision Appeal Points

Decision	Reason(s)	Relief Sought
Removal of Rule 24.4.2 Subdivision – Te Kowhai and Tuakau	<p>The deleted Notified Proposed Plan Village Zone had a differential lot size provision for serviced versus un-serviced land which was recommended by the section 42A Report and supported by submission and expert evidence in the Hearings.</p> <p>Based on the Village Hearing evidence, the Council Planner recommended amending the rule to:</p> <ul style="list-style-type: none"> For those sites in Tuakau and Te Kowhai that have an existing urban zoning in the Operative Plan, retain a 3,000m² minimum, with a 800m² minimum once reticulated services are available; For those sites in Tuakau and Te Kowhai that have an existing rural zoning in the Operative Plan, provide them with a Village Zoning but amend the rule to require a 20 hectare minimum until a structure plan is approved and reticulated services are available. Once these rule triggers are met provide for 800m² minimum lot sizes; Amend the planning maps to show the different density precincts in Tuakau and Te Kowhai (i.e. 20ha for the greenfield blocks and 3,000m²/ 800m² for those areas with urban zoning in the Operative Plan); 	<p>Reinstate this rule.</p> <p>Consequential amendments to other District Plan provisions to give effect to the above relief.</p>

Transport Appeal Points

Decision	Reason(s)	Relief Sought									
Table 12 Access Width and Road Condition Residential Zones	<p>The Appellants' submission opposed the increase width of the Access Leg and Right of Way (RoW) widths. The Decision access standards are excessive and will result in the inefficient use of land that also prevents infill development in existing urban areas.</p> <p>The Submitter considers the current standards in the legacy Franklin Section of the Plan are appropriate for the residential zone. This would reduce the Decision legal 4 metre width for one user to 3.5m. The extra seal width also increases impervious surfaces affecting stormwater runoff without any need or benefit relating to traffic effects.</p> <p>Excessive width also adds unnecessary additional costs to development, as well as climate change emissions.</p>	<p>Reduce RoW legal width. Apply NZS 4404 standards Table 3.2 Road Design Standards.</p> <p>Or in the alternative adopt the legacy Franklin Section Standards as follows:</p> <table border="1"> <thead> <tr> <th>Users</th><th>Legal width</th><th>Minimum total seal width</th></tr> </thead> <tbody> <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> </tbody> </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									
2 – 4	3.5m	2.7m									
5 – 8	8m	5m									
Table 13 Right of Way Access – Rural Zones	<p>The same reason as above applies for the Access Leg and RoW widths in the Rural zones as the Decision makes these too wide. The extra width will result in inefficient use of land.</p> <p>Furthermore, the requirement to seal access and RoWs in the rural zones is onerous and</p>	<p>The preferred option is that the Decision version adopts NZS4404 standards Table 3.2 Road Design Standards.</p> <p>In the alternative adopt the former Franklin Section standards as specified in 22.B.7.2.</p>									

	unnecessary. Metal access ways are appropriate in rural zones (metal is desired for rural farm vehicles and activities) and are more consistent with the character of the rural area. The provisions in the NZS4404:2010 Land Development and Infrastructure is a national document that addresses access and road conditions therefore it is not necessary for the District Plan to create separate standards.	

~~Other Appeal Points~~

Decision	Reason(s)	Relief Sought
Part 1 – Introduction and general provisions – Interpretation	This part of the Decision does not provide the appropriate interpretations for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal.
Part 2 – SD – Strategic Direction – UFD – Urban form and development	This part of the Decision does not provide an appropriate strategic direction for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal.
Part 2 – TRPT – Transportation	This part of the Decision does not provide an appropriate planning framework for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal.
Part 2 – ECO – Ecosystems and indigenous biodiversity	This part of the Decision does not provide an appropriate planning framework for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal. Amendments to the Objectives and Policies within this part of the decision to give effect to the relief sought in this appeal
Part 2 – NATC – Natural Character	This part of the Decision does not provide an appropriate planning framework for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal.
Part 2 – SUB – Subdivision	This part of the Decision does not provide an appropriate planning framework for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal.
Part 3 – GRUZ – General rural zone	This part of the Decision does not provide an appropriate planning framework for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal.
Part 3 – RLZ – Rural lifestyle zone	This part of the Decision does not provide an appropriate planning framework for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal.
Part 3 – LLRZ – Large lot residential zone	This part of the Decision does not provide an appropriate planning framework for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal.
Part 3 – GRZ – General residential zone	This part of the Decision does not provide an appropriate planning framework for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal.

Part 4 – Schedules APP2 – Criteria for determining significance of biodiversity	This part of the Decision does not provide an appropriate planning framework for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal.
Part 4 – APP3 – Biodiversity offsetting	This part of the Decision does not provide an appropriate planning framework for the relief sought in this appeal.	Amendments to this part of the Decision to give effect to the relief sought in this appeal.