

SECTION 42A REPORT

Report on submissions and further submissions on the
Proposed Waikato District

Hearing 28: Other Matters - Rural

Report prepared by: Jonathan Clease

Date: 28 May 2021



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List of submitters and further submitters addressed in this report

Original Submitter	Submission number	Further Submitter	Submission number
Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	765	AH & DB Finlay Limited	FS1252
Mischa Davis for Auckland Waikato Fish and Game Council	433	Allen Fabrics Ltd	FS1349
Brendan Balle for Balle Bros Group Limited	466	Ara Poutama Aotearoa (Department of Corrections)	FS1210
Alison Brown for Bathurst Resources Ltd and BT Mining Ltd	771	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	FS1005
Bruce and Dorothy Chipman	106	K Badger and WR Badger Estate	FS1260
Counties Power Ltd	405	Robyn Ballard	FS1324
Jackie Colliar	493	Blue Wallace Surveyors Ltd	FS1287
Dave Glossop for Counties Manukau Police	297	Burton Trust	FS1203
Kirstie Hill on behalf of Hill Country Farmers Group	482	Annie Chen	FS1261
Bruce and Kirstie Hill for Culverden Farm	481	Combined Poultry Industry on behalf of The Poultry Industry Association of NZ; Inghams Enterprises (NZ) Ltd; Brinks NZ Chicken; The Egg Producers Federation of NZ; and Tegel Foods Ltd	FS1338
Dilworth Trust Board	577	CSL Trust & Top End Properties Limited	FS1297
Federated Farmers of New Zealand	680	Federated Farmers	FS1342
Ethan Findlay	418	Fulton Hogan Ltd	FS1334
Fire and Emergency New Zealand	378	Genesis Energy Limited	FS1345
First Gas Limited	945	Gleeson Quarries Huntly Limited	FS1146
Carol Fleetwood	94	Gordon Downey	FS1157
Martin Fleetwood	93	Andrew and Christine Gore	FS1062
Fonterra Limited	797	Hamilton City Council	FS1379
Gwenith Sophie Francis	394	Havelock Village Limited	FS1377
Fulton Hogan Limited	575	HD Land Limited and Hampton Downs (NZ) Limited	FS1194
		Heritage New Zealand Pouhere Taonga	FS1323

Bill Wasley for Future Proof Implementation Committee	606
Andrew and Christine Gore	330
Murray & Cathy McWatt for Grander Investments Limited	548
Barry Green	416
Lance Vervoort for Hamilton City Council	535
Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	559
Jordyn Landers for Horticulture New Zealand	419
Housing New Zealand Corporation	749
Jenny Kelly	590
Hiini Kepa	164
KiwiRail Holdings Limited (KiwiRail)	986
John Lawson	825
Kim Robinson on behalf of Lochiel Farmlands Limited	349
Ting-Jung Lu	31
Russell Luders	273
Lyndendale Farms Limited	761
Ben Young for Madsen Lawrie consultants	444
Glenys McConnell	417
McCracken Surveys Limited	943
McPherson Resources Limited	691
Liam McGrath for Mercer Residents and Ratepayers Committee	367
Andrew Michael Basford Green for Meremere Dragway Inc	791
Middlemiss Farm Holdings Limited	794
Peter & Janette Middlemiss	354
Chanel Hargrave and Travis Miller	751
Adrian Morton	499
Shelley Munro	55
Anna Noakes	524
Mike Wood for New Zealand Transport Agency	742
New Zealand Steel Holdings Ltd	827

<i>Horticulture New Zealand</i>	<i>FS1168</i>
<i>Horotiu Properties Ltd</i>	<i>FS1286</i>
<i>Jarod Kowhai Huaki</i>	<i>FS1166</i>
<i>Tamara Huaki</i>	<i>FS1164</i>
<i>Koning Family Trust and Martin Koning</i>	<i>FS1329</i>
<i>Mainland Poultry Limited</i>	<i>FS1265</i>
<i>Christian & Natasha McDean</i>	<i>FS1204</i>
<i>McPherson Resources Limited</i>	<i>FS1292</i>
<i>Mercury NZ Limited</i>	<i>FS1223</i>
<i>Mercury NZ Limited for Mercury C</i>	<i>FS1386</i>
<i>Mercury NZ Limited for Mercury D</i>	<i>FS1387</i>
<i>Mercury NZ Limited for Mercury E</i>	<i>FS1388</i>
<i>Meridian Energy Limited</i>	<i>FS1258</i>
<i>Middlemiss Farm Holdings Limited</i>	<i>FS1330</i>
<i>Moeraki Farm Limited</i>	<i>FS1256</i>
<i>Andrew Mowbray</i>	<i>FS1305</i>
<i>Mowbray Group</i>	<i>FS1289</i>
<i>Newstead Country Preschool</i>	<i>FS1182</i>
<i>Newstead Residents Association</i>	<i>FS1216</i>
<i>New Zealand Health Food Park Limited</i>	<i>FS1301</i>
<i>New Zealand Transport Agency</i>	<i>FS1202</i>
<i>New Zealand Steel Holdings Limited</i>	<i>FS1319</i>
<i>Pareoranga Te Kata</i>	<i>FS1035</i>
<i>Gavin Lovegrove and Michelle Peddie</i>	<i>FS1149</i>
<i>Pekerangi Kee-Huaki</i>	<i>FS1165</i>
<i>Perry International Trading Group Limited</i>	<i>FS1348</i>
<i>Ports of Auckland Limited</i>	<i>FS1087</i>
<i>Ryburn Lagoon Trust Limited</i>	<i>FS1083</i>
<i>Noel Gordon Smith</i>	<i>FS1183</i>
<i>Synlait Milk</i>	<i>FS1322</i>
<i>Synlait Milk Limited</i>	<i>FS1110</i>

Ngati Tamaoho Trust	567
Jeska McHugh for NZ Pork	197
Perry Group Limited	464
Gabrielle Parson on behalf of Raglan Naturally	831
Anna Wilkes for Ravensdown	73
John Rowe	922
Shand Properties Ltd	738
Sharp Planning Solutions Ltd	695
Leigh Michael Shaw & Bradley John Hall	877
William Smeed	68
Stevenson Waikato Ltd	591
T&G Global Limited	676
Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	769
TaTa Valley Limited	574
Tarati Farms Limited	872
The Poultry Industry Association of New Zealand; I Brinks NZ Chicken; The Egg Producers Federation of on behalf of	821
The Surveying Company	746
Vera van der Voorden	802
Waikato Aggregates Ltd	726
Waikato DHB	923
Waikato District Council	697
Waikato Regional Council	81
Waikato-Tainui	286
John Lawson (Whaingaroa Environmental Defence Incorpora on behalf of Whaingaroa Environmental Defence Incorporated Society	780
Tyler Sharratt on behalf of Winstone Aggregates	723
David Yzendoorn for David and Barbara Yzendoorn	292

<i>Phoebe Watson for Barker & Associates on behalf of T&G Global</i>	<i>FS1171</i>
<i>Tamahere Eventide Home Trust - Tamahere Eventide Retirement Village</i>	<i>FS1004</i>
<i>TaTa Valley Limited</i>	<i>FS1340</i>
<i>Terra Firma Mining Limited</i>	<i>FS1285</i>
<i>The Surveying Company</i>	<i>FS1308</i>
<i>Dennis and Jan Tickelpenny</i>	<i>FS1280</i>
<i>Waikato Regional Council</i>	<i>FS1277</i>
<i>Watercare Services Ltd</i>	<i>FS1176</i>
<i>Wattle Downs Limited</i>	<i>FS1254</i>
<i>Whaingaroa Environmental Defence Inc. Society</i>	<i>FS1276</i>
<i>Winstone Aggregates</i>	<i>FS1332</i>
<i>Zeala Limited trading as Aztech Buildings</i>	<i>FS1275</i>

Please refer to Appendix I to see where each submission point is addressed within this report.

I Introduction

I.1 Qualifications and experience

1. My full name is Jonathan Guy Cleese. I am employed by a planning and resource management consulting firm Planz Consultants Limited as a Senior Planner and Urban Designer.
2. I hold a Bachelor of Science (Geography), a Master of Regional and Resource Planning, and a Master of Urban Design. I am a Full Member of the New Zealand Planning Institute.
3. I have twenty-three years' experience working as a planner, with this work including policy development, providing s.42A evidence on plan changes, the development of plan changes and associated s32 assessments, and the preparation and processing of resource consent applications. I have worked in both the private and public sectors, in both the United Kingdom and New Zealand.
4. I am the author of the s42A reports for the Village Zone subdivision policy and rule frameworks (Hearing 6), the Rural Zone policy and land use rule frameworks (Hearing 18), and rezoning submissions on Te Kowhai, Future Urban Zones and Medium Density Residential Zones (Hearing 25).
5. I have recently been involved in the review of the Christchurch District Plan and presented evidence on the notified provisions on behalf of submitters on commercial, industrial, Lyttleton Port, natural hazards, hazardous substances, and urban design topics. I have also recently been involved in the development of the second generation Timaru, Selwyn and Waimakariri District Plans, and the preparation of s42A reports processing private plan change applications. These topics have included rural-residential housing, commercial, urban design, and signage matters.

I.2 Code of Conduct

6. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
7. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

I.3 Conflict of Interest

8. To the best of my knowledge, I confirm that I have no real or perceived conflict of interest.
9. Planz Consultants Ltd have undertaken work in the past for both Fonterra and Ravensdown. These two submitters have sought discrete changes to the geographic extent of the mapped overlays relating to aggregate extraction and coal mining. Planz have not had any involvement with the preparation of these submissions and have not undertaken any work for either submitter in Waikato District. As such I do not consider that a conflict of interest is created in assessing submissions lodged by these two parties on the Waikato District Plan.
10. Other than the above submitter, Planz do not have any clients that have made submissions on the topics dealt with in this report.

1.4 Preparation of this report

11. I am the author of this report which has prepared in accordance with section 42A of the RMA.
12. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2 Scope of Report and topic overview

2.1 Matters addressed by this report

13. This report comes towards the end of what has been a lengthy hearings process considering multiple topics as part of the District Plan Review. In the process of reviewing recommendations made through the preceding hearings, the Council's administrative team have identified a number of discrete submission points that have not been explicitly addressed in earlier hearings. This report is part of a bundle of s42a reports that address these remaining submission points.
14. This report has a specific focus on submission points that relate to the Rural Zone policies and rules. Given that I prepared the s42a report on the Rural Zone policy and landuse rule framework¹ (the 'Rural Report'), Council have asked that I also report on the remaining submission points on this topic. I also draw frequently on the earlier recommendations made by Ms Katherine Overwater who prepared the s42a report on the Rural Zone subdivision rules² (the 'Subdivision Report').
15. I note at the outset that whilst individual submission points were inadvertently overlooked in earlier reporting, the topics raised by these submissions were generally also raised by other submitters and therefore have already been the subject of detailed assessment. As such this report where appropriate refers back to, and generally relies on, the discussion and recommendations on the relevant topic made in earlier s42a reports.
16. I also note that in many cases the submitters themselves also presented evidence to the Rural Zone Hearing 18, with their evidence covering the ambit of concerns raised in their original submission. Whilst a specific submission point was not explicitly addressed in the recommendations, the topic, and the submitter's right to be heard, was nonetheless often reported on.
17. To make reporting easier, I have grouped submission points by topic, starting with those seeking amendments to the rural zone policy framework, before moving on to considering submissions seeking changes to the rules themselves.

2.3 Statutory requirements

2.3.1 Resource Management Act 1991

18. As noted in the introduction of the s42A report by Mr Matheson³, sections 1.1 and 1.2 of *Chapter 1- introduction* of the Proposed Plan set out the relationship between s5, s32, and s72 of the Resource Management Act 1991 ('RMA'), which are respectively:

¹ Section 42a Report Hearing 18 Rural Zone, prepared by Jonathan Cleese, dated 25 August 2020

² Section 42a Report Hearing 18 Rural Subdivision, prepared by Katherine Overwater, dated 25 August 2020

³ Section 42A Report Hearing 3 Strategic Objectives, Alan Matheson (30 September 2019)

- The purpose of the RMA;
 - The functions of a territorial authority; and
 - The purpose of a district plan.
19. As set out in the various sections within *Chapter 1 – Introduction*, and also in the Framework Report, there are a number of guiding RMA documents such as the NPS-UD, WRPS, strategies such as Waikato 2070, the Future Proof Growth Strategy and associated Implementation Plan, and agreements such as the Waikato River Joint Management Agreement 2010 that provide guidance for the preparation and content of the Proposed Plan. The direction contained in these higher order documents of relevance to the rural topic were set out in paragraphs 22-40 of my earlier Rural Report.
20. Section 32 of the RMA requires that the objectives of the proposal be examined for their appropriateness in achieving the purpose of the RMA, and the provisions (policies, rules or other methods) of the proposal to be examined for their efficiency, effectiveness and risk. The effects of new policies and rules on the community, the economy, cultural matters and the environment need to be clearly identified and assessed as part of this examination. The analysis must be documented, so stakeholders and decision-makers can understand the reasoning behind policy decisions.
21. In general the s32AA requirements (when changes are recommended to provisions), is as set out in the earlier Rural Report and therefore have not been repeated here.

2.4 Procedural matters

22. At the time of writing this s42A report there have not been any pre-hearing conferences. Due to the clarity of submissions, no correspondence or meetings with submitters needed to be undertaken and there are no procedural matters to consider for this hearing on this topic.
23. No other pre-hearing meetings, Clause 8AA meetings, or further consultation on the submissions were held prior to the finalisation of this s42A report.

3 No specific relief sought

Introduction

24. A number of submission points were received that related to the Rural Zone provisions but that did not seek any specific relief or changes to the provisions.

No specific relief		
Submission point	Submitter	Summary of submission
31.1	Ting-Jung Lu	No specific decision sought, but submission states support for the property at 340C Laxon Road, Hamilton.
FS1386.35	Mercury NZ Limited for Mercury C	Oppose
93.1	Martin Fleetwood	No specific decision sought, but submission states supports Chapter 22 Rural Zone.
FS1210.8	Ara Poutama Aotearoa (Department of Corrections)	Not Stated
FS1386.71	Mercury NZ Limited for Mercury C	Oppose
94.1	Carol Fleetwood	No specific decision sought, but submission states support for Chapter 22 Rural Zone.
FS1386.72	Mercury NZ Limited for Mercury C	Oppose
164.6	Hiini Kepa	No specific decision sought, but submission states support for Chapter 22 Rural Zone.
FS1386.144	Mercury NZ Limited for Mercury C	Oppose
330.62	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.1 Land Use - Activities.
FS1386.439	Mercury NZ Limited for Mercury C	Oppose
330.64	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.1.2 Permitted Activities.
FS1386.441	Mercury NZ Limited for Mercury C	Oppose
330.65	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.1.3 Restricted Discretionary Activities.
FS1386.442	Mercury NZ Limited for	Oppose

	<i>Mercury C</i>	
330.66	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.1.5 Discretionary Activities.
<i>FS1386.443</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
330.67	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.1.5 Non-Complying Activities.
<i>FS1386.444</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
330.148	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.3.2 Minor dwelling.
<i>FS1386.412</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>
330.169	Andrew and Christine Gore	No specific decision sought, however submission refers to Rule 22.4.8 Subdivision of land containing heritage items.
418.15	Ethan Findlay	No specific decision sought, but submission opposes Chapter 22 Rural Zone.
<i>FS1388.170</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
466.77	Brendan Balle for Balle Bros Group Limited	No specific decision sought, but submission supports avoiding rural land fragmentation through the concentration of housing development in growth nodes, in and around town centres.
<i>FS1062.48</i>	<i>Andrew and Christine Gore</i>	<i>Support</i>
676.10	T&G Global Limited	No specific decision sought, but the submission supports the Proposed District Plan insofar as it acknowledges the importance of horticultural activities within the District and seeks to protect such uses from reverse sensitivity effects of incompatible land use.
780.31	John Lawson (Whaingaroa Environmental Defence Incorpora on behalf of Whaingaroa Environmental Defence Incorporated Society	Retain Chapter 22 Rural Zone.

FS1087.25	Ports of Auckland Limited	Support
FS1387.1204	Mercury NZ Limited for Mercury D	Oppose
825.50	John Lawson	Retain Chapter 22 Rural Zone
55	Shelley Munro	Protect the quality of our degrading environment. It is this Clean Green tourism tag that keeps visitors coming.
FS1340.1	TaTa Valley Limited	Oppose
FS1342.7	Federated Farmers	Oppose
68.1	William Smeed	Chapter 22 Rural Zone does not address issues relating to islands. The islands are specific areas of land that need to be given consideration and not just lumped into other rural areas.
FS1386.54	Mercury NZ Limited for Mercury C	Oppose
738.3	Shand Properties Ltd	Amend Chapter 5 to clarify the scope of the application of the objectives and policies in the "Rural Environment" and which zone(s) the objectives and policies apply to.
FS1349.6	Allen Fabrics Ltd	Support
FS1387.825	Mercury NZ Limited for Mercury D	Oppose

Analysis

25. The Hearing 18 process resulted in substantial amendments being recommended in the Rural Report (and sought in submitter evidence). The Rural Report concluded that the recommended changes would result in a more effective and effective set of provisions that better gave effect to the outcomes sought for the rural areas in both the higher order documents and as a coherent policy direction of these areas in the District Plan. The recommended provisions likewise addressed more specific matters relating to horticulture, versatile soils, the management of fragmentation risk of productive potential through subdivision.
26. The above submission points do not seek any explicit changes to the Rural Zone provisions. They either express general support for the provisions, or general opposition. In part this lack of specificity is a function of the original submission, and in part is reflective of how the submissions have been summarised i.e. what may have been written as a single coherent narrative has been broken down by Council staff into discrete submission points.
27. An example of this is the submission of Andrew and Christine Gore [330.62, 64, 65, 66, 67, 148, 169]. The Gores own a small rural block on the outskirts of Hamilton and across the hearings have provided several statements regarding their aspirations to be able to develop their property for low density Country Living Zone activities, set within a framework of restored native plantings. In seeking this core relief, their original submission contained general references to the adequacy (or not) of the Rural Zone provisions and the challenges presented by the proposed rule framework in realising their development aspirations. The

summarising of their original submission resulted in numerous discrete submission points that when considered in isolation do not properly communicate or give a sense of the wider outcomes they are seeking. Given the lack of relief sought, it is recommended that these submission points be **rejected**, noting that the core relief sought by the Gores (rezoning of their property to Country Living) is considered in Hearing 25⁴.

28. Ting-Jung Lu [31.1] sought to support their property at 340C Laxon Rd which is located to the west of Hamilton City. No changes are sought (or recommended) to the zoning of this property and therefore the submission point can be **accepted**.
29. Martin Fleetwood [93.1], Carol Fleetwood [94.1], Hiini Kapa [164.6], John Lawson on behalf of Whaingaroa Environmental Defence Incorporated Society [780.31], John Lawson [825.50], all supported Chapter 22 (the Rural Zone rules). Ethan Findlay [418.15] conversely opposed Chapter 22. It is recommended that these submission points be **accepted in part**, to the extent that the notified provisions have been amended through other recommendations.
30. Brendan Balle for Balle Bros Group Limited [466.77] supports avoiding rural land fragmentation through the concentration of housing development in growth nodes in and around town centres. T&G Global Ltd [676.10] supports the Proposed District Plan insofar as it acknowledges the importance of horticultural activities within the District and seeks to protect such uses from reverse sensitivity effects of incompatible land use. Shelley Munro [55] seeks to protect the quality of the environment. The Rural Zone provisions recommended in the Rural Report retain the notified direction of managing urban growth primarily through consolidation in and around existing townships. The approach to urban growth management was likewise considered in section 5.4 of the Thematic Report⁵ as part of Hearing 25 on rezoning. The policy framework recommended in the Rural Report likewise recognised the role of the rural area for productive rural activities including farming and horticulture, and seek to appropriately manage effects in order to maintain the rural environment. It is therefore recommended that these three submission points be **accepted**.
31. William Smeed [68.1] sought a specific section (and set of unspecified rules) be included in the District Plan to address islands located within the Waikato River. The Rural Zone provisions do not include any specific reference or policy direction regarding islands. The key issues regarding islands are addressed in the thematic chapters relating to areas with high landscape, ecological, and cultural values which have been addressed in the earlier hearings on these themes, including consideration of the impact that such provisions have on landowners and the development potential of their sites. Specific policy and rule direction regarding islands is not considered to be necessary or appropriate and therefore it is recommended that the submission point be **rejected**.
32. Shand Properties Ltd [738.3] sought to amend Chapter 5 to clarify which zones the objectives and policies of the 'rural environment' apply to. The very first clause under the Chapter 5 heading states "the following objectives and policies apply to the Rural Zone". As such it is considered clear which zone the provisions apply to. It is therefore recommended that the submission point be **accepted in part** to the extent that the relief sought is already provided in the provisions and no further amendment is necessary. In any event, the translation of the Proposed District Plan into the National Planning Standards structure will

⁴ S42a report Hearing 25 Zone Extents Rest of District – Addendum, Section 3, Prepared by Ms Catherine Boulton, dated 23 April 2021

⁵ S42a report Hearing 25 zone extents – Thematic Issues, Future Urban Zone and Medium Density Residential Zone prepared by Jonathan Cleese, dated 16 April 2021.

somewhat address this issue, whereby all objectives, policies and rules related to Rural will be contained in a single chapter.

4 Rural Zone Policy Framework – Chapter 5

Introduction

33. A number of submissions points were received on the Rural Zone policy framework that were not addressed in earlier reports. Whilst the individual submission points were overlooked, the matters raised in the submissions have already been considered in these earlier reports as the same issues were often raised by other submitters. The below assessment therefore largely identifies and refers back to where the issues have already been considered.

General Policies		
Submission point	Submitter	Summary of Submission
680.69	Federated Farmers of New Zealand	Retain Policy 5.3.11 Home occupations, as notified.
FS1387.174	Mercury NZ Limited for Mercury D	Oppose
394.7	Gwenith Sophie Francis	Add new policies to Chapter 3 Natural Environment to implement the additional objective requested (in submission point 394.6) which provide, inter alia, subdivision incentives for creating areas with significant indigenous biodiversity value, including the encouragement, establishment or protection of: (i) Significant linkages between large (significant) areas of native bush, wetland, scrubland and dunelands; (ii) Significant enhancement of an area which is already significant in terms of bush or natural values; (iii) Significant restoration or enhancement of areas which are largely depleted, highly modified or destroyed in terms of native biodiversity within the district; (iv) Compensation, mitigation or remediation to offset the adverse effects of subdivision or development. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.
FS1342.69	Federated Farmers	Support
394.10	Gwenith Sophie Francis	Add new policies to Chapter 5 Rural Environment, to facilitate farm parks and ensure good quality outcomes by: (i) Allowing up to 1 new site per 4 ha, provided that the parent title is 20 ha or larger; (ii) New sites being clustered, less than 5000m ² and the development to be lined with a Farm Management Plan to ensure long term environmentally sustainable farming practices; (iii) Ecological restoration of permanent watercourses and wetlands; (iv) Reverse sensitivity covenants for farming

		activities; (v) Clustering of houses where topography allows it; and (vi) Facilitating changes of use in farming operations to land uses which are compatible and give effect to the "Vision and Strategy" and are more sustainable through reduced water and nutrient needs. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.
FS1322.8	Synlait Milk	Oppose
FS1110.24	Synlait Milk Limited	Oppose
FS1342.70	Federated Farmers	Not Stated
FS1379.109	Hamilton City Council	Oppose
FS1388.114	Mercury NZ Limited for Mercury E	Oppose
416.1	Barry Green	No specific decision sought, but submission opposes Section 5.2 Productive Versatility of Rural Resources, and effects of subdivision and development on soils.
FS1388.157	Mercury NZ Limited for Mercury E	Oppose
746.102	The Surveying Company	Retain Policy 5.2.2- High class soils as notified.
749.21	Housing New Zealand Corporation	Retain Objective 5.1 - The Rural Environment as notified.
FS1387.1000	Mercury NZ Limited for Mercury D	Oppose

Rural Character and Amenity Objectives and Policies 5.3

Submission point	Submitter	Summary of Submission
297.33	Dave Glossop for Counties Manukau Police	Add to Policy 5.3.8(a) Effects on rural character and amenity from rural subdivision a new point as follows: (g) subdivision, use, and development is designed to conform to the national guidelines for CPTED
FS1342.60	Federated Farmers	Oppose
197.5	Jeska McHugh for NZ Pork	Retain Objective 5.3.1 Rural character and amenity.
433.2	Mischa Davis for Auckland Waikato Fish and Game Council	Retain Policy 5.3.2 Productive rural activities as notified.
FS1083.2	Ryburn Lagoon Trust Limited	Support
330.131	Andrew and Christine Gore	Amend Section 5.3 Rural Character and Amenity to recognise properties where the continued operation of

		the rural environment as a productive working environment is not possible so the landowners can develop their property.
FS1379.74	Hamilton City Council	Oppose
FS1386.403	Mercury NZ Limited for Mercury C	Oppose
378.61	Fire and Emergency New Zealand	Add new Objective to Section 5.3 Rural Character and Amenity as follows: Objective 5.3.x To recognise and provide for non-rural activities that contribute to the health, safety and wellbeing of the community while managing their potential adverse effects to ensure that the activities complement the amenity values of the District's rural areas. AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.
FS1388.49	Mercury NZ Limited for Mercury E	Oppose
FS1035.168	Pareoranga Te Kata	Support
419.57	Jordyn Landers for Horticulture New Zealand	Add a new policy within Section 5.3 Rural Character and Amenity, as follows: Rural character and amenity includes the following elements: (a) A rural working environment (b) Some activities are seasonal in nature (c) Intensity of development reflecting the rural production environment, such as buildings and structures for rural production and domestic purposes (d) Varying levels of noise associated with seasonal and intermittent rural production activities. (e) Relatively open space and low density of development. (f) Odours, noise and dust typical of rural activities. (g) Generally low levels of vehicle traffic with seasonal fluctuations. (h) The presence of large numbers of farmed animals and extensive areas of plant vine or fruit crops and areas of forestry. (i) Accessory buildings and structures (including crop support and artificial crop protections structures) across the landscape. AND Any consequential or additional amendments as a result of changes sought in the submission.
FS1171.37	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support
FS1308.39	The Surveying Company	Support
FS1330.34	Middlemiss Farm Holdings Limited	Oppose
FS1340.52	TaTa Valley Limited	Support

FS1342.79	Federated Farmers	Support
FS1345.99	Genesis Energy Limited	Support
FS1388.203	Mercury NZ Limited for Mercury E	Oppose
433.11	Mischa Davis for Auckland Waikato Fish and Game Council	Add a new policy in section 5.3 Rural Character and Amenity, as follows: 5.3.19 - Public access to wetlands, streams, rivers, lakes and the coast (a) Opportunities for public access to wetlands, streams, rivers, lakes and the coast are supported by: (i) Settlement development and growth providing access to wetlands, streams, rivers, lakes and the coast; (ii) Esplanade reserves or strips providing access to wetlands, streams, rivers, lakes and the coast at subdivision stage; (iii) Public access to and along the margins of wetlands, streams, rivers, lakes with high natural character, and conservation, recreation, amenity, heritage and cultural values are maintained and enhanced. AND/OR Any alternative relief to address the issues and concerns raised in the submission.
FS1223.71	Mercury NZ Limited	Support
FS1340.59	TaTa Valley Limited	Support
FS1345.17	Genesis Energy Limited	Oppose
FS1342.117	Federated Farmers	Support
577.1	Dilworth Trust Board	Add a new policy to Section 5.3 - Rural Character and Amenity, as follows: 5.3.19 Policy – Specific area – Dilworth School – Rural Campus (a) Recognise and protect the continued operation and ongoing development of the Dilworth School – Rural Campus. (b) Provide for the operation and development of education facilities and boarding and accommodation activities that are integral to the Dilworth School – Rural Campus, and which complement the surrounding rural environment. AND Amend the Proposed District Plan for any further or other consequential relief required to give effect to the relief sought in this submission
FS1388.829	Mercury NZ Limited for Mercury E	Oppose
749.22	Housing New Zealand Corporation	Retain the objectives and policies in Section 5.3 Rural Character and Amenity as notified.
FS1387.1001	Mercury NZ Limited for Mercury D	Oppose
794.15	Middlemiss Farm Holdings	Add a new policy into Section 5.3 Rural Character and

	Limited	Amenity as follows: Policy 5.3.8B - Environmental enhancement and restoration of ecosystem services (a) Enable environmental enhancement and the restoration of degraded ecosystem services by the provision of in situ incentive subdivision opportunities; (b) Avoid, remedy and mitigate any potential adverse effects of subdivision and development on other rural activities, soil and mineral resources, and rural amenity values; (c) Ensure that areas identified and restored are properly protected for the long term through appropriate legal mechanisms. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.
FS1308.130	<i>The Surveying Company</i>	Support
FS1387.1245	<i>Mercury NZ Limited for Mercury D</i>	Oppose
872.1	Tarati Farms Limited	Retain Objective 5.1.1 The rural environment, as notified.
FS1387.1423	<i>Mercury NZ Limited for Mercury D</i>	Oppose
535.50	Lance Vervoort for Hamilton City Council	Retain Policy 5.3.3 Industrial and commercial activities.
FS1157.7	<i>Gordon Downey</i>	Support
FS1165.9	<i>Pekerangi Kee-Huaki</i>	Support
FS1166.9	<i>Jarod Kowhai Huaki</i>	Support
FS1149.10	<i>Gavin Lovegrove and Michelle Peddie</i>	Support
FS1164.11	<i>Tamara Huaki</i>	Support
FS1182.15	<i>Newstead Country Preschool</i>	Support
FS1183.10	<i>Noel Gordon Smith</i>	Support
FS1204.15	<i>Christian & Natasha McDean</i>	Support
FS1216.13	<i>Newstead Residents Association</i>	Support
FS1280.13	<i>Dennis and Jan Tickelpenny</i>	Support
548.12	Murray & Cathy McWatt for Grander Investments Limited	Amend Policy 5.3.13(a) Waste Management Activities, as follows: Provide for the rehabilitation of existing quarry sites, including landfill and cleanfill activities, where siting is appropriate, environmental effects are managed and there is environmental gain...
FS1292.49	<i>McPherson Resources Limited</i>	Oppose
FS1334.49	<i>Fulton Hogan Ltd</i>	Oppose
354.1	Peter & Janette Middlemiss	Amend the Rural Zone to have three sub-zoning categories to accommodate the diversity of the area rather than just one blanket zone.
FS1379.92	<i>Hamilton City Council</i>	Oppose

FS1386.506	Mercury NZ Limited for Mercury C	Oppose
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Versatility of Rural Resources		
Submission point	Submitter	Summary of Submission
81.211	Waikato Regional Council	Retain Section 5.2 Productive Versatility of Rural Resources.
FS1223.50	Mercury NZ Limited	Support
81.216	Waikato Regional Council	Add to Objective 5.2 Production Versatility of Rural Resources an additional policy to recognise and provide for the key features of peat soils.
FS1223.54	Mercury NZ Limited	Support
330.130	Andrew and Christine Gore	Amend Section 5.2 Productive Versatility of Rural Resources to recognise that where the surrounding ecosystem has already been changed by development that the best use forward is the option. This could include developments with best practice to prevent further deterioration of those ecosystems, such as appropriate subdivision and appropriate productive rural activity.
FS1379.73	Hamilton City Council	Oppose
367.4	Liam McGrath for Mercer Residents and Ratepayers Committee	Retain Section 5.2 Productive Versatility of Rural Resources.
FS1386.547	Mercury NZ Limited for Mercury C	Oppose
394.11	Gwenith Sophie Francis	Amend Section 5.2 Productive Versatility of Rural Resources by rewriting, so that: (i) increased and efficient utilisation of the rural land resource is enabled; (ii) the capacity and versatility of high class soils is maintained and enhanced where those soils are (or are likely to be) part of a farming unit that has sufficient critical area and where the soils are located in areas which have available allocable water and nutrient capacity; and (iii) Delete or rewrite Policy 5.2.2 - High class soils to give effect to the above and/or the protection of high class soils is limited to tracts of land which are large enough to be commercially viable and with available water and nutrient budgets; and (iv) Delete or rewrite Policy 5.2.3 Effects of subdivision and development on soils to give effect to the above and/or the protection of high class soils is limited to tracts of

		land which are large enough to be commercially viable and with available water and nutrient budgets. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.
FS1388.115	Mercury NZ Limited for Mercury E	Support
746.101	The Surveying Company	Retain Objective 5.2.1- Rural resources, except for the amendments sought below AND Amend Objective 5.2.1 (a) (i)- Rural resources as follows: (a) Maintain or enhance the: (i) Inherent life-supporting capacity, accessibility and versatility of soils, in particular high class soils.
FS1387.971	Mercury NZ Limited for Mercury D	Oppose
761.12	Lyndendale Farms Limited	Amend Section 5.1- The Rural Environment, Section 5.2- Productive Versatility of Rural Resources and Section 5.3- Rural Character and Amenity to provide for Retirement Village Development within the Rural Zone, only at 180 Horsham Downs Road, Horsham Downs. AND Amend the Proposed District Plan to make any consequential amendments that are required to give effect to the submission.
FS1379.305	Hamilton City Council	Oppose
FS1387.1118	Mercury NZ Limited for Mercury D	Oppose

Analysis – Objectives 5.5.1 and 5.2.1 rural resources and versatile soils

34. Tarati Farms Ltd [872.1] and Housing New Zealand Corporation [749.21] submitted in support of Objective 5.1.1 and sought its retention. This objective relates to the overarching purpose and outcomes for the rural environment. This objective was discussed in paragraphs 65-75 of the Rural Report, where I recommended that the objective be retained with minor amendments to provide more explicit direction regarding the range of activities anticipated in the rural environment.
35. It is noted that issues with the ‘strategic’ nature of this objective and the challenges presented by it were identified in the Framework Report prepared by Dr Davey⁶ as part of the ‘scene setting’ reporting on submissions seeking rezoning (Hearing 25). It may be that this objective and its structural location in Chapter 5 (rather than Chapters 1 or 4 which provide direction on urban growth outcomes) may change through the hearings process. If the Panel determine that the objective is to be retained, then this submission point should be **accepted**.

⁶ S42a report – Hearing 25 Zone Extents – Framework Report, prepared by Dr Mark Davey, Dated 19 January 2021.

36. Gwynith Francis [394.7 and 394.10] and Middlemiss Farm Holdings Limited [794.15] both sought that additional policies be included in the Plan to provide better direction regarding environmental compensation and the ability to undertake further subdivision and the creation of farm parks in return for protecting areas with high ecological values.
37. The issue of environmental compensation and additional subdivision rights was discussed in detail in pages 189-236 of Ms Overwater's Subdivision Report and also in the s42a report prepared by Ms Susan Chibnall⁷ who considered Policy 3.2.8 regarding incentivising subdivision. Both reports have recommended the need for a policy and rule framework that recognises the benefits of ecological protection and restoration and that a limited amount of additional subdivision may be appropriate in such circumstances. As such it is recommended that the submission points be **accepted in part** insofar as environmental compensation is addressed in the recommended policy and rule framework.
38. The Waikato Regional Council [81.211] and Liam McGrath on behalf of the Mercer Residents' Association [367.4] seek the retention of section 5.2 relating to the productive versatility of rural resources and the need to appropriately manage high class soils. The Surveying Company [746.102] sought that Policy 5.2.2 (High class soils) be retained. Barry Green [416.1] conversely opposed section 5.2.
39. The Rural Report recommended that section 5.2 be retained (with amendment), and therefore the three submission points in support are recommended to be **accepted** and the submission by Barry Green **rejected**.
40. The Waikato Regional Council [81.216] sought the inclusion of a reference to peat soils in the Objective 5.2. This relief was discussed in paragraph 86 of the Rural Report, with it recommended that no reference be made to peat soils in the provisions. It is therefore recommended that this submission point be **rejected**.
41. The Surveying Company [746.101] sought that Objective 5.2.1 be amended to add reference to 'accessibility' when considering high class soils. This is a text amendment that was sought by numerous other submitters, was discussed in paragraphs 79-99 of the Rural Report, and where it was recommended that such reference be included in the objective. It is therefore recommended that this submission point be **accepted**.
42. Gwenith Francis [394.11] sought that section 5.2 be amended so that reference to the protection of high class soils is limited to those soils that are located on farms of sufficient size to enable productive potential to be realised, along with adequate water access and nutrient budgets. I agree that where landholdings are large, and water and nutrient budgets are available, the economic potential of soils increases. These three factors do however change over time, with high class soils able to support different types of farming activities on different sized landholdings. The policy direction is to retain this productive potential, with a resource consent process available for applicants to demonstrate that specific blocks of land are not able to be productively used and that therefore alternative non-rural uses are appropriate. It is therefore recommended that this submission point be **rejected**.
43. Andrew and Christine Gore [330.130] sought that section 5.2 be amended to enable subdivision where productive potential has already been degraded and where further subdivision would facilitate ecological restoration. This issue was discussed in paragraphs 96-99 of the Rural Report. This earlier report recommended that Policy 5.2.3 which relates to the effects of subdivision on the soil resource be tightened up so that it has a specific focus on the issue of fragmentation. Environmental compensation was separately considered in

⁷ S42a report prepared by Ms Susan Chibnall for Hearing 21A – Natural Environments – Indigenous vegetation and habitats, November 2020

relation to Policy 5.3.8 and the associated discussion on compensatory subdivision in Ms Overwater's Subdivision Report. It is therefore recommended that the Gore's submission point be **accepted in part**, to the extent that there is policy support for conservation lots created in tandem with environmental protection and restoration.

44. Lyndale Farms Ltd [761.12] sought to amend sections 5.1-5.3 to provide policy support for a proposed retirement village development within the Rural Zone at 180 Horsham Downs Road. The submitter did not seek a change in zone, rather their relief focussed on the inclusion of a bespoke set of policy and rule amendments to the Rural Zone provisions to enable the establishment and ongoing operation of a retirement village on their site.
45. The treatment of retirement villages in both the Rural and Country Living Zones was discussed in paragraphs 464-480 of the Rural Report. It was recommended that as retirement villages are inherently urban activities, with a built form that is urban in character, the establishment of new retirement villages in the Rural Zone should be non-complying. A fully discretionary status was recommended for the Country Living Zones, given the more residential purpose and densities anticipated in the Country Living Zone and the fact that these zones are invariably located on the edge of larger townships and are more likely to be able to access reticulated services.
46. I also recommended that several existing retirement villages be specifically referenced in the rules, with their expansion and adaption a restricted discretionary activity (in the event that they are not rezoned through Hearing 25). As the Horsham Downs Road site is currently vacant and does not contain an existing retirement village, it was recommended that a non-complying activity status apply to this site (as it does everywhere else in the Rural Zone). In keeping with this earlier recommendation it is recommended that this submission point be **rejected**.

Analysis – Section 5.3 – Rural Character and activities

47. Jeska McHugh for NZ Pork [197.5] sought to retain Objective 5.3.1 relating to rural character and amenity. Housing New Zealand Corporation [749.22] have sought the retention of the section 5.3 policies. Auckland Waikato Fish and Game Council [433.2] have sought retention of Policy 5.3.2 relating to productive rural activities. It is recommended that this submission point be **accepted in part** insofar as the section 5.3 policies remain unaltered.
48. Peter & Janette Middlemiss [354.1] sought that rather than a single rural zone the District Plan include three different rural zones to better reflect different characteristics of the rural parts of the district. The issue of whether to have a single zone or several zones covering the rural area was discussed in paragraphs 103-112 of the Rural Report. It was recommended that a single zone approach be retained, with a redrafted Policy 5.3.1 introduced to more clearly articulate the contributing elements that make up the District's diverse rural character and amenity values. The use of overlays to identify areas with high landscape or ecological value further helps to differentiate the diverse character of the rural area and the outcomes sought. It is recommended that this submission be **accepted in part** to the extent that the amended policy framework helps to articulate differing character and outcomes.
49. Jordyn Landers on behalf of Horticulture New Zealand [419.57] sought that a new policy be added to section 5.3 to more clearly articulate rural character and amenity outcomes, including more explicit acknowledgement of the range of effects that are inherent in farming activities. This issue was discussed in paragraphs 103-113 of the Rural Report. It was recommended that a new policy be added to more clearly set out what was meant by 'rural

character and amenity' in a Waikato District context. It is noted that Horticulture NZ presented evidence on this policy wording in Hearing 18⁸ and that whilst supportive of a more clearly articulated policy, sought that alternative wording be used. Ultimately the wording preference for this policy will be a matter for the Panel considering Hearing 18 outcomes. It is recommended that the submission point be rejected as the wording sought by the submitter is not recommended as part of this policy.

50. Federated Farmers [680.69] seek that Policy 5.3.11 supporting home occupations be retained. This policy (and associated rule) was discussed in paragraphs 351-365 of the Rural Report. It was recommended that this policy be retained (with minor amendment), and therefore it is recommended that this submission point be **accepted in part** to the extent that the overall policy direction has been retained.
51. Hamilton City Council [535.50] submitted in support of Policy 5.3.3 which relates to industrial and commercial activities. The policy approach to industrial and commercial activities was discussed in paragraphs 134-145. It was recommended that Policy 5.3.3 be replaced by a new Policy 5.3.5 that provided more refined direction that provides for rural-related commercial and industrial activities (along with associated definitions and a restricted discretionary rule), and non-rural industrial and commercial activities which were to be avoided. It is recommended that the submission be **accepted in part** insofar as the recommended policy framework retains direction for commercial and industrial activities.
52. Dave Glossop on behalf of Counties Manukau Police [297.33] sought that Policy 5.3.8 relating to rural subdivision be amended to include reference to subdivision being undertaken in accordance with Crime Prevention Through Environmental Design ('CPTED') principles. This policy was discussed in paragraphs 275-285 in the Rural Report. It was recommended that the policy be comprehensively rewritten, drawing on the recommended direction in Ms Overwater's Subdivision Report. Whilst CPTED is a valid matter to consider in urban contexts where subdivision layout can influence long-term public safety outcomes, in the rural environment subdivisions generally only enable a small number of lots to be created at any one time, with the size of these lots being for lifestyle purposes rather than urban densities. As such, CPTED principles are generally not applicable to the creation of several 1ha lots being subdivided off a landholding of more than 40ha. It is therefore recommended that this submission point be **rejected**.
53. Andrew and Christine Gore [330.131] sought that section 5.3 be amended to recognise further subdivision opportunities should be provided for sites where ongoing farming activity is not viable. This issue was discussed in the Rural and Subdivision Reports with Policy 5.3.8 recommended to be redrafted to provide more explicit direction as to the circumstances where small lot subdivision might be contemplated. It is recommended that this submission point be **accepted in part**, to the extent that several subdivision pathways are recommended.
54. Fire and Emergency New Zealand [378.61] sought that a new objective be added to section 5.3 to provide for non-rural activities that provide for community safety and wellbeing. This issue was discussed in paragraphs 125-131 of the Rural Report. It was recommended that the existing Policy 5.3.9 relating to non-rural activities be deleted and replaced with a policy that provided more explicit direction including enabling emergency service facilities, subject to their effects being in keeping with wider rural character and amenity outcomes (which in turn contemplate appropriate non-rural activities). It is therefore recommended that this submission point be **accepted in part** insofar as whilst a new objective is not

⁸ Evidence of Ms Lucy Deverall, dated 29 September 2020

recommended, the amended policy framework is recommended to provide for FENZ facilities.

55. Mischa Davis on behalf of the Auckland Waikato Fish and Game Council [433.11] sought that a new policy be added to Section 5.3 to provide more explicit policy direction regarding the provision of public access to river and waterbody margins. The key method by which public access is provided is through the subdivision process where esplanade reserves or strips are able to be taken and access maintained or facilitated through lot layout and design. The key policy on rural subdivision (renumbered as Policy 5.3.9) was recommended to be substantially redrafted in the Rural Report based on the evidence of submitters and recommendations in Ms Overwater's Subdivision Report. The amended policy direction for general subdivision includes the following clause of "(c)(v) ensuring that the subdivision design and layout does not adversely affect public access to rivers and water bodies or the quality of these environments". The subdivision rules likewise include provisions setting out when esplanade reserves or strips are required to be provided. It is recommended that the submission point be **accepted in part** insofar as the recommended wording of the subdivision policy and associated rules provide for the ongoing provision of public access where appropriate to riparian margins.
56. Murray & Cathy McWatt for Grander Investments Limited [548.12] sought to amend Policy 5.3.13 relating to waste management activities and the rehabilitation of quarry sites by including additional references to such only being acceptable in appropriate locations and where effects can be managed. Waste management was discussed in pages 226-230 of the Rural Report, which noted the considerable interplay between the policies and rules on extractive industries, earthworks, waste management, and cleanfill (discussed across pages 156-230). A series of amendments were recommended to the policies, definitions, and rules relating to these activities so the provisions function as a cohesive package. Given the earlier package of recommendations it is recommended that the additional wording sought by this submission point be **rejected**.
57. The Dilworth Trust Board [577.1] seek the inclusion of a new policy in section 5.3 to specifically provide for the ongoing operation and expansion of Dilworth School. The policy framework approach for community facilities (including schools) was discussed in paragraphs 125-131 of the Rural Report. It was acknowledged that such facilities are a long-established and valued component of rural environments and that therefore the policy framework should recognise and provide for such activities. A newly worded Policy 5.3.4 was recommended. The rule framework for schools (and other types of community facilities) was discussed in paragraphs 430-441 of the Rural Report. Dilworth School was also addressed in the Rural Rebuttal report⁹, with an amended recommendation that a Dilworth-specific permitted activity rule be added which enables the ongoing operation and alterations to Dilworth to occur as a permitted activity. New schools and the expansion of existing school buildings was recommended to be a restricted discretionary activity (as it is for all other primary and secondary schools located within the Rural Zone, noting that state schools are generally designated and are able to progress additions through a separate outline plan process under s.176 RMA). In line with the earlier recommendations, it is recommended that the submission be **rejected** as education facilities are provided for through recommended Policy 5.3.4 and therefore a specific policy relating to Dilworth School is unnecessary.
58. In making the above recommendation, it is noted that Dilworth Trust Board sought as their primary relief that the school has a Special Purpose Zone. The zoning of the site was considered in paragraphs 46-72 of the s42a report prepared by Ms Catherine Boulton as

⁹ Pg.6, S42a Rural Zone – Rebuttal, dated 24th September 2020

part of Hearing 25¹⁰. Ms Boulton recommended that the existing Rural Zone be retained. If the Panel prefer instead the evidence of the submitter and conclude that a Special Purpose Zone is the more appropriate method, then the above discussion regarding the Rural Zone provisions becomes irrelevant for Dilworth School.

5 General Rules

Introduction

59. A number of submissions points were received on the Rural Zone rule framework that were not addressed in earlier reports. Whilst the individual submission points were overlooked, the matters raised in the submissions have already been considered in these earlier reports as the same issues were often raised by other submitters. The below assessment therefore largely identifies and refers back to where the issues have already been considered.

General Rules		
Submission point	Submitter	Summary of Submission
697.740	Waikato District Council	Amend the heading for Chapter 22, as follows: Chapter 22: Rural Zone – Rules
680.176	Federated Farmers of New Zealand	Add to Chapter 22 Rural Zone a new advisory note at the beginning of the Chapter, as follows: (6) Any activity which is subject to National Environmental Standards are required to comply with the gazetted regulations. Where compliance with permitted activity provisions of those regulations cannot be achieved, resource consent is required to be obtained. Council is responsible for observing and enforcing the provisions of any gazetted national environmental standard. Where any activity is not provided for in the following section, the relevant National Environmental Standard needs to be referred to in order to determine whether resource consent is required. In carrying out its responsibilities under the Act the Council does not wish to impose any control which would duplicate the controls imposed by the Ministry of Forestry or the Regional Council. The Council will therefore approve a resource consent application for any sustainable harvesting of indigenous vegetation which complies with the provisions of the Forests Act 1949 where any: (a) habitats of threatened or at risk species are protected; and/or (b) cultural sites, or areas with cultural values are protected; and/or (c) significant indigenous vegetation is identified and

¹⁰ S42a – Hearing 25 zone extents – Rest of District – Addendum, prepared by Ms Catherine Boulton, dated 23rd April 2021

		protected. AND Any consequential changes needed to give effect to this relief. AND Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.
FS1323.124	Heritage New Zealand Pouhere Taonga	Oppose
FS1387.192	Mercury NZ Limited for Mercury D	Oppose
292.2	David Yzendoorn for David and Barbara Yzendoorn	Add Residential Activities as a permitted activity in Chapter 22 Rural Zone.
FS1386.297	Mercury NZ Limited for Mercury C	Oppose
330.135	Andrew and Christine Gore	Amend Section 5.5 Hamilton's Urban Expansion Area for those under the Rural Zone to be able to develop according to rural rules unless the land is acquisitioned by Hamilton City Council. This is especially for the submitters' property at 295 Kay Road RDI, Horsham Downs.
567.34	Ngati Tamaoho Trust	Add a matter of discretion to Rule 22.1.3 (RDI) - Restricted Discretionary Activities, as follows: (v) environmental effects.
567.35	Ngati Tamaoho Trust	Add a matter of discretion of Rule 22.1.3 (RD2) - Restricted Discretionary Activities, as follows: (vi) environmental effects.
FS1340.87	TaTa Valley Limited	Oppose
577.3	Dilworth Trust Board	Retain Rule 22.1.3(1) RDI Restricted Discretionary Activities.
FS1388.831	Mercury NZ Limited for Mercury E	Oppose
695.102	Sharp Planning Solutions Ltd	Amend Rule 22.7.1.4 PI (a)(ii) Building height within a Development Area, to have a 45 degree plane angle rather than 37 degrees to be subservient to building height from the ground and setbacks and to be consistent with other adjoining Councils.
695.202	Sharp Planning Solutions Ltd	Amend Rule 22.1.3 RDI (c)(ii)B Restricted Discretionary Activities to include a requirement to be setback or equivalent distance (1200m) from a Paa Zone.

FS1387.355	Mercury NZ Limited for Mercury D	Oppose
742.239	Mike Wood for New Zealand Transport Agency	Retain Rule 22.3.7.1 Building Setbacks- All boundaries, except for the amendments sought below AND Amend matter of discretion (b)(ii) in Rule 22.3.7.1 RDI Building Setbacks - All boundaries, as follows: Effects on traffic Transport network safety and efficiency; AND Request any consequential changes necessary to give effect to the relief sought in the submission.
761.9	Lyndendale Farms Limited	Retain Rule 23.4.1.1 PI Height- Building-General as notified.
831.9	Gabrielle Parson on behalf of Raglan Naturally	Retain Rule 22.1.2 Permitted Activities.
945.18	First Gas Limited	Add a new Restricted Discretionary Activity to Rule 22.1.3 Restricted Discretionary Activities as follows: Establishment of a residential activity or use within 20m of a gas transmission pipeline. Establishment of a residential activity or use within 60m of the gas network (other than a gas transmission pipeline). Establishment of a sensitive land use (excluding residential activities within 60m of the gas network. AND Add a new matter of discretion to Rule 22.2.3.1 Restricted Discretionary Activities as follows: (a) The extent to which the development will avoid or mitigate conflict with the gas network. AND Any consequential amendments and other relief to give effect to the matters raised in the submission.
FS1289.6	Mowbray Group	Oppose
FS1305.19	Andrew Mowbray	Oppose
FS1062.110	Andrew and Christine Gore	Oppose
943.43	McCracken Surveys Limited	Amend the rules and provisions applicable to overhead netting for kiwifruit operations as it is unnecessarily captured by multiple rules e.g. building height, site coverage, boundary setbacks.
877.14	Leigh Michael Shaw & Bradley John Hall	Add small scale commercial/retail activities that may be ancillary to rural activities occurring on the site to Rule 22.1.3 Restricted Discretionary Activities. The submission refers to the Auckland Unitary Plan which has further definition and provision for similar activities. Examples include the following: Rural commercial services that support rural production activities; Small scale commercial activities ancillary to a primary rural activity, such as cafes on berry picking farms. Tourism activities and ancillary commercial or food and beverage activities, Small wedding venues Veterinary Clinics Boarding Kennels and Catteries

		Care Centres (less than ten people).
831.46	Gabrielle Parson on behalf of Raglan Naturally	Amend Rule 22.1.3 Restricted Discretionary Activities to recognise that that new development should not encroach on nature and that all natural character areas (not just those of higher value) be protected through tools such as cat free covenants and similar rules imposed by the Palmerston North District Plan.
821.18	The Poultry Industry Association of New Zealand; I Brinks NZ Chicken; The Egg Producers Federation of on behalf of	AMEND Rule 22.1.3 RDI (e) Restricted Discretionary Activities relating to Housed poultry farming, as follows" (e) For housed poultry, free-range poultry that does not comply with 22.1.3 RDI (d) and all other intensive farming, buildings and adjacent yard areas are set back at least: (i) 300 50 metres from any site boundary (other than a road boundary); and (ii) 300 metres from a sensitive activity; and (ii) 500 metres from any boundary of a Residential, Village and Country Living Zone.
<i>FS1265.53</i>	<i>Mainland Poultry Limited</i>	<i>Support</i>
746.71	The Surveying Company	Add a new controlled activity (CI) to Section 22.1 Land Use- Activities for poultry hatcheries.
<i>FS1265.45</i>	<i>Mainland Poultry Limited</i>	<i>Oppose</i>
<i>FS1387.944</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
81.73	Waikato Regional Council	Amend Chapter 16: Residential Zone to manage buildings, structures and subdivision within landscape and natural character overlay areas, which may be through activity status, rules and assessment criteria.
<i>FS1223.9</i>	<i>Mercury NZ Limited</i>	<i>Support</i>
794.33	Middlemiss Farm Holdings Limited on behalf of	Amend the rules in Chapter 22: Rural Zone to give effect to the indicative changes sought to the issues, objectives and policies. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.
<i>FS1379.333</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FS1387.1255</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
81.161	Waikato Regional Council	Amend Rule 22.1.5 D15 Discretionary Activities to make it clear that includes Outstanding Natural Features and Outstanding Natural Landscapes.
<i>FS1062.10</i>	<i>Andrew and Christine Gore</i>	<i>Oppose</i>
<i>FS1223.34</i>	<i>Mercury NZ Limited</i>	<i>Support</i>
81.159	Waikato Regional Council	Add to Rule 22.1.8 P8 Forestry to have an activity specific condition as follows: Afforestation must not occur within 10m of a Significant Natural Area.
273.1	Russell Luders	No specific decision sought, but submission opposes Rule 22.1.3 RDI (a)(b) Restricted Discretionary

		Activities.
FS1386.278	Mercury NZ Limited for Mercury C	Oppose
419.95	Jordyn Landers for Horticulture New Zealand	Add land preparation for horticultural activities as a permitted activity, with a possible condition being: The activity complies with the Horticulture New Zealand Code of Practice 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014)
FS1171.51	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support
FS1388.223	Mercury NZ Limited for Mercury E	Oppose
676.11	T&G Global Limited	Amend the Proposed District Plan to make provision for activities ancillary to horticultural activities such as storage, packing, processing, transport, worker accommodation and administration.
FS1348.20	Perry International Trading Group Limited	Support
831.5	Gabrielle Parson on behalf of Raglan Naturally	Add a new chapter to address the need for recycling centres in rural locations that achieve appropriate screening and vehicle access standards.
825.4	John Lawson	Add rules to Chapter 22 Rural Zone to provide for protection of defined views from public places to the harbour, coast and natural backdrops and to include at least the following defined views: (a) from SH23 (north of Maungatawhiri Rd) to Kaitoke Creek (b) all existing views of the bar from Main Road, Bow St and Norrie Avenue (c) all existing views of Karioi from Raglan CBD (d) from Wainui Rd to the coast between the Bryant Reserve and the Bible Crusade Camp (e) from SH23 summit to Karioi (f) AroAro salt marsh from Wallis St. AND Amend the planning maps for any consequential relief required to give effect to this submission.
FS1258.55	Meridian Energy Limited	Oppose
FS1276.52	Whaingaroa Environmental Defence Inc. Society	Support
FS1329.18	Koning Family Trust and Martin Koning	Oppose
FS1342.230	Federated Farmers	Oppose
FS1387.1313	Mercury NZ Limited for Mercury D	Oppose

Analysis – Rural rule framework

60. Waikato District Council [697.740] seeks a minor amendment to change the title of Chapter 22: Rural Zone – **Rules**. This change makes it clearer that the chapter relates to the rules (as opposed to the policies which sit in Chapter 5). It is recommended that the submission

point be **accepted**, noting that the wider structure of the Plan is likely to change to align with the structure required by the National Planning Standards ('NPS').

61. Federated Farmers [680.176] seeks that a new clause be added to the introduction of Chapter 22 to clarify the role of National Environmental Standards and matters that are a function of Regional rather than District Councils. I agree that such explanatory notes can be helpful to inform Plan users, especially highlighting the need to refer to other planning documents. As noted above, the District Plan will be restructured to align with structure of the National Planning Standards, and as such statements of clarification and explanation will need to align with the location and content of the NPS. It is recommended that the submission be **accepted in part**, to the extent that explanatory material regarding the resource management framework is included as part of the introduction to the District Plan.
62. David and Barbara Yzendoorn [292.2] have sought that residential activities be permitted. Similar relief was sought by other submitters and was discussed in paragraphs 426-428 of the Rural Report. The Rural Report recommended that a new permitted activity rule be added for residential activities. It is therefore recommended that this submission point be **accepted**.
63. Andrew and Christine Gore [330.135] have sought that the more enabling rules that apply to the Rural Zone in general should also apply to that part of the Rural Zone located within Hamilton's Urban Expansion Area ('UEA'). The Hamilton UEA is an overlay that is applied to rural land on the outskirts of Hamilton where future urbanisation (and transfer to the Hamilton City Council's territorial boundary) is anticipated. The rules applying to the UEA therefore seek to maintain the urban potential of these areas by controlling rural activities that would be incompatible with future urbanisation. The Rural Report recommended a number of changes to the activity status for certain activities (generally moving 'down a level' from non-complying to discretionary), whilst still maintaining a need for site-specific assessments through a resource consent process so that the purpose of the UEA is not undermined. It is therefore recommended that this submission point be **accepted in part** insofar as some of the UEA rules are recommended to become more enabling.
64. Dilworth Trust Board [577.3] sought the retention of Rule 22.1.3(1) (RD1) which relates to intensive farming and includes minimum distances that new intensive farming operations need to be set back from internal boundaries. Intensive farming (and this rule) were discussed in paragraphs 165-201 of the Rural Report. It was recommended that the rule be retained, along with the required setback distances. It is therefore recommended that this submission point be **accepted**.
65. Ngati Tamaoho Trust [567.34 and 567.35] seek that an additional matter of discretion of 'environmental effects' be added to the matters able to be considered under Rules RD1 and RD2. These two rules control intensive farming and rural industry respectively. The matters of discretion for both rules were refined in recommendations in the Rural Report. It is considered that the recommended matters of discretion provide sufficient focus to capture the relevant matters that need to be considered for these types of activities (noting that water and air discharge effects are subject to separate Regional Consenting processes), and that 'environmental effects' is so broad as to effectively shift the activity status from restricted to fully discretionary. As such it is recommended that these submission points be **rejected**.
66. Sharp Planning Solutions [695.202] sought that the setback distances in Rule 22.1.3(RD1)(c) that require a minimum 1200m setback for new intensive pig farms from the boundary with a Residential, Village, or Country Living Zone also apply to the boundary with a Paa Zone. The setbacks from Paa zones were not considered in the Rural Report, as the Paa Zone was not carried over from the Operative District Plan into the Proposed District Plan. The

management of Maaori-held land was consider in Hearing 5. It is therefore recommended that the submission be **rejected**.

67. The Poultry Industry Association of New Zealand [821.18] sought amendments to RDI(e) as part of wider text amendments sought through other submission points seeking to make free range poultry farming permitted. The Surveying Company [746.71] sought that poultry hatcheries be a new controlled activity. Intensive farming was discussed at length in pages 101-132 of the Rural Report with a comprehensive set of amendments that addressed policies, definitions and rules for intensive farming. In line with these earlier recommendations it is recommended that these submission points be **rejected**.
68. Russell Luders [273.1] opposed Rule 22.1.3(RD1), with no specific amendments sought. It is recommended that this submission point be **rejected** as intensive farming can give rise to effects that warrant control through a resource consent process.
69. NZTA [742.239] sought that 'transport network safety and efficiency' be added as a matter of discretion to Rule 22.3.7.1(RD1) for buildings that intrude into a road boundary setback. This relief was discussed in paragraph 671 of the Rural Report where it was recommended that the additional matter of discretion be added to the Proposed Plan. As such it is recommended that the submission point be **accepted**.
70. First Gas Ltd [945.18] have sought to add a new Restricted Discretionary Rule that would control any new residential activity within 20m of a gas transmission pipeline and within 60m of the gas network (other than a gas transmission pipeline). Similar relief was sought across other zones so a consistent setback was provided along the reticulated network. The extent of the network, its strategic role, and the use of designation powers was discussed in paragraphs 279-281 of the Rural Report in relation to similar controls relating earthworks near the pipeline. In line with the recommendation regarding earthworks, and recommendations on setback distances in other zones, it is recommended that the submission be **rejected**.
71. McCracken Surveys Limited [943.43] sought that the built form rules relating to height, boundary setbacks, and site coverage be amended so that netting for kiwifruit orchards was not captured by the rules. The issue of how screens or netting for orchards and horticultural activities is treated by the rules was discussed in paragraphs 624-629 of the Rural Report. It was recommended that the site coverage rules do not apply to artificial crop protection structures, which in combination with the height limit being recommended to increase to 15m largely meets the relief sought by the submitter. The Rural Report recommended that such structures remain subject to internal boundary setback requirements and daylight admission rules to ensure adequate amenity is provided for neighbouring properties. It is therefore recommended that the submission point be **accepted in part** insofar as the height and site coverage rules have been recommended to be amended to make them more enabling for artificial crop protection structures.
72. Lyndendale Farms Limited [761.9] sought the retention of Rule 22.3.4.1 relating to the height of buildings. This rule was discussed in paragraphs 605-611 of the Rural Report. It was recommended that the permitted height be increased from 10m to 15m, where buildings are set back more than 50m from road or internal boundaries. It is therefore recommended that the submission be **accepted in part** insofar as the rule has been retained, but with amendments.
73. Sharp Planning Solutions Ltd [695.102] sought to amend Rule 22.7.1.4 PI(a)(ii) Building height within a Development Area, to have a 45 degree plane angle rather than 37 degrees. This rule is located as part of a package of rules relating to the Whaanga Coast Development Area. The issue of the appropriate angle (for the Rural Zone) was discussed in paragraphs 632-639 of the Rural Report, with a change in angle to 45 degrees

recommended. A similar change in angle was recommended in the s42a report on the Residential Zone¹¹. In line with these earlier recommendations it is recommended that the angle be amended to 45 degrees, the submission point be **accepted**, and the rule amended as follows:

22.7.1.4 Building height within a Development Area

PI	(a) A building within a Development Area must comply with the following conditions: (i) Height does not exceed 7.5m; and (ii) It does not protrude through a height control plane rising at an angle of 37 <u>45</u> degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.
DI	A building that does not comply with Rule 22.7.1.4 PI

74. Gabrielle Parson on behalf of Raglan Naturally [831.9] sought the retention of the permitted activities in Rule 22.1.2. This section of the Rural Zone rule framework has been recommended in the Rural Report to be retained (with amendments in response to other submissions). It is therefore recommended that this submission point be **accepted in part** insofar as the permitted activity rule table has been retained with amendments. The submitter [831.46] also sought to amend Rule 22.1.3 Restricted Discretionary Activities to recognise that that new development should not encroach on nature and that all natural character areas (not just those of higher value) should be protected through tools such as cat free covenants. Section 32 of the RMA requires District Plan provisions to strike an appropriate balance between the benefits and costs of the regulation. Such regulation must also be an effective and efficient means of achieving the objectives sought. This balance is struck by identifying areas with high natural values and managing activities in these areas through rules. The Rural Zone likewise needs to enable farming and a wide range of activities that are appropriate in rural areas, whilst maintaining acceptable levels of rural character and amenity. The rule package therefore does manage the natural character of rural areas, noting that any non-urbanised environment has varying degrees of natural character. It is therefore recommended that the submission be **accepted in part** insofar as the recommended Rural Zone policy and rule package controls activities to maintain acceptable levels of rural character and amenity.
75. Leigh Michael Shaw and Bradley John Hall [877.14] seek that the rule framework be more enabling of small scale or incidental commercial activities that are linked to rural activities. Produce stalls were discussed in paragraphs 404-405 of the Rural Report, with stalls being a permitted activity. Rural commercial activities were discussed in paragraphs 134-145 of the Rural Report, with it recommended that such activities be recognised at a policy level as being appropriate in rural areas (subject to their scale and nature), with a definition for 'rural commercial' and a restricted discretionary consenting pathway recommended to be added to the Proposed Plan. It is therefore recommended that this submission point be **accepted in part** insofar as the earlier recommendations do seek to better provided for rural-related commercial activities.

¹¹ Paragraphs 123-130, s42a report Hearing 10 Residential Zone, prepared by Alan Matheson and Louise Allwood, dated 20 January 2020.

76. The submission point by Middlemiss Farm Holdings Limited [794.33] sought unspecified amendments to the rules in Chapter 22: Rural Zone to give effect to the indicative changes sought by the submitter to the issues, objectives and policies applying to the Rural Zone. The submitter sought a comprehensive set of amendments to the Rural Zone policy and rule framework relating primarily to enabling additional subdivision opportunities in exchange for environmental conservation and enhancement. The role of environmental compensation and the ability to create 'conservation lots' was discussed in detail in paragraphs 413-469 of Ms Overwater's Subdivision Report. In line with these earlier recommendations, it is recommended that this submission point be **accepted in part** to the extent that Ms Overwater recommended changes to the Conservation Lot subdivision pathway.
77. Waikato Regional Council [81.161] sought to amend Rule 22.1.5(D15) to make it clear that the rule includes Outstanding Natural Features and Outstanding Natural Landscapes. This rule relates to the establishment of new areas of afforestation. Forestry was discussed in paragraphs 367-386 of the Rural Report. In response to other submissions it was recommended that D15 be reworded so that it includes specific reference to Outstanding Natural Landscape or Outstanding Natural Features, with this terminology also creating a link back to the relevant permitted activity rules for afforestation. It is therefore recommended that this submission point be **accepted**.
78. Waikato Regional Council [81.159] also sought that Rule P8 controlling forestry include an activity specific condition that afforestation must not occur within 10m of a Significant Natural Area. The permitted activity rule and associated conditions were also discussed in paragraphs 367-386 of the Rural Report. The Rural Report noted that forestry must now be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. These regulations include management of forestry in areas with identified natural values. Reference to the NES – Forestry was included in the recommended wording for the forestry permitted activity rule. It is recommended that this submission point be **rejected** as control of this matter is now subject to NES-Forestry provisions.
79. Jordyn Landers for Horticulture New Zealand [419.15] sought to add land preparation for horticultural activities as a permitted activity, subject to appropriate erosion and sediment control measures being in place. Earthworks were discussed in paragraphs 222-233 of the Rural Report. The notified Plan included a permitted activity rule and an associated definition for 'ancillary rural earthworks' to enable earthworks associated with typical farming and horticultural activities involving cultivation and harvesting. A number of discrete amendments to the definition were recommended in the Rural Report so that it more accurately captures the range of standard farming practices within the scope of the permitted activity rule. In line with these earlier recommendations it is recommended that the submission point be **accepted**.
80. T&G Global Ltd [676.11] sought to make provision for activities ancillary to horticultural activities such as storage, packing, processing, transport, worker accommodation and administration. These matters were discussed in various sections of the Rural Report. The recommendations were to make the Proposed Plan more enabling of these activities through amendments to the definition of 'farming' (paragraphs 116-121), the inclusion of a new restricted discretionary rule and associated definition for 'rural industry' which includes large packaging and processing operations (paragraphs 134-145 and 450-457), and to broaden the ambit of minor residential units (paragraphs 271-286) to make clear that they could be used for farm worker accommodation where the workers did not form a single household. It is recommended that the submission point be **accepted in part** insofar as the relief sought has been addressed in the Rural Report.

81. Waikato Regional Council [81.73] sought to amend Chapter 16: Residential Zone to manage buildings, structures and subdivision within landscape and natural character overlay areas, through activity status, rules and assessment criteria. This submission point is in relation to the Residential rather than Rural Zone provisions. It has been allocated to this report as the landscape and natural character overlays typically cover rural rather than residential areas. The Residential Zone subdivision provisions control the subdivision of sites containing a Significant Natural Area (rule 16.4.8 in the notified Plan). Specific rules also apply to the Te Kauwhata Ecological Residential Area (notified Rule 16.4.2(RD1)). As far as I am aware, the landscape and natural character overlays do not generally extend over Residentially Zoned parts of the District (apart from several discrete areas in Raglan), as the overlays are inherently linked to the preservation of natural, rather than built, environmental values. The Residential Zones are located within the District's main townships and therefore suburban landscape outcomes are anticipated for these areas. It is therefore recommended that this submission point be **rejected**.
82. Gabrielle Parson on behalf of Raglan Naturally [831.5] seeks that a new rule be added to the District Plan to require recycling centres in rural areas to be appropriately screened and provided with sufficient vehicle access. Such facilities are provided by the Waikato District Council and therefore matters of design and screening are able to be resolved by Council as asset owner. Additional rules in the District Plan are not considered to be necessary for resolving this issue and therefore it is recommended that the submission point be **rejected**.
83. John Lawson [825.4] has sought new rules in the Rural Chapter to protect viewshafts to Raglan harbour, the coast, and natural backdrops and includes a list of important views. The District Plan does not currently contain rules protected viewshafts (apart from several highly significant battlefield sites). The rules are instead focussed on maintaining the values of identified Significant Natural Landscapes and features i.e. managing what occurs in the landscape, rather than activities that might obstruct views to those landscapes. The need for (and costs of) new rules to protect views of natural areas would need careful consideration in evidence, accompanied by an assessment of the cost and benefits of the rules to both landowners and the wider community. This issue was discussed at length by submitters and the Council officer following Hearing 16 on Raglan. In the absence of such assessment being provided it is recommended that the submission be **rejected**.

6 Retirement Villages

Introduction

84. The Tamahere Eventide Home Trust lodged two separate submissions, with submission [765] relating to the Tamahere Eventide retirement village located at 621 State Highway 1 and submission [769] relating to the Atawhai Assisi Retirement Village located at 158 Matangi Road. The Tamahere village is located in a Country Living Zone, and the Atawhai Assisi village is located in the Rural Zone.
85. The submissions in essence seek a series of bespoke exceptions to the standard Country Living and Rural Zone rules to better enable the ongoing operation and expansion of these two retirement villages (and in the case of Atawhai Assisi the rezoning of the site from Rural to a Country Living Zone).

Eventide		
Submission point	Submitter	Summary of Submission
765.3	Tamahere Eventide Home Trust on behalf of	Add a new activity to Rule 23.1.1 Permitted Activity for Tamahere Eventide as follows: P5. A retirement village

	Atawhai Assisi Retirement Village	<p>(including alterations, expansions) at the Tamahere Eventide.</p> <p>AND</p> <p>Add activity specific conditions to Rule 23.1.1 P5 Permitted Activity for Tamahere Eventide as follows: Any additions or expansion at the Tamahere Eventide Retirement Village</p> <p>(a) Minimum living court or balcony area and dimensions:</p> <p>(iv) Apartment- 10m² area within minimum dimension horizontal and vertical of 2.5m;</p> <p>(v) Studio unit or 1 bedroom unit- 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or</p> <p>(vi) 2 or more bedroomed unit- 15m² area with minimum dimension horizontal and vertical of 2.5m;</p> <p>(a) Minimum service court is either:</p> <p>(iii) Apartment- communal outdoor space (i.e. no individual service courts required); or</p> <p>(iv) All other units- 10m² for each unit;</p> <p>(a) Building height does not exceed 8m, except 15% of total building coverage, where buildings may be up to 10m high;</p> <p>(b) Building setbacks – a 7.5m setback is required from a local road, and a 12m setback is required from all other boundaries; except internal site boundaries where no setback shall apply</p> <p>(c) The following Land Use- Effects rule in Rule 23.2 do not apply:</p> <p>(i) Rule 23.2.6 (Signs- General).</p> <p>(ii) Rule 23.2.6.2 (Signs- Effects on traffic).</p> <p>(a) The following Land Use- Building rules in Rule 23.3 do not apply: (i) Rule 23.3.1 (Dwelling);</p> <p>(ii) Rule 23.3.4.1 (Height- Building General);</p> <p>(iii) 23.3.5 Daylight Admission</p> <p>(iv) 23.3.6 Building Coverage</p> <p>(v) Rule 23.3.7.2 Building Setback- Sensitive Land Use.</p> <p>(a) The following Infrastructure and Energy Rule in Chapter 14 does not apply:</p> <p>(i) Rule 14.12.1 P4 10 (a).</p> <p>AND</p> <p>Any consequential amendments that are required to give effect to the above submission.</p>
765.4	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	<p>Add a restricted discretionary table into Rule 23.1 Land Use- Activities with a new restricted discretionary activity for retirement villages as follows:</p> <p>RDI (a) The following Retirement Village Activities are Restricted Discretionary in the Country Living Zone: A new retirement village</p>

		Alterations to existing retirement villages (excluding Tamahere Eventide); Alterations to Tamahere Eventide that do not comply with the Activity Specific Conditions in Rule 23.1.1. AND Any consequential amendments that are required to give effect to the above submission.
765.5	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Delete Rule 23.1.3 NC3- Non-Complying Activities. AND Any consequential amendments that are required to give effect to the above submission.
765.6	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Add a new rule to Rule 23.2.6 Signs as follows: (3) Rules 23.2.6.1 and 23.2.6.2 do not apply to a retirement village. OR Add a new row to the activity table in Rule 23.2.6 Signs-General as follows: (x) Rules PI, P2, P3 and RDI above do not apply to a retirement village. AND Any consequential amendments that are required to give effect to the above submission.
765.7	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Add a new rule to Rule 23.2.6 Signs as follows: (3) Rule 23.2.6.1 and 23.2.6.2 do not apply to a retirement village OR Add a new rule to Rule 23.3.6.2 Signs-Effects on traffic as follows: (x) Rules PI, P2, P3 and RDI above do not apply to a retirement village. AND Any consequential amendments that are required to give effect to the above submission.
765.8	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Amend Rule 23.3.4.1- Height- Building Control so that it does not apply to Tamahere Eventide. AND Any consequential amendments that are required to give effect to the above submission.
765.9	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Retain Rule 23.3.5 PI Daylight admission AND Amend Rule 23.3.5- Daylight Admission so that it only applies to the external boundaries of Tamahere Eventide (not internal boundaries between the individual certificates of title that collectively make up the retirement village site). AND

		Any consequential amendments that are required to give effect to the above submission.
765.10	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	<p>Amend Policy 5.6.2- Country Living Character as follows:</p> <p>(a) Any building and activity within the Country Living Zone are designed, located, scaled and serviced in a manner that does not detract from the character of the area by:</p> <p>(i) Maintaining the existing open space character;</p> <p>(ii) Maintaining existing low density residential development;</p> <p>(iii) Recognizing the absence of Council wastewater services and lower levels of other infrastructure.</p> <p>(b) Maintain existing views and vistas of the rural hinterland beyond, including, where applicable, Waikato River, wetlands, lakes and the coast.</p> <p>(c) Maintain an existing road pattern that follows the natural contour of the landform.</p> <p>AND</p> <p>Any consequential amendments that are required to give effect to the above submission.</p>
765.11	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Retain Policy 5.6.4- Building setbacks, insofar as it seeks to maintain the existing spaciousness between adjoining sites (as opposed to the internal boundaries within a development).
765.12	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	<p>Amend Policy 5.6.5- Scale and intensity of development as follows:</p> <p>Minimise the adverse effects of development created by excessive building scale, overshadowing, building bulk, excessive site coverage or loss of privacy, except where such development correlates to existing site development.</p> <p>OR</p> <p>Add a new policy for Tamahere Eventide.</p> <p>AND</p> <p>Any consequential amendments that are required to give effect to the above submission.</p>
765.13	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	<p>Add a new policy for Tamahere Eventide after policy 5.6.8 Non-residential activities as follows:</p> <p>Policy 5.6.X: Tamahere Eventide</p> <p>(a) Permit additions and expansions at Tamahere Eventide where they:</p> <p>(i) Have functional need to locate within the Country Living Zone; and</p> <p>(ii) Provide for the health and wellbeing of the community.</p> <p>AND</p> <p>Any consequential amendments that are required to</p>

		give effect to the above submission.
765.19	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Add new Policy 5.6.X (a) Tamahere Eventide as follows: (a) Enable the existing Tamahere Eventide activities to continue and support their redevelopment and expansion, provided they do not have a significant adverse effect on the character and amenity of the Country Living Zone. AND Any consequential amendments that are required to give effect to the above submission.
765.20	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Retain Building Rule 23.3.5 RD1- Daylight Admission.
765.21	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Amend Rule 23.3.6- Building Coverage so that the building coverage rules do not apply to Tamahere Eventide. AND Any consequential amendments that are required to give effect to the above submission.
765.22	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Amend Rule 23.3.7.1- Building setbacks - All boundaries so that the setback requirements do not apply to Tamahere Eventide. AND Any consequential amendments that are required to give effect to the above submission.
765.23	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Amend Rule 23.3.7.2 Building setback- Sensitive Land Use so that the setback requirements do not apply to Tamahere Eventide. AND Any consequential amendments that are required to give effect to the above submission.
765.24	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village	Amend Objective 5.6.1 (a)- Country Living Zone to recognise the existing character and abutting character/amenity, not just amenity and character of the zone. AND Any consequential amendments that are required to give effect to the above submission.
769.3	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Amend the Country Living Zone provisions in Chapter 23 to include specific provisions for existing and future Retirement Village activities and expansion at Atawhai Assisi (if the request to rezone the sites is accepted). OR Amend the Rural Zone provisions in Chapter 22 to include specific provisions for existing and future Retirement Village activities and expansion at Atawhai Assisi (if the request to rezone the sites is rejected).

769.4	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	<p>Add a new activity rule to Rule 23.1.1 Permitted Activities as follows: P5. A retirement village including alterations and expansions at Atawhai Assisi.</p> <p>AND</p> <p>Add activity specific conditions for the new Rule 23.1.1 P5 as follows: Any additions or expansion at the Atawhai Assisi Retirement village</p> <p>(a) Minimum living court or balcony area and dimensions:</p> <p>(iv) Apartment- 10m² area within minimum dimension horizontal and vertical of 2.5m;</p> <p>(v) Studio unit or 1 bedroom unit- 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or</p> <p>(vi) 2 or more bedroomed unit- 15m² area with minimum dimension horizontal and vertical of 2.5m;</p> <p>(b) Minimum service court is either:</p> <p>(iii) Apartment- communal outdoor space (i.e. no individual service courts required); or</p> <p>(iv) All other units- 10m² for each unit;</p> <p>(c) Building height does not exceed 8m, except for 15% of the total building coverage, where buildings may be up to 10m high;</p> <p>(d) Building setbacks- a 7.5m setback is required from a local road, and 12m setback is required from all other boundaries; except internal site boundaries where no setback shall apply. A 12m setback is required from the Waikato Expressway.</p> <p>(e) The following Land Use- Effects rule in Rule 23.2 do not apply:</p> <p>i. Rule 23.2.6 (Signs-General).</p> <p>ii. Rule 23.2.6.2 (Signs- effects on traffic).</p> <p>(f) The following Land Use- Building rules in Rule 23.3 do not apply:</p> <p>i. Rule 23.3.1 (Dwelling);</p> <p>ii. Rule 23.3.4.1 (Height- Building General)</p> <p>iii. 23.3.5 Daylight Admission</p> <p>iv. 23.3.6 Building Coverage</p> <p>v. Rule 23.3.7.1 Building Setbacks- all boundaries vi. Rule 23.3.7.2 Building Setback- Sensitive land use</p> <p>(g) The following Infrastructure and Energy Rule in Chapter 14 does not apply:</p> <p>i. Rule 14.12.1 P4(10) (a) Traffic Generation</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments to give effect to the submission.</p>
769.5	Tamahere Eventide Trust on behalf of Tamahere	<p>Add a new restricted discretionary rule into Rule 23.1 Land Use Activities as follows:</p>

	Eventide Retirement Village	(a) RDI The following Retirement Village Activities are Restricted Discretionary in the Country Living Zone A new retirement village; Alterations to existing retirement villages (excluding Atawhai Assisi); Alterations to Atawhai Assisi that do not comply with the Activity Specific Conditions in Rule 23.1.1
769.6	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Delete Rule 23.1.3 NC3- Non-Complying Activities. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.
769.7	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Amend Signs Rule 23.2.6 so that signage provisions in Rules 23.2.6.1 - General and 23.3.6.2- Effects on Traffic don't apply to a retirement village as follows: (3) Rules 23.2.6.1 and 23.2.6.2 do not apply to a retirement village. OR Add a new row to Rule 23.2.6.1 Signs General as follows: (x) Rules P1, P2,P3 and RDI above do not apply to a retirement village. AND Add a new row to Rule 23.2.6.2 Signs- effects on traffic as follows: (x) Rules P1, P2, P3 and RDI above do not apply to a retirement village AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.
769.8	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Amend Building Rule 23.3.4.1-Height - Building General so that it does not apply to Atawhai Assisi. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.
769.9	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Retain Rule 23.3.5 P1 Daylight admission, except for amendments sought below AND Amend Rule 23.3.5- Daylight admission so that it only applies to the external boundaries of Atawhai Assisi, not the internal boundaries between the individual certificates of title. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.

769.10	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Retain Policy 5.6.4- Building setbacks.
769.11	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Amend Policy 5.6.5- Scale and intensity of development to include the additional wording as follows: Except where such development correlates to existing site development. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.
769.12	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Add a new Policy to Section 5.6 Country Living Zone for Atawhai Assisi as follows: Policy 5.6.8 (a): Atawhai Assisi (a) Permit additions and expansions at Atawhai Assisi where they: (i) Have a functional need to locate within the Country Living Zone; and (ii) Provide for the health and well-being of the community. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.
769.13	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Add a new Policy to Section 5.6 Country Living Zone as follows: Policy 5.6.9 (a): Atawhai Assisi (a) Enable the existing Atawhai Assisi activities to continue and support their redevelopment and expansion, provided they do not have a significant adverse effect on the character and amenity of the Country Living Zone. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.
769.19	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Retain Rule 23.3.5 RDI-Daylight admission.
769.20	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Amend Rule 23.3.6 PI- Building coverage so that the building coverage requirements do not apply to Atawhai Assisi. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.

769.21	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Amend Rule 23.3.7.1- Building setbacks - All boundaries so that the building set back requirements do not apply to Atawhai Assisi. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.
769.22	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Amend Objective 5.6.1 (a)- Country Living Zone to recognise character and abutting character/amenity, not just amenity and character of the zone. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.
769.23	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village	Amend Policy 5.6.2 (a)- Country Living Character as follows: (a)Any building and activity within the Country Living Zone are designed, located, scaled and serviced in a manner that does not detract from the character of the area by: (i)Maintaining the existing open space character; (ii)Maintaining existing low density residential development; (iii)Recognising the absence of Council wastewater services and lower levels of other infrastructure. (b)Maintain existing views and vistas of the rural hinterland beyond, including, where applicable, Waikato River, wetlands, lakes, and the coast. (c)Maintain existing road pattern that follows the natural contour of the landform. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.
761.4	Lyndendale Farms Limited	Amend the Rural Zone provisions in Chapter 22 to include specific provisions for new Retirement Village activities, including the proposed Lyndendale Lifestyle Village at 180 Horsham Downs Road, Horsham Downs (Lot 5 DP 505127). AND Amend the Proposed District Plan to make any consequential amendments that are required to give effect to the submission.
FS1379.307	Hamilton City Council	Oppose
FS1387.1113	Mercury NZ Limited for Mercury D	Oppose
697.456	Waikato District Council	Add new provisions to Chapter 22 (Rural Zone) new

		provisions for new retirement villages to establish; AND Add provisions for alterations and additions to existing retirement villages as a Restricted Discretionary Activity; AND Add new policies to Chapter 5 Rural Environment to support the proposed provisions.
FS1004.12	Tamahere Eventide Home Trust - Tamahere Eventide Retirement Village	Oppose
FS1005.16	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Oppose
FS1168.65	Horticulture New Zealand	Oppose
FS1308.110	The Surveying Company	Support
FS1379.269	Hamilton City Council	Oppose
FS1387.562	Mercury NZ Limited for Mercury D	Oppose
697.457	Waikato District Council	Add new provisions to Chapter 23 Country Living Zone for alterations and additions to existing retirement villages as a Restricted Discretionary Activity; AND Add new policies in Chapter 5 (Rural Environment) for the Country Living Zone.
FS1004.14	Tamahere Eventide Home Trust - Tamahere Eventide Retirement Village	Oppose
FS1005.18	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Oppose
FS1387.563	Mercury NZ Limited for Mercury D	Oppose
697.561	Waikato District Council	Add a new policy 5.6.19 for amendments to existing retirement villages as follows: 5.6.19 Policy – Amendments to existing retirement villages within the Country Living Zone (a) Enable alterations and additions to existing retirement villages within the Country Living Zone.
FS1004.8	Tamahere Eventide Home Trust - Tamahere Eventide Retirement Village	Oppose
FS1005.12	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Oppose
FS1387.825	Mercury NZ Limited for	Oppose

Analysis – Retirement Villages

86. The policy and rule framework for retirement villages in both the Rural and Country Living Zones was discussed in paragraphs 464-480 in the Rural Report. It was recommended that given that both villages were existing, and that the Proposed Plan framework did not include scheduling as a tool, that bespoke rules were appropriate as an alternative tool to provide for these two substantial facilities. It was recommended that the ongoing operation of both villages be permitted, with expansion being assessed as a restricted discretionary activity. Reference to providing for alterations and additions to existing retirement villages was recommended as clause (c) for a new Policy 5.3.8 relating to the density of residential units.
87. I do not recommend a series of site-specific exemptions for rules controlling matters such as signage, height, site coverage, sunlight angles, or boundary setbacks in the absence of any detailed assessment by the submitter as to why their two sites are unique to the point that the standard rules are not relevant or appropriate. I do note that a number of amendments were recommended to the built form rule package in response to other submissions that generally made the Rural Zone rule package more enabling through increasing the levels of permitted height and site coverage and clarifying that the signage rules do not apply to sign internal to a site and not visible from a public road.
88. In keeping with these earlier recommendations, it is recommended that the above submissions by Tamahere Eventide Home Trust [765 and 769] and Waikato District Council [697.457 and .561] be **accepted in part**, to the extent that a permitted and restricted discretionary pathway for these two villages has been recommended.
89. It is noted that as an alternative relief to the Rural Zone amendments, the submitter sought that the Atawhai Assisi site be rezoned from Rural Zone to Country living Zone. The zoning of the site was considered by Ms Susannah Tait in her s42a report on Hamilton Fringe Rezoning as part of Hearing 25. Ms Tait initially recommended in her s42a report that the Rural Zone be retained (Pg. 42), however upon further consideration of evidence provided by submitters she amended her recommendation in section 4 of her rebuttal evidence to one of supporting the site to be rezoned to Country Living Zone. If the Panel are minded to accept Ms Tait's recommendation that the site be rezoned, then reference to the Atawhai Assisi retirement village in the Rural Zone rules will no longer be necessary (and conversely reference to Atawhai Assisi should be added to the rule for the Tamahere Eventide site in the Country Living Zone rules).
90. Lyndendale Farms Limited [761.4] sought amendments to the rule package to enable the establishment of a retirement village at 180 Horsham Downs Road. It was recommended in the Rural Report that no such provision be made, given that the site is currently vacant. It is therefore recommended that this submission point be **rejected**.
91. Waikato District Council [697.456] sought to add new provisions to the Rural Zone to provide for retirement villages. As set out above, the approach to retirement villages recommended that new villages be a non-complying activity given their urban rather than rural purpose and form. It is therefore recommended that this submission point be **rejected**.

7 Rural subdivision policies and rules

Introduction

92. A number of submissions points were received on the Rural Zone subdivision policies and rules that were not addressed in earlier reports. Whilst the individual submission points were overlooked, the matters raised in the submissions have already been considered in these earlier reports as the same issues were often raised by other submitters. The below assessment therefore largely identifies and refers back to where the issues have already been considered.

Subdivision (Policies)		
Submission point	Submitter	Summary of Submission
349.5	Kim Robinson on behalf of Lochiel Farmlands Limited	Retain the intent of Policy 3.2.8 Incentivise subdivision.
417.1	Glenys McConnell	Add a new clause to Objective 5.1.1 The rural environment, as follows: (iv) existing titles created prior to 6 December 1997 may be aggregated to produce a compliant small sized block and a larger block by boundary adjustment. AND Add a new clause to Policy 5.2.3 Effects of subdivision and development on soils, as follows: (c) Subdivision by way of aggregation of titles created prior to 6 December 1997 to produce a compliant small sized block and a larger block by boundary adjustment AND Consequential amendments to Rule 22.4.1.2 (as outlined in submission point 417.2).
<i>FS1062.38</i>	<i>Andrew and Christine Gore</i>	<i>Not Stated</i>
<i>FS1342.73</i>	<i>Federated Farmers</i>	<i>Support</i>
<i>FS1379.126</i>	<i>Hamilton City Council</i>	<i>Oppose</i>
<i>FS1388.158</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
574.9	TaTa Valley Limited	Retain Policy 3.2.8 - Incentivise subdivision
<i>FS1301.51</i>	<i>New Zealand Health Food Park Limited</i>	<i>Support</i>

Subdivision (Rules)		
Submission point	Submitter	Summary of Submission
81.175	Waikato Regional Council	Amend Rule 22.4.5 Subdivision within identified areas to make subdivision of land containing a Significant Natural Area that is not a conservation lot subdivision, a discretionary activity.

FS1330.17	Middlemiss Farm Holdings Limited	Oppose
106.4	Bruce and Dorothy Chipman	Amend Rule 22.4.1.1 Prohibited subdivision, to replace "lot" with "Record of Title or consented lot".
FS1386.81	Mercury NZ Limited	Oppose
394.18	Gwenith Sophie Francis	Amend Rule 22.4.1.1 Prohibited subdivision, to acknowledge other allowable forms of subdivision such as Conservation Lot Subdivision and farm parks. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.
FS1388.119	Mercury NZ Limited	Oppose
499.7	Adrian Morton	Amend Rule 22.4.1.2 P3 (a)(iii) General subdivision to change maximum slopes from 1:2 to 1:2.5.
499.8	Adrian Morton	Amend Rule 22.4.4.4 P1 (a) General subdivision to add the text "over any consecutive 12 month time period"
697.738	Waikato District Council	Delete Rule 21.4.5 Subdivision-Significant Natural Areas; AND Make consequential amendment to Rule 21.4 Subdivision by deleting (2)(d).
FS1387.662	Mercury NZ Limited for Mercury D	Oppose
590.1	Jenny Kelly	Amend the rules supporting Objective 5.1.1(a)(i), (ii) and (iii) to be stringent, not politically pragmatic, and according to the soil productivity levels, including the following: Subdivision should not be permitted in the Rural Zone Rule 22.3.1 P1(b) and Rules 22.4.1.2 RDI(a)(v)A and B do not comply with Objective 5.1.1(a) Soil testing should be mandatory before any proposed minor or other building is considered Any building should be on the least productive land.
FS1286.5	Horotiu Properties Ltd	Oppose
FS1388.994	Mercury NZ Ltd for Mercury E	Oppose
444.13	Ben Young for Madsen Lawrie consultants	Add clarification and further description of the term 'Significant Natural Area' in the context of Rule 22.4.1.6(a)(i) Conservation lot subdivision.
559.269	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office	Retain Rule 22.4.3 NCI Title boundaries – Significant Natural Areas, Heritage items, Maaori sites of significance and Maaori areas of Significance., except for the amendments sought below.

		<p>AND Amend Rule 22.4.3 NCI Title boundaries - Significant Natural Areas, Heritage items, Maaori sites of significance and Maaori areas of Significance to be consistent with other zone chapters, including the retention of heritage items.</p>
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Analysis – Subdivision provisions

93. Kim Robinson on behalf of Lochiel Farmlands Limited [349.5] and TaTa Valley Ltd [574.9] both seek to retain Policy 3.2.8 to incentivise subdivision where areas with high natural values are protected. This policy sits in Chapter 3 ‘Natural Environment’ rather than Chapter 5 ‘Rural’. It was considered in paragraphs 286-293 in a s42a report by Ms Susan Chibnall¹². Ms Chibnall’s recommendation was that the policy be retained (with minor amendment to clarify the intent). In line with Ms Chibnall’s recommendation on the policy, it is recommended that these two submission points be **accepted**.
94. Glenys McConnell [417.1] sought to amend Objective 5.1.1 and Policy 5.2.3 to better enable boundary adjustments and amalgamations to occur and to facilitate the formation of smaller lots. The rule framework regarding boundary amalgamations and adjustments were considered in paragraphs 286-297 of Ms Overwater’s Subdivision Report. The effects of subdivision of productive rural land and high class soils (Policy 5.2.3) was also discussed in general terms in the Subdivision Report and was also addressed in paragraphs 93-100 of the Rural Report. On the basis of these earlier reports and associated conclusions it is recommended that no further amendments to the policy framework are appropriate and the submission point should therefore be **rejected**.
95. Jenny Kelly [590.1] sought to strengthen the rules relating to subdivision of land that includes high class soils, including general opposition to any further subdivision in the Rural Zone. The policy and rule approach to the subdivision of land including high class soils was discussed at length in pages 39-75 of Ms Overwater’s Subdivision Report. The recommended provisions seek an appropriate balance between the protection of productive potential and the reasonable use of land by property owners. In line with eh recommendations in Ms Overwater’s Subdivision Report it is recommended that the submission point be **rejected**.
96. Waikato Regional Council [81.175] seeks to add Significant Natural Areas (‘SNAs’) to the list of areas in Rule 22.4.5 that makes subdivision of these areas a fully discretionary activity. Heritage New Zealand [559.269] sought that the non-complying status be retained for Rule 22.4.3 (NC1). Ben Young for Madsen Lawrie consultants [444.13] sought further clarification as to how SNAs were identified in the context of the conservation lot rule framework.
97. The Proposed Plan (and recommendations of Ms Overwater in the Subdivision Report) provide for subdivision of sites containing SNAs (and heritage, cultural values, and notable trees) as a restricted discretionary activity under Rule 22.4.3, provided the proposed new title boundary does not divide the part of the site containing the natural area. Where a title boundary would divide a natural area, then the notified rule makes such activity non-complying. Ms Overwater has recommended that applications not complying with RDI become discretionary rather than non-complying. In essence the choice is whether the starting point for subdivision applications for sites containing a SNA is as a restricted discretionary activity (as per the notified plan and as recommended by Ms Overwater) or as a fully discretionary activity (as sought by the WRC). And then secondly whether

¹² S42a report Hearing 21A Natural Environments I – Indigenous Vegetation and Habitats, by Ms Susan Chibnall, Dated November 2020

applications that do not meet the RCI requirements move to being assessed as discretionary (as recommended by Ms Overwater) or non-complying (as sought by Heritage New Zealand).

98. The notified provisions largely achieve the same outcome as that sought by the WRC i.e. if a proposed subdivision boundary divides a SNA, then the application becomes a fully discretionary activity. Where only part of a site contains a SNA, then the creation of a new title boundary outside of the SNA is able to be considered as a restricted discretionary activity, with effects on natural values one of the matters of discretion.
99. This seems to me to be a reasonable approach, and is in line with the recommendations on the same issue in the Village Zone (Hearing 6). In line with these earlier recommendations, it is recommended that both the WRC and HNZ submissions be **rejected** and the Madsen Lawrie Consultant's submission be **accepted in part** insofar as the recommended rule framework for conservation lots is clear.
100. As an aside, it is noted that Ms Overwater has recommended a text change to Rule 22.4.3 as follows:

RDI	(a) The boundaries of every proposed lot <u>allotment must not divide containing</u> any of the following: <ul style="list-style-type: none"> (i) Significant Natural Areas; (ii)
	(b) Council's discretion shall be limited to the following matters: <ul style="list-style-type: none"> (i) Effects on Significant Natural Areas (SNAs);....
NCI <u>DI</u>	Subdivision that does not comply with Rule 22.4.3 RDI.

101. My understanding is that Ms Overwater wished to make clear that the rule applies to sites that include SNAs. A problem with Ms Overwater's recommended wording is that there is no pathway by which fully discretionary status is reached as there is no way to 'not comply with RDI'. Whilst the substantive decision on this matter will be made as part of Hearing 18, it is noted here that the original wording may well be more effective than Ms Overwater's recommended change. It is also noted that the 'must not divide' wording is proposed in similar rules that apply to other zones¹³.
102. Bruce and Dorothy Chipman [106.4] sought to amend Rule 22.4.1.1 Prohibited subdivision, to replace "lot" with "Record of Title or consented lot". A number of submitters sought that consistent wording be used throughout the subdivision rule framework, with Ms Overwater recommending that the term 'Record of Title' be used in her Subdivision Report. It is therefore recommended that this submission point be **accepted**.
103. Gwenith Sophie Francis [394.18] sought to amend Rule 22.4.1.1 Prohibited subdivision, to acknowledge other allowable forms of subdivision such as Conservation Lot Subdivision and farm parks. Ben Young for Madsen Lawrie consultants [738.3] sought to clarify what was meant by 'significant natural areas' in relation to the formation of conservation lots. Conservation lots were discussed in some detail by Ms Overwater on pages 189-236 of the Subdivision Report, including discussion on when they might be applied for and the size and significance of the area to be protected. The provision of such lots is provided for as a

¹³ See Rule 24.4.6 in the Village Zone

restricted discretionary activity under Rule 22.4.1.6. The prohibited activity rules apply to lots containing high class soils. Exceptions to the prohibited activity status are however provided through clauses (b)(i)-(v), with these exceptions including conservation lots. It is therefore recommended that these two submissions be **accepted in part** insofar as the rule framework recommended by Ms Overwater provides for conservation lots.

104. Adrian Morton [499.7] seeks to amend Rule 22.4.1.2 P3 (a)(iii) to change maximum slopes where earthworks can be undertaken from 1:2 to 1:2.5. There is no such rule numbering in the Proposed Plan. It is assumed the submission is referring to proposed rule 22.4.1.2(P2)(a)(iii) which is an earthworks rule. Whilst land with a slope of 1:2 is steep, earthworks are considered to be appropriate noting that the volumes, height of cut, setbacks from property boundaries, and post-work stabilisation are all matters controlled by other causes of this rule i.e. the permitted allowance for earthworks on steep land is not open-ended. It is considered that the earthworks rule package recommended in the Rural Report strikes an appropriate balance between enabling a range of earthworks activities in rural areas and managing the potential effects of those activities. It is recommended that this submission point be **rejected**.
105. Adrian Morton [499.8] likewise sought to amend a rule referred to in the submission as 22.4.4.4 P1(a). Again no such rule exists. It may be that the submission is referring to earthworks rule 22.2.3.1(P1)(a) which provides for general earthworks. This rule limits the extent of material that can be extracted from farm quarries in any 12 month period. It provides for ancillary rural earthworks (those associated with cultivation and harvesting) without time limit, which is considered appropriate. Rule P3 controls the volume of earthworks that can be undertaken for activities that are not ancillary to farming. Recommended clause (ii) limits such volumes to no more than 500m³ in any 12 month period. It is recommended that the submission point be **accepted in part**, insofar as earlier recommendations in the Rural Report are that a time limit be placed on the permitted volumes for activities that are not ancillary rural activities.
106. Waikato District Council [697.738] sought to delete Rule 21.4.5 Subdivision - Significant Natural Areas; and make consequential amendments to Rule 21.4 Subdivision by deleting (2)(d). These provisions are located in Chapter 21 – Industrial Heavy Zone. The reasons for seeking the deletion is that the extent of SNAs located within this zone is extremely limited, with the key effect being vegetation clearance which is separately controlled through Rule 21.2.9 and therefore the proposed rule is not needed or appropriate in an Industrial Heavy Zone. It is recommended that this submission be **accepted** and the clauses amended as follows:
107. Chapter 21 – Industrial Heavy Zone
- 21.4 Subdivision
- (1) Rules 21.4.1 Subdivision – General provides for subdivision density.
- (2) Other subdivision provisions are contained in:
- (a) Rule 21.4.2 Subdivision – Boundaries for Records of Title
- (b) Rule 21.4.3 Subdivision – Road Frontage
- (c) Rule 21.4.4 Subdivision - Esplanade Reserves and Esplanade Strips
- ~~(d) Rule 21.4.5 Subdivision – Significant Natural Areas~~

~~21.4.5 Subdivision – Significant Natural Areas~~

RD1	<p>(a) Subdivision of a site containing a Significant Natural Area, must not divide the Significant Natural Area.</p> <p>(b) Council's discretion is restricted on the following matter:</p> <p>(i) Effects on the Significant Natural Area</p>
NC1	Subdivision that does not comply with Rule 21.4.5 RD1.

8 Urban growth and infrastructure provision

Introduction

108. The key focus of the below submissions is to align the development of new urban growth areas with provision of appropriate network infrastructure, with a deferred zoning proposed as an appropriate tool for achieving the relief sought.

Reallocations from Infrastructure to Rezoning Hearing		
Submission point	Submitter	Summary of Submission
286.34	Waikato-Tainui	Amend the Proposed District Plan to re-instate deferred zoning to a point in time when Waikato District Council have clarity around their wastewater infrastructure and are not reliant on outdated technology that is currently causing negative environmental outcomes.
<i>FS1261.36</i>	<i>Annie Chen</i>	<i>Oppose</i>
<i>FS1035.40</i>	<i>Pareoranga Te Kata</i>	<i>Support</i>
<i>FS1297.46</i>	<i>CSL Trust & Top End Properties Limited</i>	<i>Oppose</i>
<i>FS1176.45</i>	<i>Watercare Services Ltd</i>	<i>Support</i>
493.17	Jackie Colliar	Amend the Proposed District Plan to re-instate deferred zoning to a point in time when Waikato District Council have clarity around their infrastructure and how the areas will be serviced.
923.80	Waikato DHB	Review the extent of the live zoning and its ability to be serviced with infrastructure. OR Consider including much stronger development staging rules which are linked to the provision of infrastructure and development of structure plans.
524.37	Anna Noakes	Amend the rules relating to subdivision to give effect to policies 6.4.2-6.4.7 and ensure greenfield sites for urban growth are investigated through section 32 analysis to assess the ability to appropriately, effectively and efficiently service these areas in comparison to other areas.

606.14	Bill Wasley for Future Proof Implementation Committee	Amend (as necessary) Chapter 5 Rural Environment, Chapter 22 Rural Zones and Planning Maps after undertaking further work on the objectives, policies, rules and methods that cover the cross boundary area between Hamilton City and Waikato District to manage this area appropriately.
FS1203.4	Burton Trust	Support
FS1252.7	AH & DB Finlay Limited	Support
FS1254.7	Wattle Downs Limited	Support
FS1256.7	Moeraki Farm Limited	Support
FS1260.7	K Badger and WR Badger Estate	Support
FS1324.7	Robyn Ballard	Support
FS1202.22	New Zealand Transport Agency	Support
943.54	McCracken Surveys Limited	Amend the zoning of the property at 669 Horotiu Road, Te Kowhai (Lot 1 DPS 80472), from Rural Zone to Village Zone.
FS1277.61	Waikato Regional Council	Oppose
FS1379.367	Hamilton City Council	Oppose
FS1204.11	Christian & Natasha McDean	No amendments to the zoning maps in the Newstead area that would result in land being zoned industrial or equivalent.
FS1216.10	Newstead Residents Association	Support the submission where it promotes the retention/possible expansion of the Industrial zoned land at Horotiu, but oppose any new industrial areas in Waikato District, particularly within the Newstead area. No amendments to the zoning maps in the Newstead are that would result in land being zoned industrial or equivalent.
FS1280.10	Dennis and Jan Tickelpenny	No amendments to the zoning maps in the Newstead area that would result in land being zoned industrial or equivalent.

Analysis – Integration of urban growth with infrastructure

109. The above submission points are seeking better coordination between new urban growth areas and their servicing by network infrastructure and to better manage subdivision in rural areas. This issue was discussed at length in my earlier s42a report on Thematic Issues¹⁴. In that report I recommended that a Future Urban Zone ('FUZ') be introduced into the Proposed Plan as an additional zoning tool. The FUZ is proposed to be a zone that can be applied to sites that are appropriate in principle for urbanisation, however matters such as servicing, structure plans, or the specific type of urban zone (residential versus commercial/ industrial) is yet to be resolved. Rather than simply retain a rural zoning until such time as these matters are addressed, District Plans can identify the sites as a FUZ. Such identification

¹⁴ S42a report - Hearing 25 Zone Extents – Future Urban Zone and Residential Medium Density Zone, prepared by Jonathan Cleese, dated 26 January 2021

confirms that urbanisation is anticipated in the future (and therefore provides both the landowner and the wider community with long-term certainty as to anticipated outcomes), whilst concurrently not enabling urbanisation to occur in the absence of the planning and infrastructure necessary for delivering positive urban outcomes.

110. The relief sought by submitters aligns with the purpose and role of the proposed FUZ provisions and therefore in line with the earlier recommendations it is recommended that these submissions be **accepted**.
111. McCracken Surveys Limited [943.54] sought to change the zoning of 669 Horotiu Rd in Te Kowhai from Rural to Village Zone. This site is some 5.3ha in area and is located immediately south of the Council-held sports fields in the centre of Te Kowhai. The zoning of this block was considered in section 4.8 of the s42a report on rezoning in Te Kowhai¹⁵. It was recommended that the block be rezoned to a Future Urban Zone (rather than a Village zone as sought by this and other submitters), due to a lack of certainty regarding the funding and timing of reticulated infrastructure, the need for more detailed structure plans for the wider growth area, and the lack of certainty regarding the optimal long-term live zone (Village or Residential). As such it is recommended that the submission be **accepted in part** insofar as the recommended FUZ zoning indicates that the site is suitable in principle for urban zoning.
112. Three further submissions were overlooked in earlier reporting on rezoning submissions regarding further industrial expansion in the Newstead area close to Ruakura on the outskirts of Hamilton. Rezoning requests in the Ruakura area were assessed in section 5.1 of the s42a report prepared by Ms Susannah Tait¹⁶. It was recommended that no further land be rezoned from Rural to Industrial Zones in the wider Horotiu area. It is therefore recommended that the above further submissions be **accepted**.

9 Recreational Hunting

Introduction

113. The key focus of three submission points from Auckland-Waikato Fish and Game [433] is for the Proposed Plan to provide explicit direction that recreational hunting and fishing are permitted in rural areas.

Recreational hunting		
Submission point	Submitter	Summary of Submission
433.69	Mischa Davis for Auckland Waikato Fish and Game Council	Add provisions to the Proposed District Plan that provide for recreational hunting as a permitted activity in the Rural Zone.
FS1083.15	Ryburn Lagoon Trust Limited	Support
433.70	Mischa Davis for Auckland Waikato Fish and Game Council	Amend the Proposed District Plan to give specific reference is given to recreational hunting, especially in relation to subdivisions and new growth, where reverse

¹⁵ S42a report – Hearing 25:Rezoning – Te Kowhai, prepared by Jonathan Clease, dated 19 May 2021

¹⁶ S42a report – Hearing 24: Zone Extents – Rest of District – Hamilton Fringe, Prepared by Susannah Tait, dated 16 April 2001.

		sensitivity issues are discussed.
<i>FS1083.16</i>	<i>Ryburn Lagoon Trust Limited</i>	<i>Support</i>
433.77	Mischa Davis for Auckland Waikato Fish and Game Council	Amend the Proposed District Plan to ensure that recreational game bird hunting and recreational freshwater fishing are included as permitted activities in all rural areas.

Analysis – Recreational hunting and fishing

114. This matter was discussed in paragraphs 125-131 of the Rural Report regarding the policy direction for non-rural activities. As noted above, it was recommended that Policy 5.3.9 be rewritten to provide better acknowledgment that there are a range of non-farming activities that are anticipated in the rural environment. Clause (b)(ii) of the recommended policy sought to enable “recreation activities that require a rural or extensive open space setting including equestrian and horse training centres, gun clubs and shooting ranges, golf courses, and walking and cycling trails”.
115. These activities were then generally provided for in the rule framework as permitted activities, including equestrian and horse training centres (PI3 and PI4), and walking and cycling tracks (as part of the definition of ‘conservation activities’) under PI7. It is noted that the ‘conservation activities’ definition also provides for pest control, which would extend to hunting of a number of wild exotic species. Recreational facilities associated with rural tourism were recommended to be managed as a restricted discretionary activity (RD4) as part of the ‘rural commercial’ definition.
116. I acknowledge that recreational hunting and fishing are long-standing activities in rural areas (and indeed can only occur in rural as opposed to urban environments). Whilst recognised and provided for at a policy level, the enabling policy approach has not been carried forward into the rule framework in an explicit manner. Whilst some forms of hunting will be permitted as a conservation activity, hunting common (non-pest) species and freshwater fishing will not. For the avoidance of doubt it is recommended that a new permitted activity rule be added to make clear that these activities are anticipated. It is noted that the safe handling and discharge of firearms and their use near residential areas is separately controlled under the Arms Act 1983. Noise generated by recreational hunting was considered in paragraphs 548-550 of the Rural Report, with it recommended that noise from such activities be incorporated into the scope of rule 22.2.1.1(PI) which controls noise generated by farming activities. The provision of maimais within waterway setbacks was considered in paragraphs 687-688 of the Rural Report.
117. As an aside, in reviewing these submission points it was noted that golf courses are likewise not provided for in the rule package. As a consequential amendment to give effect to the recommended Policy 5.3.9 it is recommended that the definition of ‘rural commercial’ be amended to include reference to golf courses, gun clubs, and firing ranges, with such activities being a restricted discretionary activity under rule RD4 and associated matters of discretion which include consideration of noise and amenity effects and reverse sensitivity on established rural activities.
118. It is therefore recommended that the submission points be **accepted**.

Recommendations regarding text changes

119. Add a new permitted activity rule to Rule 22.1.2

Activity	Activity specific conditions
<u>P21</u>	<u>Recreational hunting and fresh water fishing</u>
	<u>Nil</u>

120. Amend the definition of 'rural commercial' as follows:

Rural commercial	Means commercial activities that have a direct functional or operational need to locate in the Rural Zone or that service productive rural activities. It includes veterinary practices, wineries and wedding venues, adventure tourism, farm tourism, <u>golf courses, gun clubs and firing ranges</u> , and includes ancillary activities. It excludes visitor accommodation
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10 Meremere Dragway

Introduction

121. The key focus of submissions from Meremere Dragway Inc. is the inclusion of a bespoke set of rules in the Rural Zone to provide for the ongoing operation of the existing motorsport facility.

Meremere Dragway		
Submission point	Submitter	Summary of Submission
791.1	Andrew Michael Basford Green for Meremere Dragway Inc	Amend the area shown on the planning maps as "Meremere Dragway" to 'Drag Way Park Specific Area'. AND Any consequential amendments to the Proposed District Plan to give effect to the relief sought in this submission.
FS1194.19	HD Land Limited and Hampton Downs (NZ) Limited	Oppose
791.3	Andrew Michael Basford Green for Meremere Dragway Inc	Add a new section to Chapter 22 Rural Zone entitled "22.9 Specific Area – Drag Way Park" (Drag Way Park Specific Area), based on Schedule 25E Meremere Dragway of the Operative District Plan, subject to amendments to provide for non-motorised activities. See Appendix A of the submission for provisions sought. AND Add the "Rule Table for Land Use Activities" from Schedule 25E of the Operative District Plan, subject to amendments to provide for non-motorised activities. See Appendix A of the submission for the table. AND Any consequential amendments to the Proposed District Plan to give effect to the relief sought in this submission.

FS1194.20	HD Land Limited and Hampton Downs (NZ) Limited	Oppose

Analysis – Meremere Dragway

122. Meremere Dragway was discussed in paragraphs 393-401 of the Rural Report. It was noted that under the Operative Plan the dragway is a scheduled activity, with the submitter in essence looking to continue the scheduled activity approach into the Proposed Plan through the introduction of a new 'specific area' set of provisions. It is understood that the submitter is no longer pursuing a rezoning (to some form of Special Purpose Motorsport Zone)¹⁷, and instead is satisfied that the Rural Zone provisions recommended in the Rural Report (plus further minor amendments sought by the submitter in evidence to Hearing 18), are appropriate. As such Meremere Dragway will be subject to the Rural Zone provisions. These provisions include Policy 5.3.12 which seeks to support the ongoing operation of the facility, a definition, and a permitted activity rule.
123. Whilst a bespoke standalone set of provisions (or zone) has not been recommended, specific provision is nonetheless made for the dragway, in recognition of the facility's long-standing value to the community and the need to distinguish it from the general outcomes sought for the Rural Zone. It is therefore recommended that the submission points be **accepted in part** insofar as specific provision is made for the dragway within the Rural Zone policy and rule framework, an outcome that is now supported by the submitter.

I I Minor Dwellings

Introduction

124. The below submissions relate to the provision of minor dwellings and farm worker accommodation and generally seek to make such provision more enabling.

Minor dwelling		
Submission point	Submitter	Summary of Submission
81.164	Waikato Regional Council	Amend Rule 22.3.2 Minor dwelling to make a minor dwelling in an Outstanding Natural Feature, Outstanding Natural Landscape, Outstanding Natural Character Area or High Natural Character Area a discretionary activity.
FS1223.36	Mercury NZ Limited	Support
197.23	Jeska McHugh for NZ Pork	Delete the conditions from Rule 22.3.2 PI Minor dwelling OR Add separate provisions for farm workers accommodation.

¹⁷ Memorandum received from Meremere Dragway's legal counsel, dated 27th January 2021.

FS1308.5	The Surveying Company	Support
FS1168.73	Horticulture New Zealand	Support
FS1386.204	Mercury NZ Limited for Mercury C	Oppose
FS1168.76	Horticulture New Zealand	Support
FS1386.205	Mercury NZ Limited for Mercury C	Oppose
394.14	Gwenith Sophie Francis	Amend Rule 22.3.2 PI (a) Minor dwelling, as follows: PI (a) One minor dwelling not exceeding 70m ² gross floor area in footprint (excluding decks and carports) within a lot. (b) Where there is an existing dwelling located within a lot: (i) The minor dwelling must be located within 20m 200m of the dwelling; AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.
FS1388.116	Mercury NZ Limited for Mercury E	Oppose
394.24	Gwenith Sophie Francis	Amend Rule 22.3.2 PI Minor dwelling, as follows: PI (a) One minor dwelling not exceeding 70m ² gfa in footprint (excluding decks and carports) per site. (b) Where there is an existing dwelling located within a site: (i) The minor dwelling must be located within 20m 200m of the dwelling; AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.
FS1388.123	Mercury NZ Limited for Mercury E	Oppose
676.14	T&G Global Limited	Retain Rule 22.3.2 Minor dwelling which classifies a minor dwelling as a permitted activity; AND Add a specific provision to the Proposed District Plan to allow workers' accommodation for workers engaged in rural production activities as a permitted activity up to 120m ² ;

		<p>OR</p> <p>Add a specific provision to the Proposed District Plan to enable workers' accommodation for workers engaged in rural production activities up to 120m² as a restricted discretionary activity, restricting the matters of discretion to the effects of the built form on the environment;</p> <p>AND</p> <p>Any further or consequential amendments necessary to address the concerns raised in the submission.</p>
FS1348.22	Perry International Trading Group Limited	Support
FS1387.146	Mercury NZ Limited for Mercury D	Oppose
680.219	Federated Farmers of New Zealand	<p>Amend Rule 22.3.2 PI (b) (i) Minor dwelling, as follows:</p> <p>(b) Where there is an existing dwelling located within a lot:</p> <p>(i) The minor dwelling must be located within 320m of the dwelling;</p> <p>(ii) The minor dwelling must share a single driveway access with the existing dwelling.</p> <p>(iii) The number of existing dwellings does not already exceed that permitted under Rule 22.3.1(PI)</p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p> <p>AND</p> <p>Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.</p>
FS1171.91	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support
FS1387.214	Mercury NZ Limited for Mercury D	Oppose
695.212	Sharp Planning Solutions Ltd	<p>Amend Rule 22.3.2 PI(i) Minor dwelling by rephrasing to read:</p> <p>The minor dwelling must be located within 20m of the existing dwelling.</p>
FS1387.360	Mercury NZ Limited for Mercury D	Oppose
695.212	Sharp Planning Solutions Ltd	<p>Amend Rule 22.3.2 PI(i) Minor dwelling by rephrasing to read:</p> <p>The minor dwelling must be located within 20m of the existing dwelling.</p>
FS1387.360	Mercury NZ Limited for Mercury D	Oppose

697.798	Waikato District Council	Amend Rule 22.3.2 PI Minor dwelling, as follows: (a) One minor dwelling not exceeding 70m ² gross floor area within a lot record of title must comply with the following conditions: (i) Where there is an existing dwelling located within a lot not exceed 70m ² gross floor area; (ii) The minor dwelling must be located within 20m of the principal residential unit dwelling; (iii) The minor dwelling must share a single driveway access with the principal residential unit existing dwelling.
FS1168.74	Horticulture New Zealand	Oppose
FS1387.691	Mercury NZ Limited for Mercury D	Oppose
751.25	Chanel Hargrave and Travis Miller	Amend Rule 22.3.2 PI (b) (i) Minor dwelling as follows: (i) The minor dwelling must be located within 2050m of the dwelling;
FS1387.1079	Mercury NZ Limited for Mercury D	Oppose
794.17	Middlemiss Farm Holdings Limited on behalf of	Delete Rule 22.3.2 PI (b)(i) Minor dwelling requiring the minor dwelling to be no more than 20m from the main dwelling. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.
FS1308.131	The Surveying Company	Support
FS1387.1247	Mercury NZ Limited for Mercury D	Oppose
797.31	Fonterra Limited	Retain Rule 22.3.2 Minor Dwelling as notified.
FS1322.7	Synlait Milk	Support
FS1110.42	Synlait Milk Limited	Support
FS1387.1272	Mercury NZ Limited for Mercury D	Oppose
802.11	Vera van der Voorden	Amend Rule 22.3.2 (b)(i) Minor dwelling to relax the 20m minimum distance of an ancillary dwelling from the main house. AND Retain the approach to Minor dwellings which no longer requires use by dependent relatives.
943.14	McCracken Surveys Limited	Amend Rule 22.3.2 Minor dwelling, to replace the word "lot" with "site".
FS1387.1568	Mercury NZ Limited for Mercury D	Oppose
943.15	McCracken Surveys	Amend Rule 22.3.2 PI (a) Minor dwelling, to exclude

	Limited	garages, as follows: (a) One minor dwelling not exceeding 70m ² gross floor area, excluding garage within a lot.
FS1308.185	The Surveying Company	Oppose
FS1387.1569	Mercury NZ Limited for Mercury D	Oppose
418.10	Ethan Findlay	No specific decision sought, however submission opposes Rule 22.3.2 Minor dwelling.
FS1388.167	Mercury NZ Limited for Mercury E	Oppose
746.81	The Surveying Company	Amend Rule 22.3.2 PI (b)(i)-Minor dwelling as follows: The minor dwelling must be located within 25m <u>50m</u> of the dwelling.
FS1387.954	Mercury NZ Limited for Mercury D	Oppose

Analysis – Minor Residential Units

125. The provision of minor units was discussed in paragraphs 271-286 of the Rural Report, and was also addressed in rebuttal evidence¹⁸. In response to submissions key recommendations were that the maximum size of such units be increased from 70m² to 120m² and the maximum distance between such units and the principal dwelling be increased from 20m to 100m. A note was also added to the rule to clarify that such accommodation did not need to be for a single household and could alternatively be used for farm or seasonal worker accommodation. These earlier recommendations mean that the changes recommended give relief to a number of the above submission points. It is therefore recommended that the above submissions be **accepted in part** in line with these earlier recommendations on the same issues.
126. The Waikato Regional Council [81.164] has sought that minor residential units be a fully discretionary activity where they are located in those areas with high natural values that are identified on the planning maps. New residential dwellings located within areas with identified natural values are a fully discretionary activity through Rule 22.3.1(PI)(c) and (DI). The provision for minor residential units is controlled through a separate rule Rule 22.3.2 (PI), which does not include any limitations on minor units being located in areas with high natural values. Because minor units are controlled through a separate rule, the limitations that would otherwise apply to residential units through Rule 22.3.1 are not applicable.
127. The need to control dwellings in areas with high natural values was discussed in Section 8 of the s42a report on Landscape areas¹⁹ prepared by Ms Jane Macartney. Her recommendation was that the notified Rule 22.3.1 should be retained i.e. new dwellings in such areas are fully discretionary activities, to enable a site-specific assessment of their effects to be undertaken. The absence of such controls on minor units does appear to be an oversight due to how the rules are structured. It is recommended that the need for an assessment through a resource consent process also apply to minor units so that a consistent approach is taken for new

¹⁸ S42a Hearing 18 – Rural rebuttal evidence of Jonathan Clease, dated 24th September 2020

¹⁹ S42a report – Hearing 21B: Landscapes, prepared by Ms Jane Macartney, dated 6th August 2020

structures located in areas with high natural values. It is also recommended that this submission point be **accepted**²⁰.

Recommended text changes

22.3.1 Number of ~~dwelling~~ residential units within a lot

P1	<p>(a) One residential unit within a Record of Title containing an area less than 40ha;</p> <p>(b) Within a Record of Title containing an area of 40ha or more, one additional residential unit is permitted for every additional 40ha of area up to a maximum of three residential units;</p> <p>(c) Any residential unit(s) under Rule 22.3.1 P1(a) and (b) must not be located within any of the following landscape and natural character areas:</p> <ul style="list-style-type: none"> (i) Outstanding Natural Feature; (ii) Outstanding Natural Landscape; (iii) Outstanding Natural Character Area; (iv) High Natural Character Area.
D1	A residential unit that complies with Rule 22.3.1 P1(a) or (b) and is located within an area listed in (c).
NC1	A residential unit that does not comply with Rule 22.3.1 P1(a) or (b).

22.3.2 Minor ~~dwelling~~ residential units

P1	<p>(a) One minor residential unit not exceeding 120m² gross floor area (excluding accessory buildings) within a Record of Title.</p> <p>(b) The minor residential unit shall be located on the same Record of Title as an existing residential unit and shall:</p> <ul style="list-style-type: none"> (i) Be located within 100m of the existing residential unit; (ii) Share a single driveway access with the existing residential unit. <p>(c) <u>Any minor residential unit under Rule 22.3.2 P1(a) and (b) must not be located within any of the following landscape and natural character areas:</u></p> <ul style="list-style-type: none"> (v) <u>Outstanding Natural Feature;</u> (vi) <u>Outstanding Natural Landscape;</u> (vii) <u>Outstanding Natural Character Area;</u>
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²⁰ It is noted that the terminology recommended in the Rural Report and the s42a report on definitions (Hearing 5) is that the term 'residential units' be used rather than 'dwellings'. As a consequential amendment it is recommended that the titles of these two rules be amended to reflect the change in terminology.

	(viii) <u>High Natural Character Area.</u> Note: In addition to single households, minor units in the Rural Zone can include <u>dormitory</u> ²¹ accommodation for farm or seasonal workers.
D1	A minor residential unit that does not comply with Rule 22.3.2.P1

12 Extractive Industries

Introduction

128. A number of submissions were received in relation to extractive industry (primarily coal and aggregate extraction). These submissions related to the policy and rule framework for such activities, along with the geographic extent of various extraction-related overlays shown on the planning maps.

Mineral and aggregate extraction activity		
Submission point	Submitter	Summary of Submission
575.17	Fulton Hogan Limited	<p>Add a new rule - Mineral and aggregate extraction activity - vibrations and blasting rules, as follows (or words to similar effects): VIBRATION AND BLASTING – MINERAL AND AGGREGATE EXTRACTION ACTIVITIES</p> <p>The measurement of blast noise (airblast) and ground vibration from blasting shall be carried out in accordance with best practice standards.</p> <p>The noise created by the use of explosives measured at a notional boundary of 20 metres from occupied dwellings shall not exceed a peak overall sound pressure of 128 dB.</p> <p>Blasting shall be confined to two occasions per day except where necessary for safety reasons.</p> <p>Where blasting is irregular and the occupiers of neighbouring sites could be alarmed, they shall be advised of pending blasts, at least one hour before any such blast.</p> <p>When blasting, the limit of particle velocity (peak particle velocity) measured on any foundation of an adjacent occupied building not connected with the site, or suitable location adjacent to the building, shall not exceed 25mm/second for commercial buildings or 10mm/second for dwellings and buildings of similar design.</p> <p>f. Every blast shall be recorded with particular attention to details of charge weight and delay practice.</p>

²¹ In reviewing the earlier recommendations it is noted that seasonal worker accommodation is not necessarily designed as dormitories and could instead be a series of bedrooms. As such the reference to 'dormitory' is considered to be unnecessarily limiting, as the key control is on the overall size of the unit, rather than how rooms are internally arranged.

		<p>Monitoring using reliable and appropriate methods representative of all blasts, at varying distances and various sites of different sensitivity shall be carried out to ensure that clauses ii and vi above are complied with. Blast records and monitoring results shall be made available to the Council on request.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential and additional amendments as necessary to give effect to the matters raised in the submission.</p>
FS1292.71	McPherson Resources Limited	Support
FS1332.31	Winstone Aggregates	Support
575.18	Fulton Hogan Limited	<p>Add a new rule - Mineral and aggregate extraction activity - air emission rules, as follows (or words to similar effect): AIR EMISSIONS – MINERAL AND AGGREGATE EXTRACTION ACTIVITIES Subject to any resource consent which may have been obtained, dust or any other airborne contaminant shall not be discharged at a level that is likely to cause a nuisance or affect the amenity values of any property in the area.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential and additional amendments as necessary to give effect to the matters raised in the submission.</p>
FS1319.9	New Zealand Steel Holdings Limited	Oppose
FS1292.72	McPherson Resources Limited	Support
FS1332.32	Winstone Aggregates	Support
591.12	Stevenson Waikato Ltd	Amend the extent of the Aggregate Extraction Area to cover the overburden areas in association with the Stevenson Huntly Quarry at 300 River Road, Huntly and shown in the plan attached to the submission.
FS1146.21	Gleeson Quarries Huntly Limited	Support
691.22	McPherson Resources Limited	<p>Add a vibration and blasting rule associated with mineral and aggregate extraction activities, as follows (or words to similar effect): VIBRATION AND BLASTING - MINERAL AND AGGREGATE EXTRACTION ACTIVITIES</p> <p>a) The measurement of blast noise (air blast) and ground vibration from blasting shall be carried out in accordance with best practice standards.</p> <p>b) The noise created by the use of explosives measured</p>

		<p>at a notional boundary of 20 metres from occupied dwellings shall not exceed a peak overall sound pressure of 128 dB</p> <p>c) Blasting shall be confined to two occasions per day except where necessary for safety reasons.</p> <p>d) Where blasting is irregular and the occupiers of neighbouring sites could be alarmed, they shall be advised of pending blasts, at least one hour before any such blast.</p> <p>e) When blasting, the limit of particle velocity (peak particle velocity) measured on any foundation of an adjacent occupied building not connected with the site, or suitable location adjacent to the building, shall not exceed 25mm/second for commercial buildings or 10mm/second for dwellings and buildings of similar design.</p> <p>f) Every blast shall be recorded with particular attention to details of charge weight and delay practice. Monitoring using reliable and appropriate methods representative of all blasts, at varying distances and various sites of different sensitivity shall be carried out to ensure that clauses ii and vi above are complied with. Blast records and monitoring results shall be made available to the Council on request.</p> <p>AND</p> <p>Any consequential amendments or alternative relief to address the matters raised in the submission.</p>
<i>FS1334.75</i>	<i>Fulton Hogan Limited</i>	<i>Support</i>
691.23	McPherson Resources Limited	<p>Add an air emission rule for mineral and aggregate extraction activities as follows (or words to similar effect): AIR EMISSIONS - MINERAL AND AGGREGATE EXTRACTION ACTIVITIES Subject to any resource consent which may have been obtained, dust or any other airborne contaminant shall not be discharged at a level that is likely to cause a nuisance or affect the amenity values of any property in the area.</p> <p>AND</p> <p>Any consequential amendments or alternative relief to address the matters raised in the submission.</p>
<i>FS1146.1</i>	<i>Gleeson Quarries Huntly Limited</i>	<i>Support</i>
<i>FS1319.29</i>	<i>New Zealand Steel Holdings Limited</i>	<i>Oppose</i>
<i>FS1334.76</i>	<i>Fulton Hogan Limited</i>	<i>Support</i>
771.14	Alison Brown for Bathurst Resources Ltd and BT Mining Ltd	Retain Section 5.4 Minerals and extractive industries, except for the amendments sought elsewhere in the submission.
<i>FS1285.11</i>	<i>Terra Firma Mining Limited</i>	<i>Support</i>
827.7	New Zealand Steel	Retain the Aggregate Extraction Area overlay (or

	Holdings Ltd	Mineral Extraction Area)
FS1292.83	McPherson Resources Limited	Support
FS1334.89	Fulton Hogan Limited	Support
723.10	Tyler Sharratt on behalf of Winstone Aggregates	Amend Chapter 22: Rural Zone for the Extractive Industry by adopting the Operative Waikato District Plan: Franklin Section rules for Aggregate Extraction.
FS1292.69	McPherson Resources Limited	Support
FS1334.69	Fulton Hogan Limited	Support
FS1377.233	Havelock Village Limited	Support
831.54	Gabrielle Parson on behalf of Raglan Naturally	Unclear what decision is being sought but submission supports ironsand mining being omitted from Policy 5.4.2- Access to minerals and extractive industries.
73.1	Anna Wilkes for Ravensdown	Amend the Aggregate Extraction Area overlay on the property at 2571 Port Waikato-Waikaretu Road, Tuakau so that the southern boundary of the overlay is aligned with the property boundary.
691.9	McPherson Resources Limited	<p>Add to the Planning Maps an 'Aggregate Extraction Areas' overlay to be applied across the entirety of the McPherson quarry site including the following legal titles (see the maps attached to the submission):</p> <p>CT NA2D/412 (comprising Allot 22 PSH of Mangatawhiri, Allot 139 and 140 PSH of Mangatawhiri and Allot 161 and 163 PSH of Mangatawhiri).</p> <p>CT NA2D/497 (comprising Allot 162 PSH of Mangatawhiri).</p> <p>CT NA2D/961 (comprising Allot 164 PSH of Mangatawhiri)</p> <p>AND</p> <p>Add to the Planning Maps an 'Aggregate Extraction Areas' overlay to be applied across the immediate neighbouring property of the McPherson quarry site, which have been earmarked for future expansions (as per resource consent application LUC023/19) being (see the maps attached to the submission):</p> <p>CT NA577/25 (comprising Allotment 23 Settlement of Pokeno, Allotment 24 Settlement of Pokeno, Allotment 130 Settlement of Pokeno, Allotment 132 Settlement of Pokeno, Allotment 133 Settlement of Pokeno).</p> <p>CT NA423/102 (comprising of Allotment 159 Parish of Mangatawhiri, Allotment 160 Parish of Mangatawhiri).</p> <p>AND</p> <p>Any consequential amendments or alternative relief to address the matters raised in the submission.</p>
691.18	McPherson Resources Limited	Amend the Planning Maps to apply the overlay relating to "Aggregate Extraction Areas" to all existing quarry operations in the District to ensure consistency, including the McPherson Quarry.
FS1334.88	Fulton Hogan Limited	Support
723.1	Tyler Sharratt on behalf	Amend Aggregate Resource Area on the Meremere

	of Winstone Aggregates	Quarry to extend to the full property boundary (see Appendix 2 of the submission); AND Amend the Aggregate Resource Area on the Pukekawa Quarry to extend to the full property boundary (See Appendix 1 of the submission).
FS1387.797	Mercury NZ Limited for Mercury D	Oppose
726.1	Waikato Aggregates Ltd	Amend the extent of the Aggregate Extraction Area shown on Planning Map 27.3 for the site Lot 2 DP 391449 (34A Tauwhare Road) to show the full extent of the Aggregate Extraction Area for the site; AND Any further amendments or relief necessary to support the submission.
797.40	Fonterra Limited	Amend the Planning Maps to identify the full extent of the Kopuku Mine as a "Coal Mining Area", comprising the additional parcels legally described as: Lots 2 and 3 DPS 78583 Lots 1 and 8 DPS 519025 Part Lots 1, 4 and 5 DPS 74265 Part Lot 5 DP 405637 Sec 7 SO 449648 AND Any consequential amendments or further relief to give effect to the concerns raised in the submission.
827.5	New Zealand Steel Holdings Ltd	Amend the extent of the Aggregate Extraction Area on the planning maps (and the Maiora Mining Zone if the relief is accepted) to ensure that the entire Waikato North Head site, including Sec 1 SO 40757, Allot 98 Parish of Waiuku West and Sec 2 SO 40757, the recycle ponds, water intake lagoon and adjacent area as sought in Figure 1, Appendix A within the submission. AND Any other further or consequential amendments required.
827.30	New Zealand Steel Holdings Ltd	Amend the Proposed District Plan to rename the 'Aggregate Extraction Area' to 'Mineral Extraction Area.' AND Any other further or consequential amendments required.
827.36	New Zealand Steel Holdings Ltd	Add a new discretionary activity rule within Section 16.4 Subdivision as follows (or words to similar effect: D1 Subdivision of land within 200m of an Aggregate Extraction Area. AND Any other further or consequential amendments

		required.
464.14	Perry Group Limited	Add a further policy/explanatory statement to the Proposed Plan to consider the future and on-going use of mineral extraction and processing sites that have been closed and rehabilitated as follows: There are a number previously developed mineral extraction and processing sites in the District, some of which have the potential to meet the communities needs for recreation, conservation and reserve needs. AND Any consequential amendments or further relief to address the concerns raised in the submission.
827.6	New Zealand Steel Holdings Ltd	Amend rules relating to the Coastal Environment overlay to ensure they do not apply to the Waikato North Head mine site. AND Any other further or consequential amendments required.
922.16	John Rowe	Amend Rule 22.3.7.2 Building setback - sensitive land use, by adding text to PI (a) (iv) and (v) to confirm that the specified separation distances are measured from the identified Aggregate Extraction Area rather than the title boundaries that contain this extraction area. OR Amend the definition of 'Aggregate Extraction Area' in Chapter 13: Definitions so that it refers to the consented extraction area, rather than the title boundary of the subject site.
FS1292.81	McPherson Resources Limited	Oppose
FS1334.84	Fulton Hogan Ltd	Oppose
FS1387.1477	Mercury NZ Limited for Mercury D	Oppose

Analysis – Extractive industry

129. Mineral and aggregate extraction was discussed at length in pages 189-230 of the Rural Report. A series of changes to the notified Plan were recommended with these changes encompassing revised policies, definitions, and rules. Three overlays were recommended, with Aggregate Extraction Areas and Coal Mining Areas applying to existing mining/quarrying operations, and an Extractive Resource Area applying to areas of known resource where future extractive activity is anticipated. Extractive activities or waste management activities located within any of these three areas were recommended to be a restricted discretionary activity under Rule 22.1.3(RD7), with extractive activities located outside these mapped overlays either a fully discretionary activity (Rule 22.1.4(D7)), or a non-complying activity if located within an area of high natural landscape or ecological value (Rule 22.1.5(NC2)).
130. Alison Brown for Bathurst Resources Ltd and BT Mining Ltd [771.14] sought to retain section 5.4 (the mineral extraction policies). New Zealand Steel Holdings Ltd [827.7] sought to retain the Aggregate Extraction Area overlay. It is recommended that these two submission points be **accepted in part** insofar as the recommended set of provisions seek to provide for extractive industry, subject to the management of effects.

131. Tyler Sharratt on behalf of Winstone Aggregates [723.10] conversely sought that the notified Plan approach be replaced with the Operative Plan (Franklin Section) provisions regarding extractive industry. It is recommended that this submission point be **rejected**, as the Rural Report recommended a different approach to the management of extractive activity.
132. Gabrielle Parson on behalf of Raglan Naturally [831.54] supported the policy framework not explicitly providing for iron sand mining, with no specific relief sought. Given that no relief is specified it is recommended that this submission point be **rejected**, noting that the recommended policies do not explicitly refer to iron sand mining.
133. Perry Group Limited [464.14] sought to provide additional policy direction regarding the rehabilitation and use of previously developed mineral extraction and processing sites to meet the communities needs for recreation, conservation and reserve needs. The use of retired quarry sites to be used for waste management purposes is set out in recommended Policy 5.3.13. Use of retired quarries for conservation or recreation purposes are not subject to any explicit policy direction. The recommended policy approach of providing for recreation and conservation activities (Policy 5.3.4) and rural commercial activities (Policy 5.3.5), and associated rules will however extend to cover the rehabilitation of quarry sites, with rehabilitation recommended as one of the matters of discretion under Rule 22.1.3(RD7). As such, specific policy direction is not considered to be necessary. It is recommended that the submission be **accepted in part** insofar as the relief sought has been addressed through the recommended changes to other policies and rules.
134. New Zealand Steel Holdings Ltd [827.30] sought to rename the 'Aggregate Extraction Area' to a 'Mineral Extraction Area'. The activities that can occur within these areas are recommend to be defined as 'extractive activity' which includes extracting minerals including coal, rock, sand, and gravel. The rules therefore do not differentiate between aggregate and minerals in these areas. On balance the name of the overlays is considered to be appropriate and it is recommended that the submission be **rejected**.
135. New Zealand Steel Holdings Ltd [827.36] also sought that subdivision of land within 200m of an Aggregate Extraction Area be a fully discretionary activity. The Subdivision Report recommended that the general subdivision rule 22.4.1.2(RD1) be amended to include an additional matter of discretion regarding 'the potential for subdivision and subsequent activities to adversely affect adjoining activities through reverse sensitivity'. This matter of discretion, combined with setback requirements for dwellings from the edge of the overlay areas, and policy direction to manage reverse sensitivity effects, in combination is considered to provide an adequate framework for assessing the potential for such effects on a case-by-case basis. As such a new discretionary rule is considered to be unnecessary and it is recommended that the submission be **rejected**.
136. John Rowe [922.16] has sought that Rule 22.3.7.2 be amended so that the specified distances by which sensitive land uses have to be setback from Aggregate Extraction Areas be measured from the edge of the consented operation rather than the edge of the title boundary. The rule is designed to ensure that sufficient distance is provided to enable the ongoing operation of existing established extractive industries. The overlays in some cases extend beyond existing worked/ consented areas, however in these situations further expansion of operations will require a resource consent. That said, further expansion is contemplated as being potentially appropriate (subject to that site-specific assessment, especially as existing operations are inherently located in areas where the mineral or aggregate resource is. The setback from property boundaries (as shown on the planning maps) is seen as a more certain measuring point than the edge of consented areas, which may change over time. A recourse consent pathway is available to assess the potential effects of the proposed sensitive activities on adjacent sites which enables any site-specific

mitigation (such as larger distances to any actively worked areas) to be considered. As such it is recommended that the submission be **rejected**.

137. Fulton Hogan Ltd [575.17] and McPherson Resources Limited [691.22] sought new rules be added to the Rural Chapter to provide a permitted framework for managing noise and vibration created by blasting. The Rural Report recommended that existing quarries be identified as Aggregate Extraction Areas. The rule package for such areas requires new operations to be setback from boundaries, and likewise requires new sensitive activities (primarily dwellings) to be set back from the edge of Aggregate Extraction Areas.
138. The size of these areas, combined with setback requirements, provide for a degree of mitigation of effects such as noise and vibration. The Rural Zone noise rules likewise provide for permitted levels of noise received at the notional boundary of other sites. A consenting pathway is provided for activities that exceed these limits. Given the site-specific nature of the activities, quarry operations, and the sensitivity and number of neighbours, it is recommended that a resource consent pathway is appropriate to assess specific proposals, rather than the inclusion of a complex set of rules that are potentially challenging to monitor and enforce, and that may not be effective at managing effects to an appropriate level. Extractive activities within mapped overlay areas are a restricted discretionary activity, with the matters of discretion including consideration of noise and amenity effects on neighbours. The definition of 'extractive activity' includes 'excavation, blasting, and processing'. Such activities are therefore already subject to a restricted discretionary activity (or fully discretionary if located outside of the three overlay areas). It is therefore recommended that these submission points be **rejected**.
139. Fulton Hogan Ltd [575.18] and McPherson Resources Limited [691.23] also sought that a new rule be added to the Rural Zone that provides for air emissions generated by mineral and aggregate extraction so that "subject to any resource consent which may have been obtained, dust or any other airborne contaminant shall not be discharged at a level that is likely to cause a nuisance or affect the amenity values of any property in the area".
140. The management of air discharges is a responsibility of the Waikato Regional Council rather than the Waikato District Council, and is managed by provisions in Section 6 of the Waikato Regional Plan. There is likewise a general obligation placed on industry through section 17(3)(a) RMA to avoid activities that are likely to result in 'offensive or objectionable' adverse effects, with this section relied upon by Council enforcement officers when monitoring air discharges such as dust. It is therefore recommended that these submission points be **rejected**.
141. A number of submitters²² sought that the overlays as shown in the planning maps be amended to more accurately cover the operators' landholdings. As a general principle I agree that the overlays should accurately cover the extent of existing operations, and should also incorporate areas where extraction is anticipated into the future as existing quarries are progressively worked out, especially where such areas are covered by existing consents or mining licences. In general, the additional areas sought by submitters are clearly part of their current (or consented) operations.
142. Existing coal mines or quarries should be identified as a Coal Mining Area or Aggregate Extraction Area respectively. New (currently unworked) areas that are not subject to an existing mining license or resource consent should be identified as an Extractive Resource Area. In the event that any existing quarries are to be expended beyond the scope of

²² Ravensdown [73.1], McPherson Resources Limited [691.9 and 691.18], Winstone Aggregates[723.1], Waikato Aggregates Ltd [726.1], Fonterra Ltd [797.40], NZ Steel Holdings Ltd [827.5 and 827.6], Stevenson Resources [591.12]

current consents, then a new resource consent will still be required within the overlay areas as a restricted discretionary activity. Matters of discretion enable assessment of effects on neighbours, and rural character and amenity. Regional consents associated with the management of discharges to air or water will remain subject to separate consenting processes managed by the Waikato Regional Council.

143. Given what are often significant sunk capital costs in processing machinery and equipment, and the establishment of mitigation around existing site boundaries, it is efficient if existing quarries are able to maximise the extraction of the available resources, rather than relocating to what is currently rural land that is not subject to extractive activities. It is therefore recommended that the submissions seeking changes to the overlay boundaries be **accepted**. The recommended changes are shown graphically in **Appendix 3**.
144. In making this recommendation it is noted that the final location of overlays is also subject to consideration of matters raised in the course of other hearings, and in particular the hearings on the geographic extent of Significant Natural Areas, areas with high landscape values, or the Coastal Environment. McPherson Resources Limited [691], Winstone Aggregates [723], New Zealand Steel Holdings Ltd [827] and Stevenson Waikato Ltd [591] have all sought the removal of natural values-based overlays where they extend across their landholdings. It is noted that extractive industry is recommended to be a non-complying activity within such areas and therefore it will be a highly inefficient and ineffective method if both an aggregate extraction and SNA/ ONL overlay applies to the same parcel of land. The extent of the SNA/ ONL overlays will turn on the evidence presented at these earlier respective hearings. If the Panel are minded to retain the SNA/ ONL overlays then it is recommended that extractive industry overlays not apply to those same areas.

13 Definitions

Introduction

145. A number of submissions points were received on definitions related to a range of rural activities. Whilst the individual submission points were overlooked, the matters raised in the submissions have already been considered in these earlier reports as the same issues were often raised by other submitters. The below assessment therefore largely identifies and refers back to where the issues have already been considered.

Definitions		
Submission point	Submitter	Summary of Submission
394.32	Gwenith Sophie Francis	Add a definition of "Restoration or enhancement planting subdivision" in Chapter 13 Definitions. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.
FS1388.129	Mercury NZ Limited for Mercury E	Oppose
419.114	Jordyn Landers for	EITHER: Add a new definition for "Land

	Horticulture New Zealand	<p>preparation" in Chapter 13 Definitions, as follows: Means the disturbance of soil by machinery for planting, replanting, tending or harvesting pasture or crops. Land preparation includes blading, contour ploughing, ripping, mounding, stepping, contouring, bunding and sediment control measures and drainage associated with horticultural crops but does not include direct drilling or mechanical land preparation associated with plantation forestry.</p> <p>AND</p> <p>Amend the definition of "ancillary rural earthworks" in Chapter 13 Definitions, as follows: Means any earthworks or disturbance of soil associated with:</p> <ol style="list-style-type: none"> 1. cultivation and land preparation (including establishment of sediment and erosion control measures), for planting and growing operations; 2. harvesting of agricultural and horticultural crops (farming) and forestry (forestry); and 3. maintenance and construction of facilities typically associated with farming and forestry activities including, but not limited to, farm/forestry tracks, roads and landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing and sediment control measures. <p>AND</p> <p>Amend the definition of "Earthworks" in Chapter 13 Definitions, to specifically exclude "Ancillary rural earthworks" for clarity.</p> <p>OR</p> <p>Amend the definition of "Ancillary rural earthworks" in Chapter 13 Definitions, to include contouring, ripping and blading</p> <p>AND</p> <p>Amend the definition of "Earthworks" in Chapter 13 Definitions, to specifically exclude "Ancillary rural earthworks".</p> <p>AND</p> <p>Any consequential or additional amendments as a result of changes sought in the submission.</p>
FS1342.89	Federated Farmers	Support
FS1323.100	Heritage New Zealand Pouhere Taonga	Oppose
419.136	Jordyn Landers for Horticulture New Zealand	<p>Add a new definition for "Farm worker accommodation" to Chapter 13 Definitions, as follows: Accommodation for people whose duties require them to live on-site, and in the rural zones for people who work on the site or in the surrounding rural area.</p> <p>AND</p> <p>Any consequential or additional amendments as a</p>

		result of changes sought in the submission.
FS1348.8	<i>Perry International Trading Group Limited</i>	<i>Support</i>
FS1171.59	<i>Phoebe Watson for Barker & Associates on behalf of T&G Global</i>	<i>Support</i>
FS1342.90	<i>Federated Farmers</i>	<i>Support</i>
FS1388.233	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
481.3	Bruce and Kirstie Hill for Culverden Farm	Amend the definition of "farming" by removing the link to soil fertility.
FS1265.24	<i>Mainland Poultry Limited</i>	<i>Support</i>
FS1388.470	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
482.6	Kirstie Hill on behalf of Hill Country Farmers Group	Amend the definition of "Farming" by removing the link to soil fertility.
FS1265.25	<i>Mainland Poultry Limited</i>	<i>Support</i>
FS1388.473	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>
680.264	Federated Farmers of New Zealand	Add to Chapter 13 Definitions a new definition of "Rural contractor's depots" as follows: Means offices, storage buildings, plant and machinery used for the purposes of agricultural contracting, including ancillary activities and transport depots relating to the transportation of agricultural and horticultural produce, including livestock. Agricultural contractors' depots include the repair, servicing and maintenance of rural-based vehicles or machinery. AND Any consequential amendments needed to give effect to this relief.
FS1275.12	<i>Zeala Limited trading as Aztech Buildings</i>	<i>Support</i>
FS1387.231	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>
746.8	The Surveying Company	Add a new definition of "horticultural activities" to Chapter 13: Definitions and include glasshouses, greenhouses, plant nurseries and orchards therein.
FS1168.99	<i>Horticulture New Zealand</i>	<i>Support</i>

FS1171.118	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support
FS1387.908	Mercury NZ Limited for Mercury D	Oppose
877.9	Leigh Michael Shaw & Bradley John Hall	Add to Chapter 13: Definitions a definition for "horticultural activities" that includes glasshouses/greenhouses and plant nurseries and orchards.
FS1168.89	Horticulture New Zealand	Support
FS1387.1455	Mercury NZ Limited for Mercury D	Oppose
746.7	The Surveying Company	Amend the definition of "farming" in Chapter 13: Definitions to include free-range poultry farming.
FS1338.6	Combined Poultry Industry on behalf of The Poultry Industry Association of NZ; Inghams Enterprises (NZ) Ltd; Brinks NZ Chicken; The Egg Producers Federation of NZ; and Tegel Foods Ltd	Support
FS1265.27	Mainland Poultry Limited	Support
FS1387.907	Mercury NZ Limited for Mercury D	Oppose
419.111	Jordyn Landers for Horticulture New Zealand	Retain the definition of "Agricultural and horticultural research activities" in Chapter 13: Definitions, as notified.
986.50	KiwiRail Holdings Limited (KiwiRail)	Amend the definition of "forestry" in Chapter 13 Definitions as follows (or similar amendments to achieve the requested relief): Means the planting and growing of trees (including shelterbelts and woodlots) and is an integrated land use including land preparation, roading, tree planting and maintenance (i.e. thinning, pruning, noxious weeds and animal control) and harvesting of trees and includes the use of accessory buildings, but not the establishment and/or use of permanent sawmills or other methods of timber processing. AND Any consequential amendments to link and/or accommodate the requested changes.
405.10	Counties Power Ltd	Amend the definition of "earthworks" in Chapter 13 Definitions, to clarify as to whether all forms are included in the definition e.g. thrusting/drilling.

		Thrusting and drilling should not be included in the definition of "earthworks".
FS1176.63	Watercare Services Ltd	Support
FS1323.104	Heritage New Zealand Pouhere Taonga	Oppose
742.84	Mike Wood for New Zealand Transport Agency	Add a definition for "watercourse" to Chapter 13: Definitions that excludes artificial waterways such as stormwater swales. AND Request any consequential changes necessary to give effect to the relief sought in the submission.
FS1287.38	Blue Wallace Surveyors Ltd	Support
FS1387.878	Mercury NZ Ltd for Mercury D	Oppose
197.13	Jeska McHugh for NZ Pork	Amend the definition for "Building" in Chapter 13 Definitions to clearly exclude mobile shelters for outdoor pigs from the definition of building.
FS1342.53	Federated Farmers	Support
FS1386.197	Mercury NZ Limited for Mercury C	Oppose
419.31	Jordyn Landers for Horticulture New Zealand	Amend the definition of 'Building' in Chapter 13 Definitions (the specific amendments sought are addressed elsewhere in the submission) OR Amend Rule 22.3.7.1 P2 (a) Building Setbacks - All boundaries, as follows: (a) A non-habitable building (excluding artificial crop protection structures) located on a Record of Title less than 1.6ha must be set back a minimum of: ... AND Amend Rule 22.3.7.1 P4 (a) Building Setbacks - All boundaries, as follows: (a) A non-habitable building (excluding artificial crop protection structures) located on a Record of Title 1.6ha or more must be set back a minimum of: ... AND Add a new permitted activity to Rule 22.3.7.1 Building Setbacks - All boundaries, as follows: PX Artificial crop protection structures that comply with Rule 22.1.2 PX Artificial crop protection structures AND Amend Rule 22.3.7.1 RDI (a) Building Setbacks - All boundaries, as follows: (a) A building that does not comply with Rule 22.3.7.1 P1, P2, P3 or P4 or PX AND Any consequential or additional amendments as a result of changes sought in the submission.
FS1171.25	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support
419.116	Jordyn Landers for Horticulture New Zealand	Delete (e) in the definition of "Building" in Chapter 13 Definitions, and replace with the following: Has the meaning the Building Act 2004, excluding: ... (e) artificial crop protection structures and crop support structures OR Amend (e) in the definition of "Building" in Chapter 13 Definitions, as follows: Has the meaning in the Building Act 2004, excluding: ... (e) a structure that is permeable and less no greater than 4 8 metres in height to protect crops

		from agricultural use. OR Delete the definition of "Building" in Chapter 13 Definitions, and replace with the following: Means any impervious structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed. AND Any consequential or additional amendments as a result of changes sought in the submission.
FS1171.54	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support
FS1342.88	Federated Farmers	Oppose
FS1388.227	Mercury NZ Limited for Mercury E	Oppose
676.8	T&G Global Limited	Retain the definition of "Building" in Chapter 13 Definitions which excludes structures that are permeable and less than 4m in height to protect crops for agricultural use, except for the amendments sought below. AND Amend the definition of "Building" in Chapter 13 Definitions to exclude buildings that protect crops for horticultural use. AND Any further or consequential amendments necessary to address the concerns raised in the submission.
FS1168.90	Horticulture New Zealand	Support
FS1387.143	Mercury NZ Limited for Mercury D	Oppose
419.117	Jordyn Landers for Horticulture New Zealand	Amend the definition of "Building coverage" in Chapter 13 Definitions, as follows: Means the proportion of the net site area which is covered by any building. It includes: (a) overhanging or cantilevered parts of buildings or structures (b) covered decks ... It excludes: ... (e) artificial crop protection structures and crop support structures. OR Amend the definition of "building" in Chapter 13: Definitions as sought elsewhere in the submission. AND Any consequential or additional amendments as a result of changes sought in the submission.
197.16	Jeska McHugh for NZ Pork	Amend the definition for "Sensitive land use" in Chapter 13 Definitions as follows: Means an education facility including a childcare facility, waananga, and kohanga reo, a residential activity, papakaainga building, rest home, retirement village, travellers accommodation, home stay, health facility or hospital, cafes, restaurants, tourism/entertainment activities, community services.
FS1340.32	TaTa Valley Ltd	Oppose
FS1168.108	Horticulture New Zealand	Support
FS1386.199	Mercury NZ Limited for Mercury C	Oppose
418.2	Ethan Findlay	Amend the definition of "earthworks" in Chapter 13

		so that it excludes common farming practices such as cropping, paddock contouring, drainage improvement and planting. OR Amend Rule 22.2.3.1 P2(i) Earthworks general to increase the area and volumes permitted. AND Amend other parts of the district plan as necessary to give effect to the relief sought.
FS1388.160	Mercury NZ Limited for Mercury E	Oppose
418.3	Ethan Findlay	Amend the definition of "earthworks" to exclude common farming practices OR Amend Rule 22.2.3.1 P2(a)(iii) Earthworks - General to not apply to earthworks commonly carried out within 1.5m of boundaries such as planting, fencing, digging drains, tracks etc. AND Amend other parts of the district plan as necessary to give effect to the relief sought.
FS1388.161	Mercury NZ Limited for Mercury E	Oppose
197.31	Jeska McHugh for NZ Pork	Amend the definition for "Earthworks" in Chapter 13 Definitions to include the following: burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993.
FS1168.91	Horticulture New Zealand	Support
FS1277.129	Waikato Regional Council	SUPPORT with amendment. Amend the definition for "Earthworks" in Chapter 13 Definitions to include the following: burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or a pest specified as a pest in a pest management plan or an emergency declared by the Minister under the Biosecurity Act 1993.
419.118	Jordyn Landers for Horticulture New Zealand	Amend the definition of "Earthworks" in Chapter 13 Definitions, as follows: Means modification of land surfaces by blading, contouring, ripping, moving, removing, placing, or replacing soil or earth, or by excavation, or by cutting or filling operations, but excludes ancillary rural earthworks and burying of plant material that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993. AND Any consequential or additional amendments as a result of changes sought in the submission.
FS1323.105	Heritage New Zealand Pouhere Taonga	Oppose
81.244	Waikato Regional Council	Amend the definition of "High class soils" in Chapter 13: Definitions to include the peat soil definition as per the definition in the Waikato Regional Policy Statement.
394.30	Gwenith Sophie Francis	Delete the definition of "High class soils" in Chapter 13 Definitions, and replace with the following: (i)

		Elite soils (Class I); and (ii) Prime Soils (Class II) and AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.
<i>FS1168.103</i>	<i>Horticulture New Zealand</i>	<i>Oppose</i>
419.124	Jordyn Landers for Horticulture New Zealand	Amend the definition of "High class soils" in Chapter 13 Definitions, as follows: Means those soils in the Land Use Capability Classes I and II (excluding peat soils) and soils in Land Use Capability IIIe1 and IIIe5, classified as Allophanic Soils, and III using the New Zealand Soil Classification. AND Any consequential or additional amendments as a result of changes sought in the submission.
<i>FS1330.36</i>	<i>Middlemiss Farm Holdings Limited</i>	<i>Oppose</i>
<i>FS1342.95</i>	<i>Federated Farmers</i>	<i>Oppose</i>
466.54	Balle Bros Group Limited	Amend the definition for "High Class Soils" in Chapter 13 Definitions after consultation with Pukekohe Vegetable Growers Association and HortNZ to further define high class soils.
680.142	Federated Farmers of New Zealand	Retain the definition of "High class soils" in Chapter 13 Definitions, as notified.
<i>FS1171.82</i>	<i>Phoebe Watson for Barker & Associates on behalf of T&G Global</i>	<i>Support</i>
419.131	Jordyn Landers for Horticulture New Zealand	Delete the definition of "Noxious, dangerous, offensive or toxic activities" from Chapter 13 Definitions. AND Any consequential or additional amendments as a result of changes sought in the submission.
<i>FS1342.101</i>	<i>Federated Farmers</i>	<i>Support</i>

Analysis- Definitions

146. Gwenith Sophie Francis [394.32] has sought the inclusion of a new definition for "Restoration or enhancement planting subdivision". The conservation lot subdivision pathway was discussed in detail in Ms Overwater's Subdivision Report. In that report in addition to the protection of existing SNAs (over a certain size), she also recommended that provision be made for additional planting and environmental enhancement to bring small SNAs up to the size required for a new conservation lot to be formed. This issue was likewise addressed by a number of submitters to Hearing 18 regarding the merit of the conservation lot concept being extended to include restoration plantings (including areas where SNAs are not currently present). Ms Overwater's recommendations regarding conservation lots and enhancement planting to increase the size of small SNAs goes some way towards addressing the relief sought. It may be that in response to submitter evidence in Hearing 18 the Panel look to further extent this concept to provide for restoration planting more generally. As such a separate definition of restoration or enhancement planting subdivision (as an additional subdivision pathway) is not considered to be necessary. It is therefore recommended that the submission be **accepted in part** insofar as the recommendations regarding conservation lots and compensatory planting go some way towards meeting the relief sought.

147. Jordyn Landers for Horticulture New Zealand [419.114] sought a series of alternative relief regarding the definition of earthworks and ancillary rural earthworks, with the goal being to provide for earthworks typically necessary for normal horticultural operations i.e. cultivation and harvesting, as a permitted activity. As noted above, the earthworks provisions and associated definitions were considered in detail in paragraphs 222-233, of the Rural Report, with a series of changes recommended to both the definitions and the earthworks rules to make clear that earthworks associated with normal farming activities were permitted. It is therefore recommended that the submission point be **accepted**, on the basis that the intent of the relief sought has been provided through the Rural Report recommendations.
148. Jordyn Landers for Horticulture New Zealand [419.136] also sought a new definition be added for 'farm worker accommodation' as part of a series of amendments to provide for this form of housing. The issue of farm worker accommodation was discussed across pages 58-85 in the Rural Report as part of the wider discussion on dwelling density and rural character. The Rural Report recommended that no specific rules or bespoke provisions be made for farm worker accommodation, with such provision able to be made through the standard rules controlling the density of dwellings and minor residential units, with a resource consent pathway available to enable a site-specific assessment of effects to be undertaken for any proposals that sought to go beyond what was otherwise permitted. In line with these earlier recommendations it is recommended that the submission point be **rejected**.
149. Bruce and Kirstie Hill for Culverden Farm [481.3] and Kirstie Hill on behalf of Hill Country Farmers Group [482.6] both sought that the definition of 'farming' be amended by removing the reference to a link with soil fertility. The recommended wording for 'farming' is "Any agricultural, pastoral, horticultural, aquacultural, or apicultural activity having as its primary purpose the production of any livestock, fish, poultry, or crop using the in-situ soil, water and air as the medium for production". The link to the medium of production is to differentiate 'farming' from 'intensive farming', where one of the key differences is the importation of feed rather than reliance on a pasture-based system. The reference to soil in the farming definition does not mean that such soils need to be particularly fertile, for instance extensive hill country pastoral grazing systems would readily meet the definition of farming. It is recommended that the submission points be **rejected**.
150. Federated Farmers [680.264] sought to add a new definition for 'rural contractor's depots'. The role and management of rural-based but non-farming activities such as contractors depots was discussed in paragraphs 134-145 and 450-457 of the Rural Report. It was recommended that such activities be managed through Policy 5.3.5, a new definition for 'rural industry', and a restricted discretionary rule. The recommended definition for 'rural industry' is "means an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production. It includes packhouses and coolstores that handle produce sourced from other sites, feed mills and animal feed production, and rural contractors' depots. It excludes waste disposal and extractive activities". In accordance with this earlier recommendation it is recommended that the submission point be **accepted**.
151. The Surveying Company [746.8] and Leigh Michael Shaw and Bradley John Hall [877.9] both sought to add a new definition of "horticultural activities" to include glasshouses, greenhouses, plant nurseries and orchards. The amended definition of farming recommended in the Rural Report includes reference to horticultural activities and greenhouses falling within the definition. A separate definition for 'horticultural activities' is not considered to be necessary. It is recommended that the submission points be **accepted in part** insofar as horticultural activities and greenhouses are incorporated within the wider definition of 'farming'.

152. The Surveying Company [746.7] sought to include free range poultry farming within the definition of 'farming'. The distinction between free-range and intensive farming attracted a considerable body of submitter evidence and was one of the key issues addressed in Hearing 18. It was also considered in pages 101-130 of the Rural Report, and again in my closing statement at the end of the hearing. The definition of the term 'intensive farming' and the associated rule package evolved iteratively with the assistance of submitter evidence. The end result was that the rule package and recommendations in my closing statement seek to make clear that free range poultry farming is intended to be part of the permitted activity of 'farming' provided various conditions are met. It is therefore recommended that the submission be **accepted in part** insofar as a permitted pathway is provided for free range poultry.
153. Jordyn Landers for Horticulture New Zealand [419.111] sought the retention of the definition for 'agricultural and horticultural research activities'. No changes to this definition were recommended in the Rural Report or in the s42a report²³ to Hearing 5 which considered definitions in general. It is therefore recommended that this submission point be **accepted**.
154. KiwiRail [986.50] have sought an amended definition for 'forestry'. The term 'forestry' is not defined in the National Planning Standards. All forestry-related terms, including 'plantation forestry' are defined in section 3 of the NES- Plantation Forestry. The forestry-related rules in the rural chapter refer directly to the NES-PF provisions and as such the wording sought by KiwiRail is not considered to be appropriate. It is recommended that this submission point be **rejected**.
155. In reviewing the definition of forestry it is noted that the term 'afforestation' is defined in the Proposed Plan through a simple cross reference to the NES-PF, and is recommended in the Rural Report as being provided for as a permitted activity in Rule 22.1.2(P6). For consistency, it is also considered appropriate that the definition of 'forestry' be deleted and replaced with 'plantation forestry', and the associated permitted Rule 22.1.1(P7) amended to refer to 'plantation forestry' as follows:

Definitions

<u>Forestry</u>	Means the planting and growing of trees and is an integrated land use including land preparation, roading, tree planting and maintenance (i.e. thinning, pruning, noxious weeds and animal control) and harvesting of trees and includes the use of accessory buildings, but not the establishment and/or use of permanent sawmills or other methods of timber processing.
<u>Plantation Forestry</u>	<u>Has the meaning in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u>

Rule 22.1.2

P7	<u>Plantation</u> Forestry	(a) Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.
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²³ S42a report Hearing 5 – Chapter 13 Definitions prepared by Anita Coplestone and Megan Yardley, dated 5 November 2019

		Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES
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156. Counties Power Ltd [405.10] sought to amend the definition of ‘earthworks’ to exclude thrusting and drilling. The definition of earthworks was considered in Hearing 5²⁴, with the NPS definition recommended to be used. As such it is recommended that this submission point be **rejected**.
157. Ethan Findlay [418.2 and 418.3] sought that the definition of ‘earthworks’ be amended so that it excludes common farming practices such as crop cultivation and harvesting. This issue was discussed above, where it was noted that the recommended rule framework includes a permitted activity rule for ancillary rural earthworks’ with this defined term providing for the sorts of activities referred to in the submission. The term ‘earthworks’ is used across multiple zones, and is also a defined term in the NPS. Hearing 5 recommended that the NPS term be used. It is therefore recommended that the submission be **accepted in part** insofar as whilst no changes are recommended to the ‘earthworks’ definition, the relief sought is provided through recommended amendments to the ‘ancillary rural earthworks’ definition.
158. NZ Pork [197.31] and Horticulture New Zealand [419.118] sought amendments to the earthworks definition to exclude earthworks that are associated with burying material infected by unwanted organisms as declared by the Ministry for Primary Industries. This issue was discussed in paragraph 226 in the rural Report where it was recommended that no changes be made. In line with these earlier recommendations it is recommended that the submission points be **rejected**.
159. NZTA [742.84] have sought that a new definition be added for ‘watercourse’ to exclude artificial waterways such as stormwater swales. The Hearing 5 s42a report recommended that several new definitions be incorporated into the District Plan for ‘water’, ‘waterbody’ and ‘wetland’ with these terms cross referencing to the definitions used in section 2 RMA. The NPS likewise cross-references these terms to section 2 RMA. It is recommended that for consistency these RMA terms continue to be used. If the outcome sought by the submitter is to exclude artificial swales from being subject to rules controlling buildings or earthworks adjacent to waterbodies then that is a matter for the rule itself rather than the definition. It is therefore recommended that the submission be **rejected**.
160. NZ Pork [197.13] sought to amend the definition of ‘building’ to clearly exclude mobile shelters for outdoor pigs. Horticulture New Zealand [419.116 and 419.31] and T&G Global Ltd [676.8] sought to amend the definition of building (and associated rule package relating to buildings in the Rural Zone) to exclude artificial crop protection structures.
161. The definition of ‘building’ was discussed in Hearing 5 on the general definitions topic (noting that it is a term that is used across multiple zones). The recommendation in Hearing 5 is that the definition be amended to align with the definition in the NPS. Given that it is a NPS-defined term, it is recommended that the submissions be **rejected**. It is noted that artificial crop protection structures were considered in the Rural Report, with a new definition for that term recommended, along with amendments to the building height and site coverage rules to better provide for such structures. The site coverage rule was also recommended

²⁴ S42a report – Hearing 5 definitions prepared by Anita Copplestone and Megan Yardley pg. 170, dated 5 November 2019

to be amended which will mean that small, mobile pig shelters are unlikely to breach any of the built form rules provided they are set back from internal and road boundaries.

162. Horticulture New Zealand [419.117] sought that the definition of ‘site coverage’ be amended to better provide for artificial crop protection structures. Rather than amend the definition, the exclusion of such structures from the site coverage rule was recommended in the Rural Report i.e. the relief sought by the submitter was achieved through amendments to the rule rather than the definition. It is therefore recommended that the submission be **rejected**.
163. NZ Pork [197.16] sought that the definition of ‘sensitive activity’ be amended to include reference to ‘cafes, restaurants, tourism/ entertainment activities, and community services’. The sensitive activities term is used across multiple zones and therefore was considered as part of hearing 5. Several amendments to the term were recommended in this hearing, however the relief sought by the submitter was not recommended. The key outcomes sought by the submitter is that activities that may generate a reverse sensitivity issue for established intensive pig farms be subject to the rules requiring setbacks for such activities from internal boundaries. Rather than amend the definition which applies across multiple zones, the Rural Report established a framework whereby rural commercial activities and community facilities require a resource consent (generally as a restricted dictionary activity), with consideration of reverse sensitivity issues one of the specific matters of discretion. The recommended rule framework therefore enables consideration of reverse sensitivity issues to be considered at the time that such activities seek to establish. It is therefore recommended that the submission be **accepted in part** insofar as no changes were recommended to the definition however the issue is still addressed in the recommended rule package.
164. Waikato Regional Council [81.244] seek to amend the definition of ‘high class soils’ to include reference to peat soils. Gwenith Sophie Francis [394.30] sought to delete the notified definition and replace it with alternative wording. Horticulture New Zealand [419.124] sought a minor amendment to the same definition to include reference to III soils using the NZ Soil Classification. Balle Bros Group Ltd [466.54] seek that the definition be amended after consultation with the Pukekohe Vegetable Growers Association and HortNZ. Federated Farmers seek that the notified definition be retained. The term ‘high class soil’ is not a defined term in the NPS, and was not considered as part of Hearing 5. It is likely that the term will be defined through the proposed NPS for Highly Productive Land. District plans are required by law to give effect to NPS, therefore once the NPS-HPL is gazetted (currently anticipated late 2021) it is very likely that a subsequent plan change will need to be undertaken to ensure that the District Plan gives effect to this new national direction. Until that time it is recommended that the notified definition for high class soils be retained and the submission **rejected**. It is recommended that the Federated Farmers submission be **accepted**.
165. Horticulture New Zealand [419.131] sought to delete ‘noxious, dangerous, offensive or toxic activities’ from the definitions in Chapter 13. It was recommended in Hearing 5 that this term be deleted in response to similar concerns being raised by other submitters. In line with this earlier recommendation it is recommended that this submission be **accepted**.

Conclusions and s32AA

166. This report addresses a series of submission points that were not explicitly reported on in earlier hearings. The issues raised in the submission points were however invariably considered as part of the assessment of other submission points raising the same or similar issues. This report has therefore drawn heavily on the discussion and recommendations made in these earlier reports on similar issues.

167. The amendments to the District Plan provisions recommended above are largely minor or consequential changes to improve the clarity, effectiveness, and efficiency of the provisions, rather than signalling any significant change in direction or outcome. As such the above discussion sets out the rationale for the changes and fulfils the requirements of s32AA noting the minor nature of the recommended changes.

Appendix I: Table of submission points

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
31.1	Ting-Jung Lu		No specific decision sought, but submission states support for the property at 340C Laxon Road, Hamilton.	<i>Accept</i>	3
FS1386.35	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>Reject</i>	3
93.1	Martin Fleetwood		No specific decision sought, but submission states supports Chapter 22 Rural Zone.	<i>Accept in Part</i>	3
FS1210.8	<i>Ara Poutama Aotearoa (Department of Corrections)</i>	<i>Not Stated</i>		<i>Accept in Part</i>	3
FS1386.71	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>Accept in Part</i>	3
94.1	Carol Fleetwood		No specific decision sought, but submission states support for Chapter 22 Rural Zone.	<i>Accept in Part</i>	3
FS1386.72	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>Accept in Part</i>	3
164.6	Hiini Kepa		No specific decision sought, but submission states support for Chapter 22 Rural Zone.	<i>Accept in Part</i>	3

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1386.144	Mercury NZ Limited for Mercury C	Oppose		Accept in Part	3
330.62	Andrew and Christine Gore		No specific decision sought, however submission refers to Rule 22.1 Land Use - Activities.	Reject	3
FS1386.439	Mercury NZ Limited for Mercury C	Oppose		Accept	3
330.64	Andrew and Christine Gore		No specific decision sought, however submission refers to Rule 22.1.2 Permitted Activities.	Reject	3
FS1386.441	Mercury NZ Limited for Mercury C	Oppose		Accept	3
330.65	Andrew and Christine Gore		No specific decision sought, however submission refers to Rule 22.1.3 Restricted Discretionary Activities.	Reject	3
FS1386.442	Mercury NZ Limited for Mercury C	Oppose		Accept	3
330.66	Andrew and		No specific decision sought, however submission refers to Rule 22.1.5	Reject	3

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Christine Gore		Discretionary Activities.		
FS1386.443	Mercury NZ Limited for Mercury C	Oppose		Accept	3
330.67	Andrew and Christine Gore		No specific decision sought, however submission refers to Rule 22.1.5 Non-Complying Activities.	Reject	3
FS1386.444	Mercury NZ Limited for Mercury C	Oppose		Accept	3
330.148	Andrew and Christine Gore		No specific decision sought, however submission refers to Rule 22.3.2 Minor dwelling.	Reject	3
FS1386.412	Mercury NZ Limited for Mercury C	Oppose		Accept	3
330.169	Andrew and Christine Gore		No specific decision sought, however submission refers to Rule 22.4.8 Subdivision of land containing heritage items.	Reject	3
418.15	Ethan Findlay		No specific decision sought, but submission opposes Chapter 22 Rural Zone.	Accept in Part	3
FS1388.170	Mercury NZ Limited for Mercury E	Oppose		Accept in Part	3

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
466.77	Brendan Balle for Balle Bros Group Limited		No specific decision sought, but submission supports avoiding rural land fragmentation through the concentration of housing development in growth nodes, in and around town centres.	<i>Accept</i>	3
<i>FS1062.48</i>	<i>Andrew and Christine Gore</i>	<i>Support</i>		<i>Accept</i>	3
676.10	T&G Global Limited		No specific decision sought, but the submission supports the Proposed District Plan insofar as it acknowledges the importance of horticultural activities within the District and seeks to protect such uses from reverse sensitivity effects of incompatible land use.	<i>Accept</i>	3
780.31	John Lawson (Whaingaroa Environmental Defence Incorporation on behalf of Whaingaroa Environmental Defence Incorporated Society		Retain Chapter 22 Rural Zone.	<i>Accept in Part</i>	3
<i>FS1087.25</i>	<i>Ports of Auckland Limited</i>	<i>Support</i>		<i>Accept in Part</i>	3
<i>FS1387.1204</i>	<i>Mercury NZ</i>	<i>Oppose</i>		<i>Accept in Part</i>	3

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Limited for Mercury D</i>				
825.50	John Lawson		Retain Chapter 22 Rural Zone	<i>Accept in Part</i>	3
55	Shelley Munro		Protect the quality of our degrading environment. It is this Clean Green tourism tag that keeps visitors coming.	<i>Accept</i>	3
<i>FS1340.1</i>	<i>TaTa Valley Limited</i>	Oppose		<i>Reject</i>	3
<i>FS1342.7</i>	<i>Federated Farmers</i>	Oppose		<i>Reject</i>	3
68.1	William Smeed		Chapter 22 Rural Zone does not address issues relating to islands. The islands are specific areas of land that need to be given consideration and not just lumped into other rural areas.	<i>Reject</i>	3
<i>FS1386.54</i>	<i>Mercury NZ Limited for Mercury C</i>	Oppose		<i>Accept</i>	3
738.3	Shand Properties Ltd		Amend Chapter 5 to clarify the scope of the application of the objectives and policies in the "Rural Environment" and which zone(s) the objectives and policies apply to.	<i>Accept in Part</i>	3
<i>FS1349.6</i>	<i>Allen Fabrics Ltd</i>	<i>Support</i>		<i>Accept in Part</i>	3
<i>FS1387.825</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>Accept in Part</i>	3

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
680.69	Federated Farmers of New Zealand		Retain Policy 5.3.11 Home occupations, as notified.	<i>Accept in Part</i>	4
FS1387.174	Mercury NZ Limited for Mercury D	<i>Oppose</i>		<i>Accept in Part</i>	4
394.7	Gwenith Sophie Francis		Add new policies to Chapter 3 Natural Environment to implement the additional objective requested (in submission point 394.6) which provide, inter alia, subdivision incentives for creating areas with significant indigenous biodiversity value, including the encouragement, establishment or protection of: (i) Significant linkages between large (significant) areas of native bush, wetland, scrubland and dunelands; (ii) Significant enhancement of an area which is already significant in terms of bush or natural values; (iii) Significant restoration or enhancement of areas which are largely depleted, highly modified or destroyed in terms of native biodiversity within the district; (iv) Compensation, mitigation or remediation to offset the adverse effects of subdivision or development. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.	<i>Accept in Part</i>	4
FS1342.69	Federated Farmers	<i>Support</i>		<i>Accept in Part</i>	4
394.10	Gwenith Sophie Francis		Add new policies to Chapter 5 Rural Environment, to facilitate farm parks and ensure good quality outcomes by: (i) Allowing up to 1 new site per 4 ha, provided that the parent title is 20 ha or larger; (ii) New sites being clustered, less than 5000m ² and the development to be lined with a Farm Management Plan to ensure long term	<i>Accept in Part</i>	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			environmentally sustainable farming practices; (iii) Ecological restoration of permanent watercourses and wetlands; (iv) Reverse sensitivity covenants for farming activities; (v) Clustering of houses where topography allows it; and (vi) Facilitating changes of use in farming operations to land uses which are compatible and give effect to the "Vision and Strategy" and are more sustainable through reduced water and nutrient needs. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.		
FS1322.8	Synlait Milk	Oppose		Accept in Part	4
FS1110.24	Synlait Milk Limited	Oppose		Accept in Part	4
FS1342.70	Federated Farmers	Not Stated		Accept in Part	4
FS1379.109	Hamilton City Council	Oppose		Accept in Part	4
FS1388.114	Mercury NZ Limited for Mercury E	Oppose		Accept in Part	4
416.1	Barry Green		No specific decision sought, but submission opposes Section 5.2 Productive Versatility of Rural Resources, and effects of subdivision and development on soils.	Reject	4
FS1388.157	Mercury NZ Limited for	Oppose		Accept	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Mercury E</i>				
746.102	The Surveying Company		Retain Policy 5.2.2- High class soils as notified.	<i>Accept</i>	4
749.21	Housing New Zealand Corporation		Retain Objective 5.1 - The Rural Environment as notified.	<i>Accept</i>	4
<i>FS1387.1000</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>Reject</i>	4
297.33	Dave Glossop for Counties Manukau Police		Add to Policy 5.3.8(a) Effects on rural character and amenity from rural subdivision a new point as follows: (g) subdivision, use, and development is designed to conform to the national guidelines for CPTED	<i>Reject</i>	4
<i>FS1342.60</i>	<i>Federated Farmers</i>	<i>Oppose</i>		<i>Accept</i>	4
197.5	Jeska McHugh for NZ Pork		Retain Objective 5.3.1 Rural character and amenity.	<i>Accept in Part</i>	4
433.2	Mischa Davis for Auckland Waikato Fish and Game Council		Retain Policy 5.3.2 Productive rural activities as notified.	<i>Accept in Part</i>	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1083.2	Ryburn Lagoon Trust Limited	Support		Accept in Part	4
330.131	Andrew and Christine Gore		Amend Section 5.3 Rural Character and Amenity to recognise properties where the continued operation of the rural environment as a productive working environment is not possible so the landowners can develop their property.	Accept in Part	4
FS1379.74	Hamilton City Council	Oppose		Accept in Part	4
FS1386.403	Mercury NZ Limited for Mercury C	Oppose		Accept in Part	4
378.61	Fire and Emergency New Zealand		Add new Objective to Section 5.3 Rural Character and Amenity as follows: Objective 5.3.x To recognise and provide for non-rural activities that contribute to the health, safety and wellbeing of the community while managing their potential adverse effects to ensure that the activities complement the amenity values of the District's rural areas. AND Amend the Proposed District Plan to make further or consequential amendments as necessary to address the matters raised in the submission.	Accept in Part	4
FS1388.49	Mercury NZ Limited for Mercury E	Oppose		Accept in Part	4
FS1035.168	Pareoranga Te Kata	Support		Accept in Part	4
419.57	Jordyn Landers for Horticulture		Add a new policy within Section 5.3 Rural Character and Amenity, as follows: Rural character and amenity includes the following elements: (a) A rural working environment (b) Some activities are seasonal in	Accept in Part	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	New Zealand		nature (c) Intensity of development reflecting the rural production environment, such as buildings and structures for rural production and domestic purposes (d) Varying levels of noise associated with seasonal and intermittent rural production activities. (e) Relatively open space and low density of development. (f) Odours, noise and dust typical of rural activities. (g) Generally low levels of vehicle traffic with seasonal fluctuations. (h) The presence of large numbers of farmed animals and extensive areas of plant vine or fruit crops and areas of forestry. (i) Accessory buildings and structures (including crop support and artificial crop protections structures) across the landscape. AND Any consequential or additional amendments as a result of changes sought in the submission.		
FS1171.37	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support		Accept in Part	4
FS1308.39	The Surveying Company	Support		Accept in Part	4
FS1330.34	Middlemiss Farm Holdings Limited	Oppose		Accept in Part	4
FS1340.52	TaTa Valley Limited	Support		Accept in Part	4
FS1342.79	Federated Farmers	Support		Accept in Part	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1345.99	Genesis Energy Limited	Support		Accept in Part	4
FS1388.203	Mercury NZ Limited for Mercury E	Oppose		Accept in Part	4
433.11	Mischa Davis for Auckland Waikato Fish and Game Council		Add a new policy in section 5.3 Rural Character and Amenity, as follows: 5.3.19 - Public access to wetlands, streams, rivers, lakes and the coast (a) Opportunities for public access to wetlands, streams, rivers, lakes and the coast are supported by: (i) Settlement development and growth providing access to wetlands, streams, rivers, lakes and the coast; (ii) Esplanade reserves or strips providing access to wetlands, streams, rivers, lakes and the coast at subdivision stage; (iii) Public access to and along the margins of wetlands, streams, rivers, lakes with high natural character, and conservation, recreation, amenity, heritage and cultural values are maintained and enhanced. AND/OR Any alternative relief to address the issues and concerns raised in the submission.	Accept in Part	4
FS1223.71	Mercury NZ Limited	Support		Accept in Part	4
FS1340.59	TaTa Valley Limited	Support		Accept in Part	4
FS1345.17	Genesis Energy Limited	Oppose		Accept in Part	4
FS1342.117	Federated Farmers	Support		Accept in Part	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
577.1	Dilworth Trust Board		Add a new policy to Section 5.3 - Rural Character and Amenity, as follows: 5.3.19 Policy – Specific area – Dilworth School – Rural Campus (a) Recognise and protect the continued operation and ongoing development of the Dilworth School – Rural Campus. (b) Provide for the operation and development of education facilities and boarding and accommodation activities that are integral to the Dilworth School – Rural Campus, and which complement the surrounding rural environment. AND Amend the Proposed District Plan for any further or other consequential relief required to give effect to the relief sought in this submission	<i>Accept in Part</i>	4
FS1388.829	Mercury NZ Limited for Mercury E	<i>Oppose</i>		<i>Accept in Part</i>	4
749.22	Housing New Zealand Corporation		Retain the objectives and policies in Section 5.3 Rural Character and Amenity as notified.	<i>Accept in Part</i>	4
FS1387.1001	Mercury NZ Limited for Mercury D	<i>Oppose</i>		<i>Accept in Part</i>	4
794.15	Middlemiss Farm Holdings Limited		Add a new policy into Section 5.3 Rural Character and Amenity as follows: Policy 5.3.8B - Environmental enhancement and restoration of ecosystem services (a) Enable environmental enhancement and the restoration of degraded ecosystem services by the provision of in situ incentive subdivision opportunities; (b) Avoid, remedy and mitigate any potential adverse effects of subdivision and development on other rural activities, soil and mineral resources, and rural amenity values;	<i>Accept in Part</i>	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			(c) Ensure that areas identified and restored are properly protected for the long term through appropriate legal mechanisms. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.		
FS1308.130	The Surveying Company	Support		Accept in Part	4
FS1387.1245	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	4
872.1	Tarati Farms Limited		Retain Objective 5.1.1 The rural environment, as notified.	Accept	4
FS1387.1423	Mercury NZ Limited for Mercury D	Oppose		Reject	4
535.50	Lance Vervoort for Hamilton City Council	Retain Policy 5.3.3 Industrial and commercial activities.		Accept in Part	4
FS1157.7	Gordon Downey	Support		Accept in Part	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FSI165.9	Pekerangi Kee-Huaki	Support		Accept in Part	4
FSI166.9	Jarod Kowhai Huaki	Support		Accept in Part	4
FSI149.10	Gavin Lovegrove and Michelle Peddie	Support		Accept in Part	4
FSI164.11	Tamara Huaki	Support		Accept in Part	4
FSI182.15	Newstead Country Preschool	Support		Accept in Part	4
FSI183.10	Noel Gordon Smith	Support		Accept in Part	4
FSI204.15	Christian & Natasha McDean	Support		Accept in Part	4
FSI216.13	Newstead Residents Association	Support		Accept in Part	4
FSI280.13	Dennis and Jan Tickelpenny	Support		Accept in Part	4
548.12	Murray & Cathy McWatt for Grander		Amend Policy 5.3.13(a) Waste Management Activities, as follows: Provide for the rehabilitation of existing quarry sites, including landfill and cleanfill activities, where siting is appropriate, environmental	Reject	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Investments Limited		effects are managed and there is environmental gain...		
FS1292.49	McPherson Resources Limited	Oppose		Accept	4
FS1334.49	Fulton Hogan Ltd	Oppose		Accept	4
354.1	Peter & Janette Middlemiss		Amend the Rural Zone to have three sub-zoning categories to accommodate the diversity of the area rather than just one blanket zone.	Accept in Part	4
FS1379.92	Hamilton City Council	Oppose		Accept in Part	4
FS1386.506	Mercury NZ Limited for Mercury C	Oppose		Accept in Part	4
81.211	Waikato Regional Council		Retain Section 5.2 Productive Versatility of Rural Resources.	Accept	4
FS1223.50	Mercury NZ Limited	Support		Reject	4
81.216	Waikato Regional Council		Add to Objective 5.2 Production Versatility of Rural Resources an additional policy to recognise and provide for the key features of peat soils.	Reject	4
FS1223.54	Mercury NZ Limited	Support		Reject	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
330.130	Andrew and Christine Gore		Amend Section 5.2 Productive Versatility of Rural Resources to recognise that where the surrounding ecosystem has already been changed by development that the best use forward is the option. This could include developments with best practice to prevent further deterioration of those ecosystems, such as appropriate subdivision and appropriate productive rural activity.	<i>Accept in Part</i>	4
<i>FS1379.73</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept in Part</i>	4
367.4	Liam McGrath for Mercer Residents and Ratepayers Committee		Retain Section 5.2 Productive Versatility of Rural Resources.	<i>Accept</i>	4
<i>FS1386.547</i>	<i>Mercury NZ Limited for Mercury C</i>	<i>Oppose</i>		<i>Reject</i>	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
394.11	Gwenith Sophie Francis		Amend Section 5.2 Productive Versatility of Rural Resources by rewriting, so that: (i) increased and efficient utilisation of the rural land resource is enabled; (ii) the capacity and versatility of high class soils is maintained and enhanced where those soils are (or are likely to be) part of a farming unit that has sufficient critical area and where the soils are located in areas which have available allocable water and nutrient capacity; and (iii) Delete or rewrite Policy 5.2.2 - High class soils to give effect to the above and/or the protection of high class soils is limited to tracts of land which are large enough to be commercially viable and with available water and nutrient budgets; and (iv) Delete or rewrite Policy 5.2.3 Effects of subdivision and development on soils to give effect to the above and/or the protection of high class soils is limited to tracts of land which are large enough to be commercially viable and with available water and nutrient budgets. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.	Reject	4
FS1388.115	Mercury NZ Limited for Mercury E	Support		Reject	4
746.101	The Surveying Company		Retain Objective 5.2.1- Rural resources, except for the amendments sought below AND Amend Objective 5.2.1 (a) (i)- Rural resources as follows: (a) Maintain or enhance the: (i) Inherent life-supporting capacity, accessibility and versatility of soils, in particular high class soils.	Accept	4
FS1387.971	Mercury NZ Limited for	Oppose		Reject	4

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Mercury D</i>				
761.12	Lyndendale Farms Limited		Amend Section 5.1- The Rural Environment, Section 5.2- Productive Versatility of Rural Resources and Section 5.3- Rural Character and Amenity to provide for Retirement Village Development within the Rural Zone, only at 180 Horsham Downs Road, Horsham Downs. AND Amend the Proposed District Plan to make any consequential amendments that are required to give effect to the submission.	<i>Reject</i>	4
<i>FS1379.305</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	4
<i>FS1387.1118</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>Accept</i>	4
697.740	Waikato District Council		Amend the heading for Chapter 22, as follows: Chapter 22: Rural Zone – Rules	<i>Accept</i>	5
680.176	Federated Farmers of New Zealand		Add to Chapter 22 Rural Zone a new advisory note at the beginning of the Chapter, as follows: (6) Any activity which is subject to National Environmental Standards are required to comply with the gazetted regulations. Where compliance with permitted activity provisions of those regulations cannot be achieved, resource consent is required to be obtained. Council is responsible for observing and enforcing the provisions of any gazetted national environmental standard. Where any activity is not provided for in the following section, the relevant National Environmental Standard needs to be referred to in order to	<i>Accept in Part</i>	5

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<p>determine whether resource consent is required. In carrying out its responsibilities under the Act the Council does not wish to impose any control which would duplicate the controls imposed by the Ministry of Forestry or the Regional Council. The Council will therefore approve a resource consent application for any sustainable harvesting of indigenous vegetation which complies with the provisions of the Forests Act 1949 where any:</p> <p>(a) habitats of threatened or at risk species are protected; and/or</p> <p>(b) cultural sites, or areas with cultural values are protected; and/or</p> <p>(c) significant indigenous vegetation is identified and protected.</p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p> <p>AND</p> <p>Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.</p>		
FS1323.124	Heritage New Zealand Pouhere Taonga	Oppose		Accept in Part	5
FS1387.192	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	5
292.2	David Yzendoorn for David and Barbara Yzendoorn		Add Residential Activities as a permitted activity in Chapter 22 Rural Zone.	Accept	5
FS1386.297	Mercury NZ Limited for	Oppose		Reject	5

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Mercury C</i>				
330.135	Andrew and Christine Gore		Amend Section 5.5 Hamilton's Urban Expansion Area for those under the Rural Zone to be able to develop according to rural rules unless the land is acquisitioned by Hamilton City Council. This is especially for the submitters' property at 295 Kay Road RDI, Horsham Downs.	<i>Accept in Part</i>	5
567.34	Ngati Tamaoho Trust		Add a matter of discretion to Rule 22.1.3 (RDI) - Restricted Discretionary Activities, as follows: (v) environmental effects.	<i>Accept</i>	5
567.35	Ngati Tamaoho Trust		Add a matter of discretion of Rule 22.1.3 (RD2) - Restricted Discretionary Activities, as follows: (vi) environmental effects.	<i>Accept</i>	5
<i>FS1340.87</i>	<i>TaTa Valley Limited</i>	<i>Oppose</i>		<i>Reject</i>	5
577.3	Dilworth Trust Board		Retain Rule 22.1.3(1) RDI Restricted Discretionary Activities.	<i>Accept</i>	5
<i>FS1388.831</i>	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>		<i>Reject</i>	5
695.102	Sharp Planning Solutions Ltd		Amend Rule 22.7.1.4 PI(a)(ii) Building height within a Development Area, to have a 45 degree plane angle rather than 37 degrees to be subservient to building height from the ground and setbacks and to be	<i>Accept</i>	5

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			consistent with other adjoining Councils.		
695.202	Sharp Planning Solutions Ltd		Amend Rule 22.1.3 RD1 (c)(ii)B Restricted Discretionary Activities to include a requirement to be setback or equivalent distance (1200m) from a Paa Zone.	<i>Reject</i>	5
FS1387.355	Mercury NZ Limited for Mercury D	<i>Oppose</i>		<i>Accept</i>	5
742.239	Mike Wood for New Zealand Transport Agency		Retain Rule 22.3.7.1 Building Setbacks- All boundaries, except for the amendments sought below AND Amend matter of discretion (b)(ii) in Rule 22.3.7.1 RDI Building Setbacks - All boundaries, as follows: Effects on traffic Transport network safety and efficiency; AND Request any consequential changes necessary to give effect to the relief sought in the submission.	<i>Accept</i>	5
761.9	Lyndendale Farms Limited		Retain Rule 23.4.1.1 PI Height- Building-General as notified.	<i>Accept in Part</i>	5
831.9	Gabrielle Parson on behalf of Raglan Naturally		Retain Rule 22.1.2 Permitted Activities.	<i>Accept in Part</i>	5
945.18	First Gas Limited		Add a new Restricted Discretionary Activity to Rule 22.1.3 Restricted Discretionary Activities as follows: Establishment of a residential activity or use within 20m of a gas transmission pipeline.	<i>Reject</i>	5

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			Establishment of a residential activity or use within 60m of the gas network (other than a gas transmission pipeline). Establishment of a sensitive land use (excluding residential activities within 60m of the gas network. AND Add a new matter of discretion to Rule 22.2.3.1 Restricted Discretionary Activities as follows: (a) The extent to which the development will avoid or mitigate conflict with the gas network. AND Any consequential amendments and other relief to give effect to the matters raised in the submission.		
FS1289.6	Mowbray Group	Oppose		Accept	5
FS1305.19	Andrew Mowbray	Oppose		Accept	5
FS1062.110	Andrew and Christine Gore	Oppose		Accept	5
943.43	McCracken Surveys Limited		Amend the rules and provisions applicable to overhead netting for kiwifruit operations as it is unnecessarily captured by multiple rules e.g. building height, site coverage, boundary setbacks.	Accept in Part	5
877.14	Leigh Michael Shaw & Bradley John Hall		Add small scale commercial/retail activities that may be ancillary to rural activities occurring on the site to Rule 22.1.3 Restricted Discretionary Activities. The submission refers to the Auckland Unitary Plan which has further definition and provision for similar activities. Examples include the following: Rural commercial services that support rural production activities; Small scale commercial activities ancillary to a primary rural activity, such as cafes on berry picking farms. Tourism activities and ancillary commercial or food and beverage activities, Small wedding venues Veterinary	Accept in Part	5

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			Clinics Boarding Kennels and Catteries Care Centres (less than ten people).		
831.46	Gabrielle Parson on behalf of Raglan Naturally		Amend Rule 22.1.3 Restricted Discretionary Activities to recognise that that new development should not encroach on nature and that all natural character areas (not just those of higher value) be protected through tools such as cat free covenants and similar rules imposed by the Palmerston North District Plan.	<i>Accept in Part</i>	5
821.18	The Poultry Industry Association of New Zealand; I Brinks NZ Chicken; The Egg Producers Federation of on behalf of		AMEND Rule 22.1.3 RDI(e) Restricted Discretionary Activities relating to Housed poultry farming, as follows" (e) For housed poultry, free-range poultry that does not comply with 22.1.3 RDI (d) and all other intensive farming, buildings and adjacent yard areas are set back at least: (i) 300 50 metres from any site boundary (other than a road boundary); and (ii) 300 metres from a sensitive activity; and (ii) 500 metres from any boundary of a Residential, Village and Country Living Zone.	<i>Reject</i>	5
FS1265.53	Mainland Poultry Limited	<i>Support</i>		<i>Reject</i>	5
746.71	The Surveying Company		Add a new controlled activity (C1) to Section 22.1 Land Use-Activities for poultry hatcheries.	<i>Reject</i>	5
FS1265.45	Mainland Poultry Limited	<i>Oppose</i>		<i>Accept</i>	5

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1387.944	Mercury NZ Limited for Mercury D	Oppose		Accept	5
81.73	Waikato Regional Council		Amend Chapter 16: Residential Zone to manage buildings, structures and subdivision within landscape and natural character overlay areas, which may be through activity status, rules and assessment criteria.	Reject	5
FS1223.9	Mercury NZ Limited	Support		Reject	5
794.33	Middlemiss Farm Holdings Limited on behalf of		Amend the rules in Chapter 22: Rural Zone to give effect to the indicative changes sought to the issues, objectives and policies. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Accept in Part	5
FS1379.333	Hamilton City Council	Oppose		Accept in Part	5
FS1387.1255	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	5
81.161	Waikato Regional Council		Amend Rule 22.1.5 D15 Discretionary Activities to make it clear that includes Outstanding Natural Features and Outstanding Natural Landscapes.	Accept	5
FS1062.10	Andrew and Christine Gore	Oppose		Reject	5

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1223.34	Mercury NZ Limited	Support		Accept	5
81.159	Waikato Regional Council		Add to Rule 22.1.8 P8 Forestry to have an activity specific condition as follows: Afforestation must not occur within 10m of a Significant Natural Area.	Reject	5
273.1	Russell Luders		No specific decision sought, but submission opposes Rule 22.1.3 RDI (a)(b) Restricted Discretionary Activities.	Reject	5
FS1386.278	Mercury NZ Limited for Mercury C	Oppose		Accept	5
419.95	Jordyn Landers for Horticulture New Zealand		Add land preparation for horticultural activities as a permitted activity, with a possible condition being: The activity complies with the Horticulture New Zealand Code of Practice 'Erosion and Sediment Control Guidelines for Vegetable Production' (June 2014)	Accept	5
FS1171.51	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support		Accept	5
FS1388.223	Mercury NZ Limited for Mercury E	Oppose		Reject	5

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
676.11	T&G Global Limited		Amend the Proposed District Plan to make provision for activities ancillary to horticultural activities such as storage, packing, processing, transport, worker accommodation and administration.	<i>Accept in Part</i>	5
FS1348.20	<i>Perry International Trading Group Limited</i>	<i>Support</i>		<i>Accept in Part</i>	5
831.5	Gabrielle Parson on behalf of Raglan Naturally		Add a new chapter to address the need for recycling centres in rural locations that achieve appropriate screening and vehicle access standards.	<i>Reject</i>	5
825.4	John Lawson		Add rules to Chapter 22 Rural Zone to provide for protection of defined views from public places to the harbour, coast and natural backdrops and to include at least the following defined views: (a) from SH23 (north of Maungatawhiri Rd) to Kaitoke Creek (b) all existing views of the bar from Main Road, Bow St and Norrie Avenue (c) all existing views of Karioi from Raglan CBD (d) from Wainui Rd to the coast between the Bryant Reserve and the Bible Crusade Camp (e) from SH23 summit to Karioi (f) AroAro salt marsh from Wallis St. AND Amend the planning maps for any consequential relief required to give effect to this submission.	<i>Reject</i>	5
FS1258.55	<i>Meridian Energy Limited</i>	<i>Oppose</i>		<i>Accept</i>	5
FS1276.52	<i>Whaingaroa Environmental</i>	<i>Support</i>		<i>Reject</i>	5

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Defence Inc. Society</i>				
<i>FS1329.18</i>	<i>Koning Family Trust and Martin Koning</i>	<i>Oppose</i>		<i>Accept</i>	5
<i>FS1342.230</i>	<i>Federated Farmers</i>	<i>Oppose</i>		<i>Accept</i>	5
<i>FS1387.1313</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>Accept</i>	5
765.3	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		<p>Add a new activity to Rule 23.1.1 Permitted Activity for Tamahere Eventide as follows: P5. A retirement village (including alterations, expansions) at the Tamahere Eventide.</p> <p>AND</p> <p>Add activity specific conditions to Rule 23.1.1 P5 Permitted Activity for Tamahere Eventide as follows: Any additions or expansion at the Tamahere Eventide Retirement Village</p> <p>(a) Minimum living court or balcony area and dimensions:</p> <p>(iv) Apartment- 10m² area within minimum dimension horizontal and vertical of 2.5m;</p> <p>(v) Studio unit or 1 bedroom unit- 12.5m² area with minimum dimension horizontal and vertical of 2.5m; or (vi) 2 or more bedroomed unit- 15m² area with minimum dimension horizontal and vertical of 2.5m; (a) Minimum service court is either:</p> <p>(iii) Apartment- communal outdoor space (i.e. no individual service</p>	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<p>courts required); or</p> <p>(iv) All other units- 10m² for each unit;</p> <p>(a) Building height does not exceed 8m, except 15% of total building coverage, where buildings may be up to 10m high;</p> <p>(b) Building setbacks – a 7.5m setback is required from a local road, and a 12m setback is required from all other boundaries; except internal site boundaries where no setback shall apply</p> <p>(c) The following Land Use- Effects rule in Rule 23.2 do not apply:</p> <p>(i) Rule 23.2.6 (Signs- General).</p> <p>(ii) Rule 23.2.6.2 (Signs- Effects on traffic).</p> <p>(a) The following Land Use- Building rules in Rule 23.3 do not apply:</p> <p>(i) Rule 23.3.1 (Dwelling);</p> <p>(ii) Rule 23.3.4.1 (Height- Building General);</p> <p>(iii) 23.3.5 Daylight Admission</p> <p>(iv) 23.3.6 Building Coverage</p> <p>(v) Rule 23.3.7.2 Building Setback- Sensitive Land Use. (a) The following Infrastructure and Energy Rule in Chapter 14 does not apply:</p> <p>(i) Rule 14.12.1 P4 10 (a).</p> <p>AND</p> <p>Any consequential amendments that are required to give effect to the above submission.</p>		
765.4	Tamahere Eventide Home Trust on behalf of		<p>Add a restricted discretionary table into Rule 23.1 Land Use- Activities with a new restricted discretionary activity for retirement villages as follows:</p>	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Atawhai Assisi Retirement Village		<p>RD1 (a) The following Retirement Village Activities are Restricted Discretionary in the Country Living Zone: A new retirement village</p> <p>Alterations to existing retirement villages (excluding Tamahere Eventide);</p> <p>Alterations to Tamahere Eventide that do not comply with the Activity Specific Conditions in Rule 23.1.1.</p> <p>AND</p> <p>Any consequential amendments that are required to give effect to the above submission.</p>		
765.5	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		<p>Delete Rule 23.1.3 NC3- Non-Complying Activities.</p> <p>AND</p> <p>Any consequential amendments that are required to give effect to the above submission.</p>	<i>Accept in Part</i>	6
765.6	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		<p>Add a new rule to Rule 23.2.6 Signs as follows:</p> <p>(3) Rules 23.2.6.1 and 23.2.6.2 do not apply to a retirement village.</p> <p>OR</p> <p>Add a new row to the activity table in Rule 23.2.6 Signs- General as follows:</p> <p>(x) Rules P1, P2, P3 and RD1 above do not apply to a retirement village.</p> <p>AND</p> <p>Any consequential amendments that are required to give effect to the</p>	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			above submission.		
765.7	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		<p>Add a new rule to Rule 23.2.6 Signs as follows: (3) Rule 23.2.6.1 and 23.2.6.2 do not apply to a retirement village OR Add a new rule to Rule 23.3.6.2 Signs-Effects on traffic as follows: (x) Rules PI, P2, P3 and RDI above do not apply to a retirement village. AND Any consequential amendments that are required to give effect to the above submission.</p>	<i>Accept in Part</i>	6
765.8	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		<p>Amend Rule 23.3.4.1- Height- Building Control so that it does not apply to Tamahere Eventide. AND Any consequential amendments that are required to give effect to the above submission.</p>	<i>Accept in Part</i>	6
765.9	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		<p>Retain Rule 23.3.5 PI Daylight admission AND Amend Rule 23.3.5- Daylight Admission so that it only applies to the external boundaries of Tamahere Eventide (not internal boundaries between the individual certificates of title that collectively make up the retirement village site). AND Any consequential amendments that are required to give effect to the above submission.</p>	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
765.10	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		<p>Amend Policy 5.6.2- Country Living Character as follows:</p> <p>(a) Any building and activity within the Country Living Zone are designed, located, scaled and serviced in a manner that does not detract from the character of the area by:</p> <p>(i) Maintaining the existing open space character;</p> <p>(ii) Maintaining existing low density residential development;</p> <p>(iii) Recognizing the absence of Council wastewater services and lower levels of other infrastructure.</p> <p>(b) Maintain existing views and vistas of the rural hinterland beyond, including, where applicable, Waikato River, wetlands, lakes and the coast.</p> <p>(c) Maintain an existing road pattern that follows the natural contour of the landform.</p> <p>AND</p> <p>Any consequential amendments that are required to give effect to the above submission.</p>	<i>Accept in Part</i>	6
765.11	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		Retain Policy 5.6.4- Building setbacks, insofar as it seeks to maintain the existing spaciousness between adjoining sites (as opposed to the internal boundaries within a development).	<i>Accept in Part</i>	6
765.12	Tamahere Eventide Home Trust		<p>Amend Policy 5.6.5- Scale and intensity of development as follows:</p> <p>Minimise the adverse effects of development created by excessive building scale, overshadowing, building bulk, excessive site coverage or</p>	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	on behalf of Atawhai Assisi Retirement Village		loss of privacy, except where such development correlates to existing site development. OR Add a new policy for Tamahere Eventide. AND Any consequential amendments that are required to give effect to the above submission.		
765.13	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		Add a new policy for Tamahere Eventide after policy 5.6.8 Non-residential activities as follows: Policy 5.6.X: Tamahere Eventide (a) Permit additions and expansions at Tamahere Eventide where they: (i) Have functional need to locate within the Country Living Zone; and (ii) Provide for the health and wellbeing of the community. AND Any consequential amendments that are required to give effect to the above submission.	<i>Accept in Part</i>	6
765.19	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		Add new Policy 5.6.X (a) Tamahere Eventide as follows: (a) Enable the existing Tamahere Eventide activities to continue and support their redevelopment and expansion, provided they do not have a significant adverse effect on the character and amenity of the Country Living Zone. AND Any consequential amendments that are required to give effect to the above submission.	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
765.20	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		Retain Building Rule 23.3.5 RDI- Daylight Admission.	<i>Accept in Part</i>	6
765.21	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		Amend Rule 23.3.6- Building Coverage so that the building coverage rules do not apply to Tamahere Eventide. AND Any consequential amendments that are required to give effect to the above submission.	<i>Accept in Part</i>	6
765.22	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		Amend Rule 23.3.7.1- Building setbacks - All boundaries so that the setback requirements do not apply to Tamahere Eventide. AND Any consequential amendments that are required to give effect to the above submission.	<i>Accept in Part</i>	6
765.23	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement		Amend Rule 23.3.7.2 Building setback- Sensitive Land Use so that the setback requirements do not apply to Tamahere Eventide. AND Any consequential amendments that are required to give effect to the above submission.	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Village				
765.24	Tamahere Eventide Home Trust on behalf of Atawhai Assisi Retirement Village		Amend Objective 5.6.1 (a)- Country Living Zone to recognise the existing character and abutting character/amenity, not just amenity and character of the zone. AND Any consequential amendments that are required to give effect to the above submission.	<i>Accept in Part</i>	6
769.3	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		Amend the Country Living Zone provisions in Chapter 23 to include specific provisions for existing and future Retirement Village activities and expansion at Atawhai Assisi (if the request to rezone the sites is accepted). OR Amend the Rural Zone provisions in Chapter 22 to include specific provisions for existing and future Retirement Village activities and expansion at Atawhai Assisi (if the request to rezone the sites is rejected).	<i>Accept in Part</i>	6
769.4	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		Add a new activity rule to Rule 23.1.1 Permitted Activities as follows: P5. A retirement village including alterations and expansions at Atawhai Assisi. AND Add activity specific conditions for the new Rule 23.1.1 P5 as follows: Any additions or expansion at the Atawhai Assisi Retirement village (a) Minimum living court or balcony area and dimensions: (iv) Apartment- 10m ² area within minimum dimension horizontal and vertical of 2.5m; (v) Studio unit or 1 bedroom unit- 12.5m ² area with minimum dimension horizontal and vertical of 2.5m; or	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<p>(vi) 2 or more bedroomed unit- 15m² area with minimum dimension horizontal and vertical of 2.5m;</p> <p>(b) Minimum service court is either:</p> <p>(iii) Apartment- communal outdoor space (i.e. no individual service courts required); or</p> <p>(iv) All other units- 10m² for each unit;</p> <p>(c) Building height does not exceed 8m, except for 15% of the total building coverage, where buildings may be up to 10m high;</p> <p>(d) Building setbacks- a 7.5m setback is required from a local road, and 12m setback is required from all other boundaries; except internal site boundaries where no setback shall apply. A 12m setback is required from the Waikato Expressway.</p> <p>(e) The following Land Use- Effects rule in Rule 23.2 do not apply:</p> <ul style="list-style-type: none"> i. Rule 23.2.6 (Signs-General). ii. Rule 23.2.6.2 (Signs- effects on traffic). <p>(f) The following Land Use- Building rules in Rule 23.3 do not apply:</p> <ul style="list-style-type: none"> i. Rule 23.3.1 (Dwelling); ii. Rule 23.3.4.1 (Height- Building General) iii. 23.3.5 Daylight Admission iv. 23.3.6 Building Coverage v. Rule 23.3.7.1 Building Setbacks- all boundaries vi. Rule 23.3.7.2 Building Setback- Sensitive land use <p>(g) The following Infrastructure and Energy Rule in Chapter 14 does not apply:</p> <ul style="list-style-type: none"> i. Rule 14.12.1 P4(10) (a) Traffic Generation 		

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments to give effect to the submission.</p>		
769.5	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		<p>Add a new restricted discretionary rule into Rule 23.1 Land Use Activities as follows:</p> <p>(a) RDI The following Retirement Village Activities are Restricted Discretionary in the Country Living Zone A new retirement village;</p> <p>Alterations to existing retirement villages (excluding Atawhai Assisi);</p> <p>Alterations to Atawhai Assisi that do not comply with the Activity Specific Conditions in Rule 23.1.1</p>	<i>Accept in Part</i>	6
769.6	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		<p>Delete Rule 23.1.3 NC3- Non-Complying Activities.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments to give effect to the submission.</p>	<i>Accept in Part</i>	6
769.7	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		<p>Amend Signs Rule 23.2.6 so that signage provisions in Rules 23.2.6.1- General and 23.3.6.2- Effects on Traffic don't apply to a retirement village as follows:</p> <p>(3) Rules 23.2.6.1 and 23.2.6.2 do not apply to a retirement village.</p> <p>OR</p> <p>Add a new row to Rule 23.2.6.1 Signs General as follows:</p> <p>(x) Rules P1, P2,P3 and RDI above do not apply to a retirement village.</p>	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<p>AND</p> <p>Add a new row to Rule 23.2.6.2 Signs- effects on traffic as follows: (x) Rules P1, P2, P3 and RDI above do not apply to a retirement village</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments to give effect to the submission.</p>		
769.9	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		<p>Retain Rule 23.3.5 PI Daylight admission, except for amendments sought below</p> <p>AND</p> <p>Amend Rule 23.3.5- Daylight admission so that it only applies to the external boundaries of Atawhai Assisi, not the internal boundaries between the individual certificates of title.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments to give effect to the submission.</p>	<i>Accept in Part</i>	6
769.10	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		Retain Policy 5.6.4- Building setbacks.	<i>Accept in Part</i>	6
769.11	Tamahere Eventide Trust on behalf of Tamahere		<p>Amend Policy 5.6.5- Scale and intensity of development to include the additional wording as follows: Except where such development correlates to existing site development.</p> <p>AND</p>	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Eventide Retirement Village		Amend the Proposed District Plan to make consequential amendments to give effect to the submission.		
769.12	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		<p>Add a new Policy to Section 5.6 Country Living Zone for Atawhai Assisi as follows:</p> <p>Policy 5.6.8 (a): Atawhai Assisi</p> <p>(a) Permit additions and expansions at Atawhai Assisi where they:</p> <p>(i) Have a functional need to locate within the Country Living Zone; and</p> <p>(ii) Provide for the health and well-being of the community.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments to give effect to the submission.</p>	<i>Accept in Part</i>	6
769.13	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		<p>Add a new Policy to Section 5.6 Country Living Zone as follows:</p> <p>Policy 5.6.9 (a): Atawhai Assisi</p> <p>(a) Enable the existing Atawhai Assisi activities to continue and support their redevelopment and expansion, provided they do not have a significant adverse effect on the character and amenity of the Country Living Zone.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments to give effect to the submission.</p>	<i>Accept in Part</i>	6
769.19	Tamahere Eventide Trust on behalf of Tamahere		Retain Rule 23.3.5 RD I-Daylight admission.	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Eventide Retirement Village				
769.20	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		Amend Rule 23.3.6 PI- Building coverage so that the building coverage requirements do not apply to Atawhai Assisi. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.	<i>Accept in Part</i>	6
769.21	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		Amend Rule 23.3.7.1- Building setbacks - All boundaries so that the building set back requirements do not apply to Atawhai Assisi. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.	<i>Accept in Part</i>	6
769.22	Tamahere Eventide Trust on behalf of Tamahere Eventide Retirement Village		Amend Objective 5.6.1 (a)- Country Living Zone to recognise character and abutting character/amenity, not just amenity and character of the zone. AND Amend the Proposed District Plan to make consequential amendments to give effect to the submission.	<i>Accept in Part</i>	6
769.23	Tamahere Eventide Trust on behalf of		Amend Policy 5.6.2 (a)- Country Living Character as follows: (a)Any building and activity within the Country Living Zone are designed, located, scaled and serviced in a manner that does not	<i>Accept in Part</i>	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Tamahere Eventide Retirement Village		<p>detract from the character of the area by:</p> <p>(i) Maintaining the existing open space character;</p> <p>(ii) Maintaining existing low density residential development;</p> <p>(iii) Recognising the absence of Council wastewater services and lower levels of other infrastructure.</p> <p>(b) Maintain existing views and vistas of the rural hinterland beyond, including, where applicable, Waikato River, wetlands, lakes, and the coast.</p> <p>(c) Maintain existing road pattern that follows the natural contour of the landform.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential amendments to give effect to the submission.</p>		
761.4	Lyndendale Farms Limited		<p>Amend the Rural Zone provisions in Chapter 22 to include specific provisions for new Retirement Village activities, including the proposed Lyndendale Lifestyle Village at 180 Horsham Downs Road, Horsham Downs (Lot 5 DP 505127).</p> <p>AND</p> <p>Amend the Proposed District Plan to make any consequential amendments that are required to give effect to the submission.</p>	Reject	
FS1379.307	Hamilton City Council	Oppose	FS1379.307	Accept	6
FS1387.1113	Mercury NZ Limited for Mercury D	Oppose	FS1387.1113	Accept	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
697.456	Waikato District Council		Add new provisions to Chapter 22 (Rural Zone) new provisions for new retirement villages to establish; AND Add provisions for alterations and additions to existing retirement villages as a Restricted Discretionary Activity; AND Add new policies to Chapter 5 Rural Environment to support the proposed provisions.	Reject	6
FS1004.12	Tamahere Eventide Home Trust - Tamahere Eventide Retirement Village	Oppose		Accept	6
FS1005.16	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Oppose		Accept	6
FS1168.65	Horticulture New Zealand	Oppose		Accept	6
FS1308.110	The Surveying Company	Support		Reject	6
FS1379.269	Hamilton City	Oppose		Accept	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Council</i>				
FS1387.562	Mercury NZ Limited for Mercury D	Oppose		Accept	6
697.457	Waikato District Council		Add new provisions to Chapter 23 Country Living Zone for alterations and additions to existing retirement villages as a Restricted Discretionary Activity; AND Add new policies in Chapter 5 (Rural Environment) for the Country Living Zone.	Accept in Part	6
FS1004.14	Tamahere Eventide Home Trust - Tamahere Eventide Retirement Village	Oppose		Accept in Part	6
FS1005.18	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	Oppose		Accept in Part	6
FS1387.563	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	6

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
697.561	Waikato District Council		Add a new policy 5.6.19 for amendments to existing retirement villages as follows: 5.6.19 Policy – Amendments to existing retirement villages within the Country Living Zone (a) Enable alterations and additions to existing retirement villages within the Country Living Zone.	<i>Accept in Part</i>	6
FS1004.8	Tamahere Eventide Home Trust - Tamahere Eventide Retirement Village	<i>Oppose</i>		<i>Accept in Part</i>	6
FS1005.12	Tamahere Eventide Home Trust - Atawhai Assisi Retirement Village	<i>Oppose</i>		<i>Accept in Part</i>	6
FS1387.825	Mercury NZ Limited for Mercury D	<i>Oppose</i>		<i>Accept in Part</i>	6
349.5	Kim Robinson on behalf of Lochiel Farmlands		Retain the intent of Policy 3.2.8 Incentivise subdivision.	<i>Accept</i>	7

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Limited				
417.1	Glenys McConnell		Add a new clause to Objective 5.1.1 The rural environment, as follows: (iv) existing titles created prior to 6 December 1997 may be aggregated to produce a compliant small sized block and a larger block by boundary adjustment. AND Add a new clause to Policy 5.2.3 Effects of subdivision and development on soils, as follows: (c) Subdivision by way of aggregation of titles created prior to 6 December 1997 to produce a compliant small sized block and a larger block by boundary adjustment AND Consequential amendments to Rule 22.4.1.2 (as outlined in submission point 417.2).	Reject	7
FS1062.38	Andrew and Christine Gore	Not Stated		-	7
FS1342.73	Federated Farmers	Support		Reject	7
FS1379.126	Hamilton City Council	Oppose		Accept	7
FS1388.158	Mercury NZ Limited for Mercury E	Oppose		Accept	7
574.9	TaTa Valley Limited		Retain Policy 3.2.8 - Incentivise subdivision	Accept	7
FS1301.51	New Zealand	Support		Accept	7

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Health Food Park Limited</i>				
81.175	Waikato Regional Council		Amend Rule 22.4.5 Subdivision within identified areas to make subdivision of land containing a Significant Natural Area that is not a conservation lot subdivision, a discretionary activity.	<i>Reject</i>	7
<i>FS1330.17</i>	<i>Middlemiss Farm Holdings Limited</i>	<i>Oppose</i>		<i>Accept</i>	7
106.4	Bruce and Dorothy Chipman		Amend Rule 22.4.1.1 Prohibited subdivision, to replace “lot” with “Record of Title or consented lot”.	<i>Accept</i>	7
<i>FS1386.81</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Reject</i>	7
394.18	Gwenith Sophie Francis		Amend Rule 22.4.1.1 Prohibited subdivision, to acknowledge other allowable forms of subdivision such as Conservation Lot Subdivision and farm parks. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.	<i>Accept in Part</i>	7
<i>FS1388.119</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Accept in Part</i>	7
499.7	Adrian		Amend Rule 22.4.1.2 P3 (a)(iii) General subdivision to change maximum slopes from 1:2 to 1:2.5.	<i>Reject</i>	7

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Morton				
499.8	Adrian Morton		Amend Rule 22.4.4.4 PI (a) General subdivision to add the text "over any consecutive 12 month time period"	<i>Accept in Part</i>	7
697.738	Waikato District Council		Delete Rule 21.4.5 Subdivision-Significant Natural Areas; AND Make consequential amendment to Rule 21.4 Subdivision by deleting (2)(d).	<i>Accept</i>	7
FS1387.662	Mercury NZ Limited for Mercury D	<i>Oppose</i>		<i>Reject</i>	7
590.1	Jenny Kelly		Amend the rules supporting Objective 5.1.1(a)(i), (ii) and (iii) to be stringent, not politically pragmatic, and according to the soil productivity levels, including the following: Subdivision should not be permitted in the Rural Zone Rule 22.3.1 PI(b) and Rules 22.4.1.2 RDI(a)(v)A and B do not comply with Objective 5.1.1(a) Soil testing should be mandatory before any proposed minor or other building is considered Any building should be on the least productive land.	<i>Reject</i>	7
FS1286.5	Horotiu Properties Ltd	<i>Oppose</i>		<i>Accept</i>	7
FS1388.994	Mercury NZ Ltd for Mercury E	<i>Oppose</i>		<i>Accept</i>	7
444.13	Ben Young for		Add clarification and further description of the term 'Significant	<i>Accept in Part</i>	7

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Madsen Lawrie consultants		Natural Area' in the context of Rule 22.4.1.6(a)(i) Conservation lot subdivision.		
559.269	Sherry Reynolds on behalf of Heritage New Zealand Lower Northern Office		Retain Rule 22.4.3 NCI Title boundaries – Significant Natural Areas, Heritage items, Maaori sites of significance and Maaori areas of Significance., except for the amendments sought below. AND Amend Rule 22.4.3 NCI Title boundaries - Significant Natural Areas, Heritage items, Maaori sites of significance and Maaori areas of Significance to be consistent with other zone chapters, including the retention of heritage items.	Reject	7
286.34	Waikato-Tainui		Amend the Proposed District Plan to re-instate deferred zoning to a point in time when Waikato District Council have clarity around their wastewater infrastructure and are not reliant on outdated technology that is currently causing negative environmental outcomes.	Accept	8
FS1261.36	Annie Chen	Oppose		Reject	8
FS1035.40	Pareoranga Te Kata	Support		Accept	8
FS1297.46	CSL Trust & Top End Properties Limited	Oppose		Reject	8
FS1176.45	Watercare Services Ltd	Support		Accept	8
493.17	Jackie Colliar		Amend the Proposed District Plan to re-instate deferred zoning to a point in time when Waikato District Council have clarity around their	Accept	8

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			infrastructure and how the areas will be serviced.		
923.80	Waikato DHB		Review the extent of the live zoning and its ability to be serviced with infrastructure. OR Consider including much stronger development staging rules which are linked to the provision of infrastructure and development of structure plans.	Accept	8
524.37	Anna Noakes		Amend the rules relating to subdivision to give effect to policies 6.4.2-6.4.7 and ensure greenfield sites for urban growth are investigated through section 32 analysis to assess the ability to appropriately, effectively and efficiently service these areas in comparison to other areas.	Accept	8
606.14	Bill Wasley for Future Proof Implementation Committee		Amend (as necessary) Chapter 5 Rural Environment, Chapter 22 Rural Zones and Planning Maps after undertaking further work on the objectives, policies, rules and methods that cover the cross boundary area between Hamilton City and Waikato District to manage this area appropriately.	Accept	8
FSI203.4	Burton Trust	Support		Accept	8
FSI252.7	AH & DB Finlay Limited	Support		Accept	8
FSI254.7	Wattle Downs Limited	Support		Accept	8
FSI256.7	Moeraki Farm Limited	Support		Accept	8
FSI260.7	K Badger and WR Badger	Support		Accept	8

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Estate</i>				
<i>FS1324.7</i>	<i>Robyn Ballard</i>	<i>Support</i>		<i>Accept</i>	<i>8</i>
<i>FS1202.22</i>	<i>New Zealand Transport Agency</i>	<i>Support</i>		<i>Accept</i>	<i>8</i>
<i>943.54</i>	<i>McCracken Surveys Limited</i>		<i>Amend the zoning of the property at 669 Horotiu Road, Te Kowhai (Lot 1 DPS 80472), from Rural Zone to Village Zone.</i>	<i>Accept in Part</i>	<i>8</i>
<i>FS1277.61</i>	<i>Waikato Regional Council</i>	<i>Oppose</i>		<i>Accept in Part</i>	<i>8</i>
<i>FS1379.367</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept in Part</i>	<i>8</i>
<i>FS1204.11</i>	<i>Christian & Natasha McDean</i>	<i>No amendments to the zoning maps in the Newstead area that would result in land being zoned industrial or equivalent.</i>		<i>Accept in Part</i>	<i>8</i>

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1216.10	Newstead Residents Association	Support the submission where it promotes the retention/possible expansion of the Industrial zoned land at Horotiu, but oppose any new industrial areas in Waikato District, particularly within the Newstead area. No amendments to the zoning maps in the Newstead area that would result		Accept in Part	8

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
		<i>in land being zoned industrial or equivalent.</i>			
<i>FS1280.10</i>	<i>Dennis and Jan Tickelpenny</i>	<i>No amendments to the zoning maps in the Newstead area that would result in land being zoned industrial or equivalent.</i>		<i>Accept in Part</i>	8
433.69	Mischa Davis for Auckland Waikato Fish and Game Council		Add provisions to the Proposed District Plan that provide for recreational hunting as a permitted activity in the Rural Zone.	<i>Accept</i>	9
<i>FS1083.15</i>	<i>Ryburn Lagoon Trust Limited</i>	<i>Support</i>		<i>Accept</i>	9
433.70	Mischa Davis for Auckland Waikato Fish		Amend the Proposed District Plan to give specific reference is given to recreational hunting, especially in relation to subdivisions and new growth, where reverse sensitivity issues are discussed.	<i>Accept</i>	9

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	and Game Council				
FS1083.16	Ryburn Lagoon Trust Limited	Support		Accept	9
433.77	Mischa Davis for Auckland Waikato Fish and Game Council		Amend the Proposed District Plan to ensure that recreational game bird hunting and recreational freshwater fishing are included as permitted activities in all rural areas.	Accept	9
791.1	Andrew Michael Basford Green for Meremere Dragway Inc		Amend the area shown on the planning maps as "Meremere Dragway" to 'Drag Way Park Specific Area'. AND Any consequential amendments to the Proposed District Plan to give effect to the relief sought in this submission.	Accept in Part	10
FS1194.19	HD Land Limited and Hampton Downs (NZ) Limited	Oppose		Accept in Part	10
791.3	Andrew Michael Basford Green for Meremere Dragway Inc		Add a new section to Chapter 22 Rural Zone entitled "22.9 Specific Area – Drag Way Park" (Drag Way Park Specific Area), based on Schedule 25E Meremere Dragway of the Operative District Plan, subject to amendments to provide for non-motorised activities. See Appendix A of the submission for provisions sought. AND	Accept in Part	10

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			Add the "Rule Table for Land Use Activities" from Schedule 25E of the Operative District Plan, subject to amendments to provide for non-motorised activities. See Appendix A of the submission for the table. AND Any consequential amendments to the Proposed District Plan to give effect to the relief sought in this submission.		
FSI 194.20	HD Land Limited and Hampton Downs (NZ) Limited	Oppose		Accept in Part	10
81.164	Waikato Regional Council		Amend Rule 22.3.2 Minor dwelling to make a minor dwelling in an Outstanding Natural Feature, Outstanding Natural Landscape, Outstanding Natural Character Area or High Natural Character Area a discretionary activity.	Accept	11
FSI 223.36	Mercury NZ Limited	Support		Accept	11
197.23	Jeska McHugh for NZ Pork		Delete the conditions from Rule 22.3.2 PI Minor dwelling OR Add separate provisions for farm workers accommodation.	Accept in Part	11
FSI 308.5	The Surveying Company	Support		Accept in Part	11

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1168.73	Horticulture New Zealand	Support		Accept in Part	11
FS1386.204	Mercury NZ Limited for Mercury C	Oppose		Accept in Part	11
FS1168.76	Horticulture New Zealand	Support		Accept in Part	11
FS1386.205	Mercury NZ Limited for Mercury C	Oppose		Accept in Part	11
394.14	Gwenith Sophie Francis		Amend Rule 22.3.2 PI (a) Minor dwelling, as follows: PI (a) One minor dwelling not exceeding 70m ² gross floor area in footprint (excluding decks and carports) within a lot. (b) Where there is an existing dwelling located within a lot: (i) The minor dwelling must be located within 20m 200m of the dwelling; AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.	Accept in Part	11
FS1388.116	Mercury NZ Limited for Mercury E	Oppose		Accept in Part	11
394.24	Gwenith Sophie Francis		Amend Rule 22.3.2 PI Minor dwelling, as follows: PI (a) One minor dwelling not exceeding 70m ² gfa in footprint (excluding decks and carports) per site. (b) Where there is an existing dwelling located within a site:	Accept in Part	11

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			(i) The minor dwelling must be located within 20m 200m of the dwelling; AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.		
FS1388.123	Mercury NZ Limited for Mercury E	Oppose		Accept in Part	11
676.14	T&G Global Limited		Retain Rule 22.3.2 Minor dwelling which classifies a minor dwelling as a permitted activity; AND Add a specific provision to the Proposed District Plan to allow workers' accommodation for workers engaged in rural production activities as a permitted activity up to 120m ² ; OR Add a specific provision to the Proposed District Plan to enable workers' accommodation for workers engaged in rural production activities up to 120m ² as a restricted discretionary activity, restricting the matters of discretion to the effects of the built form on the environment; AND Any further or consequential amendments necessary to address the concerns raised in the submission.	Accept in Part	11
FS1348.22	Perry International	Support		Accept in Part	11

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Trading Group Limited</i>				
<i>FS1387.146</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>Accept in Part</i>	11
680.219	Federated Farmers of New Zealand		<p>Amend Rule 22.3.2 PI (b) (i) Minor dwelling, as follows:</p> <p>(b) Where there is an existing dwelling located within a lot:</p> <p>(i) The minor dwelling must be located within 320m of the dwelling;</p> <p>(ii) The minor dwelling must share a single driveway access with the existing dwelling.</p> <p>(iii) The number of existing dwellings does not already exceed that permitted under Rule 22.3.1(PI)</p> <p>AND</p> <p>Any consequential changes needed to give effect to this relief.</p> <p>AND</p> <p>Any consequential amendments to Chapter 23: Country Living Zone to address areas of existing farmland zoned as Country Living Zone.</p>	<i>Accept in Part</i>	11
<i>FS1171.91</i>	Phoebe Watson for Barker & Associates on behalf of T&G Global	<i>Support</i>		<i>Accept in Part</i>	11
<i>FS1387.214</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>Accept in Part</i>	11

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
695.212	Sharp Planning Solutions Ltd		Amend Rule 22.3.2 PI (i) Minor dwelling by rephrasing to read: The minor dwelling must be located within 20m of the existing dwelling.	<i>Accept in Part</i>	11
FS1387.360	Mercury NZ Limited for Mercury D	<i>Oppose</i>		<i>Accept in Part</i>	11
695.212	Sharp Planning Solutions Ltd		Amend Rule 22.3.2 PI (i) Minor dwelling by rephrasing to read: The minor dwelling must be located within 20m of the existing dwelling.	<i>Accept in Part</i>	11
FS1387.360	Mercury NZ Limited for Mercury D	<i>Oppose</i>		<i>Accept in Part</i>	11
697.798	Waikato District Council		Amend Rule 22.3.2 PI Minor dwelling, as follows: (a) One minor dwelling not exceeding 70m ² gross floor area within a lot record of title must comply with the following conditions: (i) Where there is an existing dwelling located within a lot not exceed 70m ² gross floor area; (ii) The minor dwelling must be located within 20m of the principal residential unit dwelling; (iii) The minor dwelling must share a single driveway access with the principal residential unit existing dwelling.	<i>Accept in Part</i>	11
FS1168.74	Horticulture New Zealand	<i>Oppose</i>		<i>Accept in Part</i>	11

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1387.691	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	11
751.25	Chanel Hargrave and Travis Miller		Amend Rule 22.3.2 PI (b) (i) Minor dwelling as follows: (i) The minor dwelling must be located within 2050m of the dwelling;	Accept in Part	11
FS1387.1079	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	11
794.17	Middlemiss Farm Holdings Limited on behalf of		Delete Rule 22.3.2 PI (b)(i) Minor dwelling requiring the minor dwelling to be no more than 20m from the main dwelling. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Accept in Part	11
FS1308.131	The Surveying Company	Support		Accept in Part	11
FS1387.1247	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	11
797.31	Fonterra Limited		Retain Rule 22.3.2 Minor Dwelling as notified.	Accept in Part	11
FS1322.7	Synlait Milk	Support		Accept in Part	11
FS1110.42	Synlait Milk	Support		Accept in Part	11

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Limited</i>				
FS1387.1272	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	11
802.11	Vera van der Voorden		Amend Rule 22.3.2 (b)(i) Minor dwelling to relax the 20m minimum distance of an ancillary dwelling from the main house. AND Retain the approach to Minor dwellings which no longer requires use by dependent relatives.	Accept in Part	11
943.14	McCracken Surveys Limited		Amend Rule 22.3.2 Minor dwelling, to replace the word "lot" with "site".	Accept in Part	11
FS1387.1568	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	11
943.15	McCracken Surveys Limited		Amend Rule 22.3.2 PI (a) Minor dwelling, to exclude garages, as follows: (a) One minor dwelling not exceeding 70m ² gross floor area, excluding garage within a lot.	Accept in Part	11
FS1308.185	The Surveying Company	Oppose		Accept in Part	11
FS1387.1569	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	11

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
418.10	Ethan Findlay		No specific decision sought, however submission opposes Rule 22.3.2 Minor dwelling.	<i>Accept in Part</i>	11
FS1388.167	Mercury NZ Limited for Mercury E	Oppose		<i>Accept in Part</i>	11
746.81	The Surveying Company		Amend Rule 22.3.2 PI(b)(i)-Minor dwelling as follows: The minor dwelling must be located within 25m <u>50m</u> of the dwelling.	<i>Accept in Part</i>	11
FS1387.954	Mercury NZ Limited for Mercury D	Oppose		<i>Accept in Part</i>	11
575.17	Fulton Hogan Limited		<p>Add a new rule - Mineral and aggregate extraction activity - vibrations and blasting rules, as follows (or words to similar effects):</p> <p>VIBRATION AND BLASTING – MINERAL AND AGGREGATE EXTRACTION ACTIVITIES</p> <p>The measurement of blast noise (airblast) and ground vibration from blasting shall be carried out in accordance with best practice standards.</p> <p>The noise created by the use of explosives measured at a notional boundary of 20 metres from occupied dwellings shall not exceed a peak overall sound pressure of 128 dB.</p> <p>Blasting shall be confined to two occasions per day except where necessary for safety reasons. Where blasting is irregular and the occupiers of neighbouring sites could be alarmed, they shall be advised of pending blasts, at least one hour before any such blast.</p>	<i>Reject</i>	12

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<p>When blasting, the limit of particle velocity (peak particle velocity) measured on any foundation of an adjacent occupied building not connected with the site, or suitable location adjacent to the building, shall not exceed 25mm/second for commercial buildings or 10mm/second for dwellings and buildings of similar design.</p> <p>f. Every blast shall be recorded with particular attention to details of charge weight and delay practice. Monitoring using reliable and appropriate methods representative of all blasts, at varying distances and various sites of different sensitivity shall be carried out to ensure that clauses ii and vi above are complied with. Blast records and monitoring results shall be made available to the Council on request.</p> <p>AND</p> <p>Amend the Proposed District Plan to make consequential and additional amendments as necessary to give effect to the matters raised in the submission.</p>		
FS1292.71	McPherson Resources Limited	Support			12
FS1332.31	Winstone Aggregates	Support			12
575.18	Fulton Hogan Limited		<p>Add a new rule - Mineral and aggregate extraction activity - air emission rules, as follows (or words to similar effect): AIR EMISSIONS – MINERAL AND AGGREGATE EXTRACTION ACTIVITIES</p> <p>Subject to any resource consent which may have been obtained, dust or any other airborne contaminant shall not be discharged at a level that is likely to cause a nuisance or affect the amenity values of any property in the area.</p> <p>AND</p>	Reject	12

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			Amend the Proposed District Plan to make consequential and additional amendments as necessary to give effect to the matters raised in the submission.		
FS1319.9	New Zealand Steel Holdings Limited	Oppose		Accept	12
FS1292.72	McPherson Resources Limited	Support		Reject	12
FS1332.32	Winstone Aggregates	Support		Reject	12
591.12	Stevenson Waikato Ltd		Amend the extent of the Aggregate Extraction Area to cover the overburden areas in association with the Stevenson Huntly Quarry at 300 River Road, Huntly and shown in the plan attached to the submission.	Accept	12
FS1146.21	Gleeson Quarries Huntly Limited	Support		Accept	12
691.22	McPherson Resources Limited		Add a vibration and blasting rule associated with mineral and aggregate extraction activities, as follows (or words to similar effect): VIBRATION AND BLASTING - MINERAL AND AGGREGATE EXTRACTION ACTIVITIES a) The measurement of blast noise (air blast) and ground vibration from blasting shall be carried out in accordance with best practice standards.	Reject	12

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<p>b) The noise created by the use of explosives measured at a notional boundary of 20 metres from occupied dwellings shall not exceed a peak overall sound pressure of 128 dB</p> <p>c) Blasting shall be confined to two occasions per day except where necessary for safety reasons.</p> <p>d) Where blasting is irregular and the occupiers of neighbouring sites could be alarmed, they shall be advised of pending blasts, at least one hour before any such blast.</p> <p>e) When blasting, the limit of particle velocity (peak particle velocity) measured on any foundation of an adjacent occupied building not connected with the site, or suitable location adjacent to the building, shall not exceed 25mm/second for commercial buildings or 10mm/second for dwellings and buildings of similar design.</p> <p>f) Every blast shall be recorded with particular attention to details of charge weight and delay practice. Monitoring using reliable and appropriate methods representative of all blasts, at varying distances and various sites of different sensitivity shall be carried out to ensure that clauses ii and vi above are complied with. Blast records and monitoring results shall be made available to the Council on request.</p> <p>AND</p> <p>Any consequential amendments or alternative relief to address the matters raised in the submission.</p>		
FS1334.75	Fulton Hogan Limited	Support		Reject	12
691.23	McPherson Resources Limited		Add an air emission rule for mineral and aggregate extraction activities as follows (or words to similar effect): AIR EMISSIONS - MINERAL AND AGGREGATE EXTRACTION ACTIVITIES Subject to any resource consent which may have been obtained, dust or any	Reject	12

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			other airborne contaminant shall not be discharged at a level that is likely to cause a nuisance or affect the amenity values of any property in the area. AND Any consequential amendments or alternative relief to address the matters raised in the submission.		
FS1146.1	Gleeson Quarries Huntly Limited	Support		Reject	12
FS1319.29	New Zealand Steel Holdings Limited	Oppose		Accept	12
FS1334.76	Fulton Hogan Limited	Support		Reject	12
771.14	Alison Brown for Bathurst Resources Ltd and BT Mining Ltd		Retain Section 5.4 Minerals and extractive industries, except for the amendments sought elsewhere in the submission.	Accept in Part	12
FS1285.11	Terra Firma Mining Limited	Support		Accept in Part	12
827.7	New Zealand Steel Holdings Ltd		Retain the Aggregate Extraction Area overlay (or Mineral Extraction Area)	Accept in Part	12
FS1292.83	McPherson Resources Limited	Support		Accept in Part	12
FS1334.89	Fulton Hogan	Support		Accept in Part	12

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Limited</i>				
723.10	Tyler Sharratt on behalf of Winstone Aggregates		Amend Chapter 22: Rural Zone for the Extractive Industry by adopting the Operative Waikato District Plan: Franklin Section rules for Aggregate Extraction.	<i>Reject</i>	12
FS1292.69	McPherson Resources Limited	<i>Support</i>		<i>Reject</i>	12
FS1334.69	Fulton Hogan Limited	<i>Support</i>		<i>Reject</i>	12
FS1377.233	Havelock Village Limited	<i>Support</i>		<i>Reject</i>	12
831.54	Gabrielle Parson on behalf of Raglan Naturally		Unclear what decision is being sought but submission supports ironsand mining being omitted from Policy 5.4.2- Access to minerals and extractive industries.	<i>Reject</i>	12
73.1	Anna Wilkes for Ravensdown		Amend the Aggregate Extraction Area overlay on the property at 2571 Port Waikato-Waikaretu Road, Tuakau so that the southern boundary of the overlay is aligned with the property boundary.	<i>Accept</i>	12
691.9	McPherson Resources Limited		Add to the Planning Maps an 'Aggregate Extraction Areas' overlay to be applied across the entirety of the McPherson quarry site including the following legal titles (see the maps attached to the submission): CT NA2D/412 (comprising Allot 22 PSH of Mangatawhiri, Allot 139 and 140 PSH of Mangatawhiri and Allot 161 and 163 PSH of Mangatawhiri). CT NA2D/497 (comprising Allot 162 PSH of Mangatawhiri).	<i>Accept</i>	12

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			<p>CT NA2D/961 (comprising Allot 164 PSH of Mangatawhiri) AND Add to the Planning Maps an 'Aggregate Extraction Areas' overlay to be applied across the immediate neighbouring property of the McPherson quarry site, which have been earmarked for future expansions (as per resource consent application LUC023/19) being (see the maps attached to the submission): CT NA577/25 (comprising Allotment 23 Settlement of Pokeno, Allotment 24 Settlement of Pokeno, Allotment 130 Settlement of Pokeno, Allotment 132 Settlement of Pokeno, Allotment 133 Settlement of Pokeno). CT NA423/102 (comprising of Allotment 159 Parish of Mangatawhiri, Allotment 160 Parish of Mangatawhiri). AND Any consequential amendments or alternative relief to address the matters raised in the submission.</p>		
691.18	McPherson Resources Limited		Amend the Planning Maps to apply the overlay relating to "Aggregate Extraction Areas" to all existing quarry operations in the District to ensure consistency, including the McPherson Quarry.	Accept	12
FS1334.88	Fulton Hogan Limited	Support		Accept	12
723.1	Tyler Sharratt on behalf of Winstone Aggregates		<p>Amend Aggregate Resource Area on the Meremere Quarry to extend to the full property boundary (see Appendix 2 of the submission); AND Amend the Aggregate Resource Area on the Pukekawa Quarry to extend to the full property boundary (See Appendix 1 of the submission).</p>	Accept	12

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1387.797	Mercury NZ Limited for Mercury D	Oppose		Reject	12
726.1	Waikato Aggregates Ltd		Amend the extent of the Aggregate Extraction Area shown on Planning Map 27.3 for the site Lot 2 DP 391449 (34A Tauwhare Road) to show the full extent of the Aggregate Extraction Area for the site; AND Any further amendments or relief necessary to support the submission.	Accept	12
797.40	Fonterra Limited		Amend the Planning Maps to identify the full extent of the Kopuku Mine as a "Coal Mining Area", comprising the additional parcels legally described as: Lots 2 and 3 DPS 78583 Lots 1 and 8 DPS 519025 Part Lots 1, 4 and 5 DPS 74265 Part Lot 5 DP 405637 Sec 7 SO 449648 AND Any consequential amendments or further relief to give effect to the concerns raised in the submission.	Accept	12
827.5	New Zealand Steel Holdings Ltd		Amend the extent of the Aggregate Extraction Area on the planning maps (and the Mairora Mining Zone if the relief is accepted) to ensure that the entire Waikato North Head site, including Sec 1 SO 40757, Allot 98 Parish of Waiuku West and Sec 2 SO 40757, the recycle ponds, water intake lagoon and adjacent area as sought in Figure 1, Appendix A within the submission.	Accept	12

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			AND Any other further or consequential amendments required.		
827.30	New Zealand Steel Holdings Ltd		Amend the Proposed District Plan to rename the 'Aggregate Extraction Area" to 'Mineral Extraction Area.' AND Any other further or consequential amendments required.	<i>Reject</i>	12
827.36	New Zealand Steel Holdings Ltd		Add a new discretionary activity rule within Section 16.4 Subdivision as follows (or words to similar effect: DI Subdivision of land within 200m of an Aggregate Extraction Area. AND Any other further or consequential amendments required.	<i>Reject</i>	12
464.14	Perry Group Limited		Add a further policy/explanatory statement to the Proposed Plan to consider the future and on-going use of mineral extraction and processing sites that have been closed and rehabilitated as follows: There are a number previously developed mineral extraction and processing sites in the District, some of which have the potential to meet the communities needs for recreation, conservation and reserve needs. AND Any consequential amendments or further relief to address the concerns raised in the submission.	<i>Accept in Part</i>	12
827.6	New Zealand Steel Holdings Ltd		Amend rules relating to the Coastal Environment overlay to ensure they do not apply to the Waikato North Head mine site. AND Any other further or consequential amendments required.	<i>Accept</i>	12

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
922.16	John Rowe		Amend Rule 22.3.7.2 Building setback - sensitive land use, by adding text to PI (a) (iv) and (v) to confirm that the specified separation distances are measured from the identified Aggregate Extraction Area rather than the title boundaries that contain this extraction area. OR Amend the definition of 'Aggregate Extraction Area' in Chapter 13: Definitions so that it refers to the consented extraction area, rather than the title boundary of the subject site.	Reject	12
FS1292.81	McPherson Resources Limited	Oppose		Accept	12
FS1334.84	Fulton Hogan Ltd	Oppose		Accept	12
FS1387.1477	Mercury NZ Limited for Mercury D	Oppose		Accept	12
394.32	Gwenith Sophie Francis		Add a definition of "Restoration or enhancement planting subdivision" in Chapter 13 Definitions. AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give effect to the intent of the submission.	Accept in Part	13
FS1388.129	Mercury NZ Limited for Mercury E	Oppose		Accept in Part	13
419.114	Jordyn Landers for Horticulture		EITHER: Add a new definition for "Land preparation" in Chapter 13 Definitions, as follows: Means the disturbance of soil by machinery for	Accept	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	New Zealand		<p>planting, replanting, tending or harvesting pasture or crops. Land preparation includes blading, contour ploughing, ripping, mounding, stepping, contouring, bunding and sediment control measures and drainage associated with horticultural crops but does not include direct drilling or mechanical land preparation associated with plantation forestry.</p> <p>AND</p> <p>Amend the definition of "ancillary rural earthworks" in Chapter 13 Definitions, as follows: Means any earthworks or disturbance of soil associated with:</p> <ol style="list-style-type: none"> 1. cultivation and land preparation (including establishment of sediment and erosion control measures), for planting and growing operations; 2. harvesting of agricultural and horticultural crops (farming) and forestry (forestry); and 3. maintenance and construction of facilities typically associated with farming and forestry activities including, but not limited to, farm/forestry tracks, roads and landings, stock races, silage pits, farm drains, farm effluent ponds, feeding pads, fencing and sediment control measures. <p>AND</p> <p>Amend the definition of "Earthworks" in Chapter 13 Definitions, to specifically exclude "Ancillary rural earthworks" for clarity.</p> <p>OR</p> <p>Amend the definition of "Ancillary rural earthworks" in Chapter 13 Definitions, to include contouring, ripping and blading</p> <p>AND</p>		

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			Amend the definition of "Earthworks" in Chapter 13 Definitions, to specifically exclude "Ancillary rural earthworks". AND Any consequential or additional amendments as a result of changes sought in the submission.		
FS1342.89	Federated Farmers	Support		Accept	13
FS1323.100	Heritage New Zealand Pouhere Taonga	Oppose		Reject	13
419.136	Jordyn Landers for Horticulture New Zealand		Add a new definition for "Farm worker accommodation" to Chapter 13 Definitions, as follows: Accommodation for people whose duties require them to live on-site, and in the rural zones for people who work on the site or in the surrounding rural area. AND Any consequential or additional amendments as a result of changes sought in the submission.	Reject	13
FS1348.8	Perry International Trading Group Limited	Support		Reject	13
FS1171.59	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support		Reject	13
FS1342.90	Federated	Support		Reject	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Farmers</i>				
FSI388.233	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>		<i>Accept</i>	13
481.3	Bruce and Kirstie Hill for Culverden Farm		Amend the definition of "farming" by removing the link to soil fertility.	<i>Reject</i>	13
FSI265.24	<i>Mainland Poultry Limited</i>	<i>Support</i>		<i>Reject</i>	13
FSI388.470	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>		<i>Accept</i>	13
482.6	Kirstie Hill on behalf of Hill Country Farmers Group		Amend the definition of "Farming" by removing the link to soil fertility.	<i>Reject</i>	13
FSI265.25	<i>Mainland Poultry Limited</i>	<i>Support</i>		<i>Reject</i>	13
FSI388.473	<i>Mercury NZ Limited for Mercury E</i>	<i>Oppose</i>		<i>Accept</i>	13
680.264	Federated Farmers of New Zealand		Add to Chapter 13 Definitions a new definition of "Rural contractor's depots" as follows: Means offices, storage buildings, plant and machinery used for the purposes of agricultural contracting, including ancillary activities and transport depots relating to the transportation of agricultural and horticultural produce, including livestock. Agricultural contractors'	<i>Accept</i>	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			depots include the repair, servicing and maintenance of rural-based vehicles or machinery. AND Any consequential amendments needed to give effect to this relief.		
FS1275.12	Zeala Limited trading as Aztech Buildings	Support		Accept	13
FS1387.231	Mercury NZ Limited for Mercury D	Oppose		Reject	13
746.8	The Surveying Company		Add a new definition of "horticultural activities" to Chapter 13: Definitions and include glasshouses, greenhouses, plant nurseries and orchards therein.	Accept in Part	13
FS1168.99	Horticulture New Zealand	Support		Accept in Part	13
FS1171.118	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support		Accept in Part	13
FS1387.908	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	13
877.9	Leigh Michael Shaw & Bradley John Hall		Add to Chapter 13: Definitions a definition for "horticultural activities" that includes glasshouses/greenhouses and plant nurseries and orchards.	Accept in Part	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1168.89	Horticulture New Zealand	Support		Accept in Part	13
FS1387.1455	Mercury NZ Limited for Mercury D	Oppose			13
746.7	The Surveying Company		Amend the definition of "farming" in Chapter 13: Definitions to include free-range poultry farming.	Accept in Part	13
FS1338.6	Combined Poultry Industry on behalf of The Poultry Industry Association of NZ; Inghams Enterprises (NZ) Ltd; Brinks NZ Chicken; The Egg Producers Federation of NZ; and Tegel Foods Ltd	Support		Accept in Part	13
FS1265.27	Mainland Poultry Limited	Support		Accept in Part	13
FS1387.907	Mercury NZ Limited for Mercury D	Oppose		Accept in Part	13
419.111	Jordyn		Retain the definition of "Agricultural and horticultural research	Accept	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Landers for Horticulture New Zealand		activities" in Chapter 13: Definitions, as notified.		
986.50	KiwiRail Holdings Limited (KiwiRail)		Amend the definition of "forestry" in Chapter 13 Definitions as follows (or similar amendments to achieve the requested relief): Means the planting and growing of trees (including shelterbelts and woodlots) and is an integrated land use including land preparation, roading, tree planting and maintenance (i.e. thinning, pruning, noxious weeds and animal control) and harvesting of trees and includes the use of accessory buildings, but not the establishment and/or use of permanent sawmills or other methods of timber processing. AND Any consequential amendments to link and/or accommodate the requested changes.	Reject	13
405.10	Counties Power Ltd		Amend the definition of "earthworks" in Chapter 13 Definitions, to clarify as to whether all forms are included in the definition e.g. thrusting/drilling. Thrusting and drilling should not be included in the definition of "earthworks".	Reject	13
FS1176.63	Watercare Services Ltd	Support		Reject	13
FS1323.104	Heritage New Zealand Pouhere Taonga	Oppose		Accept	13
742.84	Mike Wood for New Zealand Transport		Add a definition for "watercourse" to Chapter 13: Definitions that excludes artificial waterways such as stormwater swales. AND	Reject	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Agency		Request any consequential changes necessary to give effect to the relief sought in the submission.		
FS1287.38	Blue Wallace Surveyors Ltd	Support		Reject	13
FS1387.878	Mercury NZ Ltd for Mercury D	Oppose		Accept	13
197.13	Jeska McHugh for NZ Pork		Amend the definition for "Building" in Chapter 13 Definitions to clearly exclude mobile shelters for outdoor pigs from the definition of building.	Reject	13
FS1342.53	Federated Farmers	Support		Reject	13
FS1386.197	Mercury NZ Limited for Mercury C	Oppose		Accept	13
419.31	Jordyn Landers for Horticulture New Zealand		Amend the definition of 'Building' in Chapter 13 Definitions (the specific amendments sought are addressed elsewhere in the submission) OR Amend Rule 22.3.7.1 P2 (a) Building Setbacks - All boundaries, as follows: (a) A non-habitable building (excluding artificial crop protection structures) located on a Record of Title less than 1.6ha must be set back a minimum of: ... AND Amend Rule 22.3.7.1 P4 (a) Building Setbacks - All boundaries, as follows: (a) A non-habitable building (excluding artificial crop protection structures) located on a Record of Title 1.6ha or more must be set back a minimum of: ... AND Add a new permitted activity to Rule 22.3.7.1 Building Setbacks - All boundaries, as follows: PX Artificial crop protection structures that comply with Rule 22.1.2 PX Artificial crop protection structures AND Amend Rule 22.3.7.1 RDI (a) Building Setbacks - All boundaries, as follows: (a) A building that does not	Reject	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			comply with Rule 22.3.7.1 P1, P2, P3 or P4 or PX AND Any consequential or additional amendments as a result of changes sought in the submission.		
FS1171.25	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support		Reject	13
419.116	Jordyn Landers for Horticulture New Zealand		Delete (e) in the definition of "Building" in Chapter 13 Definitions, and replace with the following: Has the meaning the Building Act 2004, excluding: ... (e) artificial crop protection structures and crop support structures OR Amend (e) in the definition of "Building" in Chapter 13 Definitions, as follows: Has the meaning in the Building Act 2004, excluding: ... (e) a structure that is permeable and less no greater than 4 8 metres in height to protect crops from agricultural use. OR Delete the definition of "Building" in Chapter 13 Definitions, and replace with the following: Means any impervious structure, whether temporary or permanent, moveable or fixed, that is enclosed, with 2 or more walls and a roof, or any structure that is similarly enclosed. AND Any consequential or additional amendments as a result of changes sought in the submission.	Reject	13
FS1171.54	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support		Reject	13
FS1342.88	Federated Farmers	Oppose		Accept	13
FS1388.227	Mercury NZ	Oppose		Accept	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	<i>Limited for Mercury E</i>				
676.8	T&G Global Limited		Retain the definition of "Building" in Chapter 13 Definitions which excludes structures that are permeable and less than 4m in height to protect crops for agricultural use, except for the amendments sought below. AND Amend the definition of "Building" in Chapter 13 Definitions to exclude buildings that protect crops for horticultural use. AND Any further or consequential amendments necessary to address the concerns raised in the submission.	<i>Reject</i>	13
<i>FS1168.90</i>	<i>Horticulture New Zealand</i>	<i>Support</i>		<i>Accept</i>	13
<i>FS1387.143</i>	<i>Mercury NZ Limited for Mercury D</i>	<i>Oppose</i>		<i>Reject</i>	13
419.117	Jordyn Landers for Horticulture New Zealand		Amend the definition of "Building coverage" in Chapter 13 Definitions, as follows: Means the proportion of the net site area which is covered by any building. It includes: (a) overhanging or cantilevered parts of buildings or structures (b) covered decks ... It excludes: ... (e) artificial crop protection structures and crop support structures. OR Amend the definition of "building" in Chapter 13: Definitions as sought elsewhere in the submission. AND Any consequential or additional amendments as a result of changes sought in the submission.	<i>Reject</i>	13
197.16	Jeska McHugh for NZ Pork		Amend the definition for "Sensitive land use" in Chapter 13 Definitions as follows: Means an education facility including a childcare facility, waananga, and kohanga reo, a residential activity, papakaainga building, rest home, retirement village, travellers accommodation, home stay, health facility or hospital, cafes, restaurants, tourism/entertainment activities, community services.	<i>Accept in Part</i>	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
FS1340.32	TaTa Valley Ltd	Oppose		Accept in Part	13
FS1168.108	Horticulture New Zealand	Support		Accept in Part	13
FS1386.199	Mercury NZ Limited for Mercury C	Oppose		Accept in Part	13
418.2	Ethan Findlay		Amend the definition of "earthworks" in Chapter 13 so that it excludes common farming practices such as cropping, paddock contouring, drainage improvement and planting. OR Amend Rule 22.2.3.1 P2(i) Earthworks general to increase the area and volumes permitted. AND Amend other parts of the district plan as necessary to give effect to the relief sought.	Accept in Part	13
FS1388.160	Mercury NZ Limited for Mercury E	Oppose		Accept in Part	13
418.3	Ethan Findlay		Amend the definition of "earthworks" to exclude common farming practices OR Amend Rule 22.2.3.1 P2(a)(iii) Earthworks - General to not apply to earthworks commonly carried out within 1.5m of boundaries such as planting, fencing, digging drains, tracks etc. AND Amend other parts of the district plan as necessary to give effect to the relief sought.	Accept in Part	13
FS1388.161	Mercury NZ Limited for Mercury E	Oppose		Accept in Part	13
197.31	Jeska McHugh for NZ Pork		Amend the definition for "Earthworks" in Chapter 13 Definitions to include the following: burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or an emergency declared by the Minister under the	Reject	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			Biosecurity Act 1993.		
FS1168.91	Horticulture New Zealand	Support		Reject	13
FS1277.129	Waikato Regional Council	Support	SUPPORT with amendment. Amend the definition for "Earthworks" in Chapter 13 Definitions to include the following: burying of material infected by unwanted organisms as declared by Ministry for Primary Industries Chief Technical Officer or a pest specified as a pest in a pest management plan or an emergency declared by the Minister under the Biosecurity Act 1993.	Reject	13
419.118	Jordyn Landers for Horticulture New Zealand		Amend the definition of "Earthworks" in Chapter 13 Definitions, as follows: Means modification of land surfaces by blading, contouring, ripping, moving, removing, placing, or replacing soil or earth, or by excavation, or by cutting or filling operations, but excludes ancillary rural earthworks and burying of plant material that is infected by an unwanted organism as declared by the Ministry of Primary Industries Chief Technical Officer or an emergency declared by the Minister under the Biosecurity Act 1993. AND Any consequential or additional amendments as a result of changes sought in the submission.	Reject	13
FS1323.105	Heritage New Zealand Pouhere Taonga	Oppose	FS1323.105	Accept	13
81.244	Waikato Regional Council		Amend the definition of "High class soils" in Chapter 13: Definitions to include the peat soil definition as per the definition in the Waikato Regional Policy Statement.	Reject	13
394.30	Gwenith Sophie Francis		Delete the definition of "High class soils" in Chapter 13 Definitions, and replace with the following: (i) Elite soils (Class I); and (ii) Prime Soils (Class II) and AND Amend the Proposed District Plan to make consequential or further additional relief, as is appropriate to give	Reject	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
			effect to the intent of the submission.		
FS1168.103	Horticulture New Zealand	Oppose		Accept	13
419.124	Jordyn Landers for Horticulture New Zealand		Amend the definition of "High class soils" in Chapter 13 Definitions, as follows: Means those soils in the Land Use Capability Classes I and II (excluding peat soils) and soils in Land Use Capability IIIe1 and IIIe5, classified as Allophanic Soils, and III using the New Zealand Soil Classification. AND Any consequential or additional amendments as a result of changes sought in the submission.	Reject	13
FS1330.36	Middlemiss Farm Holdings Limited	Oppose		Accept	13
FS1342.95	Federated Farmers	Oppose		Accept	13
466.54	Balle Bros Group Limited		Amend the definition for "High Class Soils" in Chapter 13 Definitions after consultation with Pukekohe Vegetable Growers Association and HortNZ to further define high class soils.	Reject	13
680.142	Federated Farmers of New Zealand		Retain the definition of "High class soils" in Chapter 13 Definitions, as notified.	Accept	13
FS1171.82	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support		Accept	13
419.131	Jordyn Landers for		Delete the definition of "Noxious, dangerous, offensive or toxic activities" from Chapter 13 Definitions. AND Any consequential or	Accept	13

Submission number	Submitter	Support / oppose	Summary of submission	Recommendation	Section of this report where the submission point is addressed
	Horticulture New Zealand		additional amendments as a result of changes sought in the submission.		
<i>FS1342.101</i>	<i>Federated Farmers</i>	<i>Support</i>		<i>Accept</i>	13

Appendix 2: Recommended Text Amendments

Amend the title of Chapter 22 as follows:

Chapter 22: Rural Zone – Rules.

Add a new permitted activity rule to Rule 22.1.2

Activity	Activity specific conditions
<u>P21</u>	<u>Recreational hunting and fresh water fishing</u>
	<u>Nil</u>

Amend Rule 22.1.2(P7) as follows:

P7	<u>Plantation</u> Forestry	(b) Be undertaken in accordance with Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. Where compliance is not achieved with the permitted activity standards in the NES, then the activity is subject to the activity status as set out in the NES
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Amend Rule 22.3.1 as follows:

22.3.1 Number of dwelling residential units within a lot

PI	(d) One residential unit within a Record of Title containing an area less than 40ha; (e) Within a Record of Title containing an area of 40ha or more, one additional residential unit is permitted for every additional 40ha of area up t a maximum of three residential units; (f) Any residential unit(s) under Rule 22.3.1 PI(a) and (b) must not be located within any of the following landscape and natural character areas: (ix) Outstanding Natural Feature; (x) Outstanding Natural Landscape; (xi) Outstanding Natural Character Area; (xii) High Natural Character Area.
DI	A residential unit that complies with Rule 22.3.1 PI(a) or (b) and is located within an area listed in (c).
NCI	A residential unit that does not comply with Rule 22.3.1 PI(a) or (b).

Amend Rule 22.3.2 as follows:**22.3.2 Minor ~~dwelling residential units~~**

PI	<p>(d) One minor residential unit not exceeding 120m² gross floor area (excluding accessory buildings) within a Record of Title.</p> <p>(e) The minor residential unit shall be located on the same Record of Title as an existing residential unit and shall:</p> <p>(iii) Be located within 100m of the existing residential unit;</p> <p>(iv) Share a single driveway access with the existing residential unit.</p> <p>(f) <u>Any minor residential unit under Rule 22.3.2 PI(a) and (b) must not be located within any of the following landscape and natural character areas:</u></p> <p>(xiii) <u>Outstanding Natural Feature;</u></p> <p>(xiv) <u>Outstanding Natural Landscape;</u></p> <p>(xv) <u>Outstanding Natural Character Area;</u></p> <p>(xvi) <u>High Natural Character Area.</u></p> <p>Note: In addition to single households, minor units in the Rural Zone can include dormitory²⁵ accommodation for farm or seasonal workers.</p>
DI	A minor residential unit that does not comply with Rule 22.3.2.PI

Amend Rule 22.7.1.4 as follows:**22.7.1.4 Building height within a Development Area**

PI	<p>(b) A building within a Development Area must comply with the following conditions:</p> <p>(iii) Height does not exceed 7.5m; and</p> <p>(iv) It does not protrude through a height control plane rising at an angle of 37 45 degrees commencing at an elevation of 2.5m above ground level at every point of the site boundary.</p>
DI	A building that does not comply with Rule 22.7.1.4 PI

²⁵ In reviewing the earlier recommendations it is noted that seasonal worker accommodation is not necessarily designed as dormitories and could instead be a series of bedrooms. As such the reference to 'dormitory' is considered to be unnecessarily limiting, as the key control is on the overall size of the unit, rather than how rooms are internally arranged.

Amend the Chapter 13 Definitions as follows:

Forestry	Means the planting and growing of trees and is an integrated land use including land preparation, roading, tree planting and maintenance (i.e. thinning, pruning, noxious weeds and animal control) and harvesting of trees and includes the use of accessory buildings, but not the establishment and/or use of permanent sawmills or other methods of timber processing.
<u>Plantation Forestry</u>	<u>Has the meaning in the Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017.</u>
Rural commercial	Means commercial activities that have a direct functional or operational need to locate in the Rural Zone or that service productive rural activities. It includes veterinary practices, wineries and wedding venues, adventure tourism, farm tourism, <u>golf courses, gun clubs and firing ranges</u> , and includes ancillary activities. It excludes visitor accommodation

Amend Rue 21.4 in Chapter 21 as follows:

Chapter 21 – Industrial Heavy Zone

21.4 Subdivision

- (3) Rules 21.4.1 Subdivision – General provides for subdivision density.
- (4) Other subdivision provisions are contained in:
- (e) Rule 21.4.2 Subdivision – Boundaries for Records of Title
 - (f) Rule 21.4.3 Subdivision – Road Frontage
 - (g) Rule 21.4.4 Subdivision - Esplanade Reserves and Esplanade Strips
 - ~~(h) Rule 21.4.5 Subdivision – Significant Natural Areas~~

~~21.4.5 Subdivision – Significant Natural Areas~~

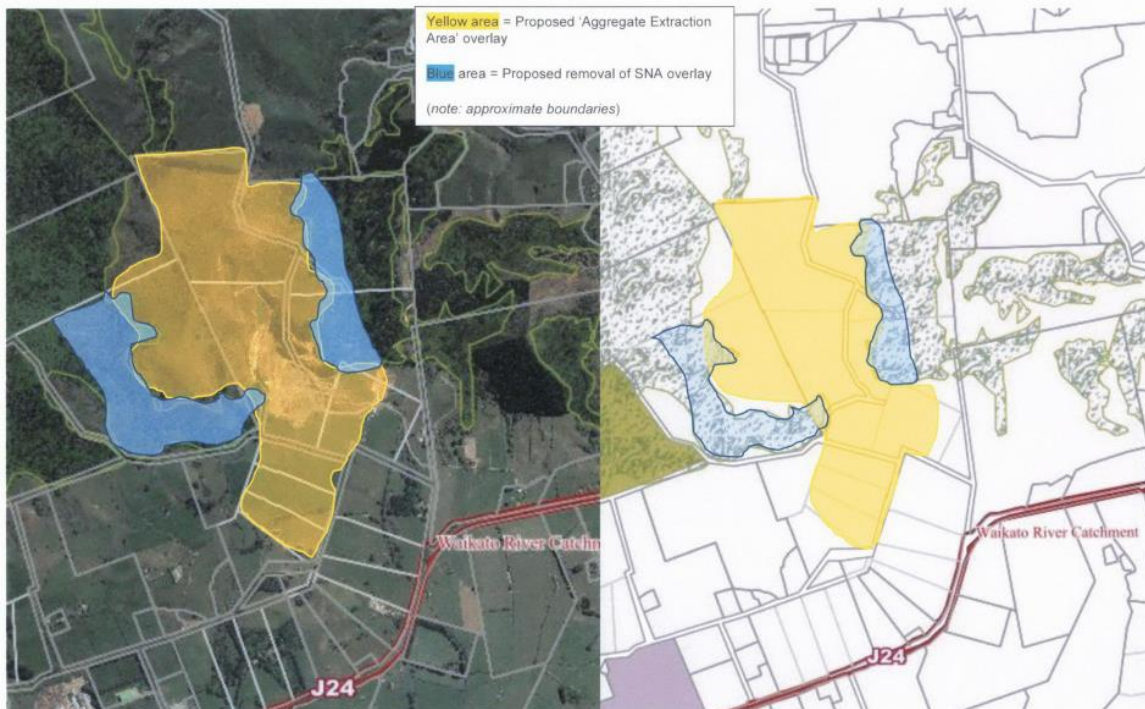
RD1	(c) Subdivision of a site containiag a Significnat Natural Area, must not divide the Significant Natural Area. (d) Council's discretion is restricted ot ch following matter: (ii) — Effects on the Significnat Natural Area
NC1	Subdivision that does not comply with Rule 21.4.5 RD1.

Appendix 3: Recommended Map Amendments

The below recommendations are based on consideration of the extent of the extraction-related overlays only. The Panel will be making separate decision regarding the extent of Significant Natural Area overlays. Where the Panel confirms the retention of a SNA, it is recommended that the SNA areas not be included in an extraction area overlay.

691.9 McPherson Resources Limited

Amend Aggregate Extraction Area to reflect the below map provided by the submitter.



Add to the Planning Maps an 'Aggregate Extraction Areas' overlay to be applied across the entirety of the McPherson quarry site including the following legal titles (see the maps attached to the submission):

CT NA2D/412 (comprising Allot 22 PSH of Mangatawhiri, Allot 139 and 140 PSH of Mangatawhiri and Allot 161 and 163 PSH of Mangatawhiri).

CT NA2D/497 (comprising Allot 162 PSH of Mangatawhiri).

CT NA2D/961 (comprising Allot 164 PSH of Mangatawhiri)

AND

Add to the Planning Maps an 'Aggregate Extraction Areas' overlay to be applied across the immediate neighbouring property of the McPherson quarry site, which have been earmarked for future expansions (as per resource consent application LUC023/19) being (see the maps attached to the submission):

CT NA577/25 (comprising Allotment 23 Settlement of Pokeno, Allotment 24 Settlement of Pokeno, Allotment 130 Settlement of Pokeno, Allotment 132 Settlement of Pokeno, Allotment 133 Settlement of Pokeno).

CT NA423/102 (comprising of Allotment 159 Parish of Mangatawhiri, Allotment 160 Parish of Mangatawhiri).

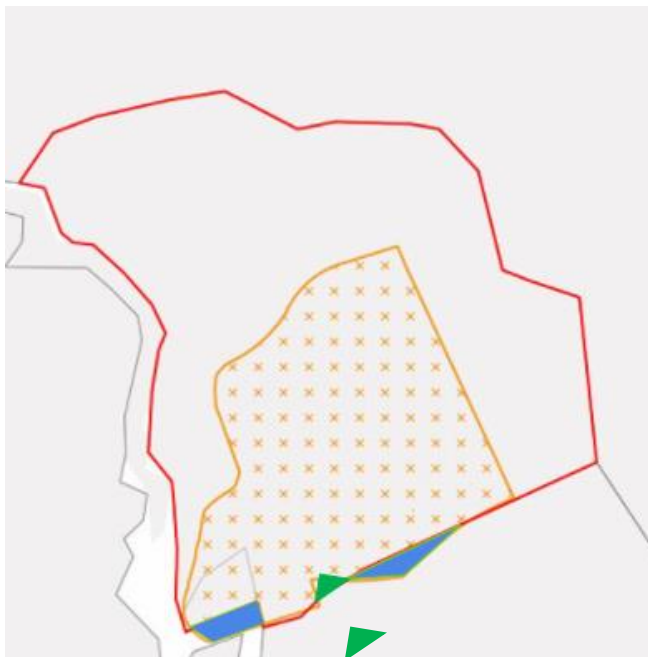
Anna Wilkes for Ravensdown 73.1

Amend the Aggregate Extraction Area overlay on the property at 2571 Port Waikato-Waikaretu Road, Tuakau so that the southern boundary of the overlay is aligned with the property boundary.

Notified Map Version of 2571 Port Waikato



Recommended map showing area to be removed in blue, and added in green



Winstone Aggregates [723.1]

Amend the boundary of the Aggregate Extraction Area for the Pukekawa and Meremere Quarries

Pukekawa Quarry recommended map showing area to be included in green

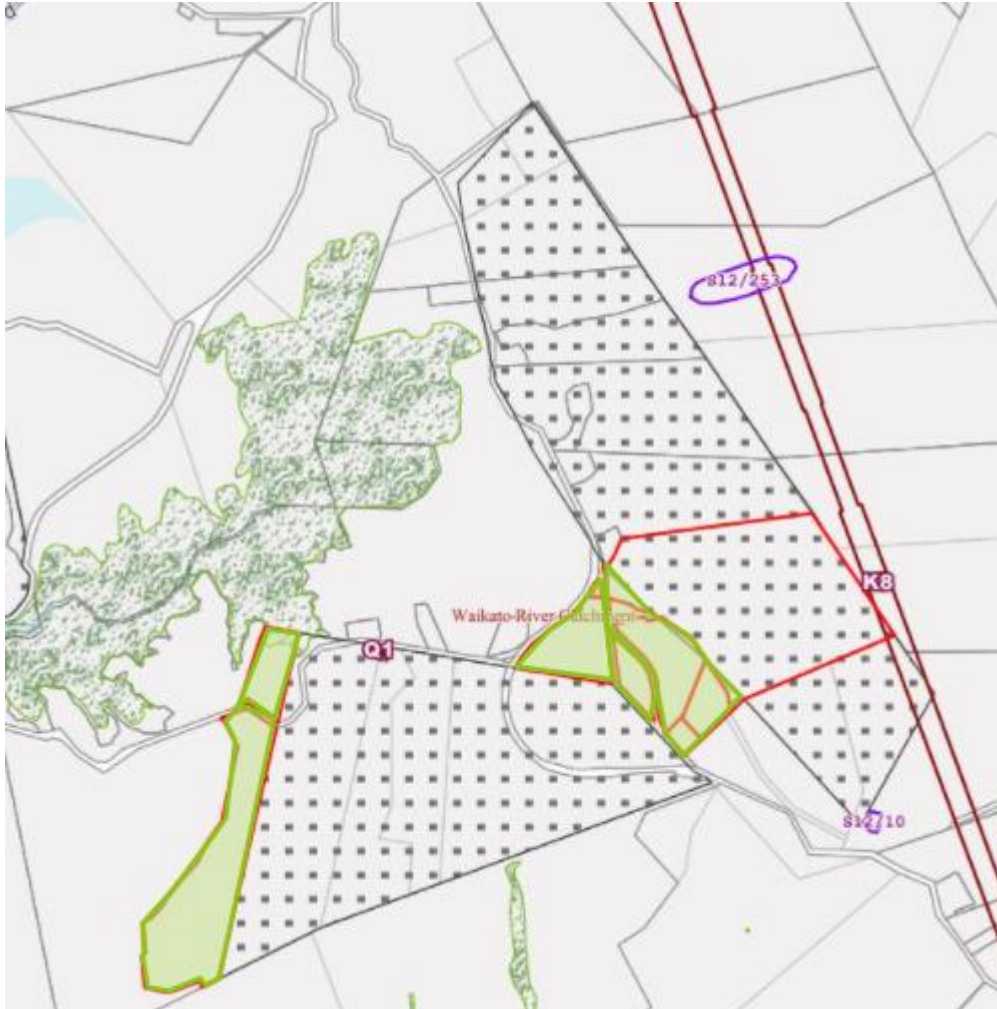


Meremere Quarry recommended map showing area to be included in green



Fonterra Ltd [797]

Amend the boundary of the Coal Mining Area, comprising the additional parcels legally described as: Lots 2 and 3 DPS 78583; Lots 1 and 8 DPS 519025; Part Lots 1, 4 and 5 DPS 74265; Part Lot 5 DP 405637; Sec 7 SO 449648



Waikato Aggregates Ltd [726] - Lot 2 DP 391449

Amend the boundary of the Aggregate Extraction Area on Lot 2 391449 (34A Tauwhare Road). Recommended map showing area to be included in green



Stevenson Waikato Ltd [591.12]

Amend the extent of the Aggregate Extraction Area to cover the overburden areas in association with the Stevenson Huntly Quarry at 300 River Road, Huntly. Recommended Map showing area to be included in green



New Zealand Steel Holdings Ltd [827]

Amend the extent of the Aggregate Extraction Area to cover the Waikato North Head site, including Sec 1 SO 40757, Allot 98 Parish of Waiuku West and Sec 2 SO 40757, the recycle ponds, water intake lagoon and adjacent area as shown on the below map (Figure 1) provided by the submitter.

Figure 1 - Map showing the Waikato North Head Operational Area.

The hatched area shows the required extent of the Maioro Mining Zone requested in this submission - to reflect the NZ Steel Mine Licence, property owned by NZ Steel and the intake water lagoon.

