

Submitter: Middlemiss Farm Holdings Limited

Submission number: 794

Submission number	Further submitter name	Further submitter oppose/support	Summary of decision requested	Decision	Decision report where this subject matter is addressed
794.1			<p>Amend Section 1.4.2.3 Challenges as follows: (a) <i>Economic development challenges facing the district are as follows: (i) Growth across the district is uneven. Population and associated economic growth is occurring predominantly in the north (Tuakau, Pokeno, Te Kauwhata) and in the south around the Hamilton periphery. <u>This challenge, which can be managed, is also an opportunity as new residents and businesses diversify and strengthen the economic base of the District. ...</u> (vi) Soil resources, including soil quality, are under threat due to <u>where</u> subdivision and intensification of land use <u>is inappropriate.</u> ... (ix) With growth pressure in both the Urban and Rural sectors, maintaining and enhancing the natural, and ensuring the sustainability of ecosystem services.</i> AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>	Reject	Decision Report 4: Introduction
FS1384.47	Mercury NZ Limited	Oppose		Accept	
FS1340.144	TaTa Valley Limited	Support		Reject	

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FSI377.276	Havelock Village Limited	Support		Reject	
794.2			<p>Amend Section 1.4.3 The Rural environment as follows: (a) The district benefits from an extensive rural area which contains a range of attributes necessary for productive rural activities, including a variety of soils, mineral resource and landscapes that are able to sustain diverse range of economic activities. A productive rural area is important to the economic health of the district and wider subregion, and needs to be recognised as a productive resource. (b) In addition, the rural parts of the district are valued for their landscape, character and amenity values <u>and indigenous habitats and waterways</u>. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>	Reject	Decision Report 4: Introduction
FSI384.48	Mercury NZ Limited	Oppose		Accept	
794.3			<p>Amend Section 1.4.3.1 Rural Activities as follows: (a) Productive rural activities are <u>include</u> those activities that use rural resources for economic gain or which cannot be carried out easily or appropriately in an urban setting. Farming activities, including dairy, dry stock, horse breeding/training, honey production, horticulture, pig and poultry, mining, and forestry are all</p>	Reject	Decision Report 4: Introduction

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			<p>significant industries in economic terms for the Waikato district. <u>Other productive rural activities include housing for people working in rural environments and ecosystem services that provide inputs for rural production (such as clean water) and assimilate output pollutants (such as nitrate and sediment run off).</u> (b) Rural-based activities that do not use rural resources directly include rural service industries and major facilities such as Hampton Downs. The recreational use of the rural environment is also important to the district, with activities such as hunting, fishing, tramping, and cycling being very important in terms of tourism. Lifestyle uses can be sensitive to the effects of mining, farming and horticulture operations and other significant activities. There is therefore potential for conflict between rural activities and other land uses. Excessive Lifestyle development in rural areas can have a number of adverse effects that need to be avoided<u>managed</u>. These effects <u>may</u> include the loss of rural amenity, rural production, and high quality soils, resulting in the potential for reverse sensitivity conflicts, demands for improved rural infrastructure and services that are difficult to provide economically, and reduced growth in urban areas, which affects the prosperity of urban areas. <u>However, through a design led site development process, and robust assessment criteria, rural residential development can be</u></p>		

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			<p><i>integrated into working rural environments in appropriate locations. (c) Rural areas are vulnerably to small scale change that, cumulatively, can have a profound effect on their efficient use for rural production and other rural activities. The continued modification of the rural environment through land use subdivision, and development as a result of residential and commercial growth, can adversely affect their natural and physical qualities and character. These qualities and character are important in maintaining investment in rural activities, which proportionally contribute the most to the district's GDP and provide a context to the development and sustainability of rural towns and villages.</i></p> <p>AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>		
FSI 168.9	Horticulture New Zealand	Oppose		Accept	
FSI 348.26	Perry International Trading Group Limited	Support		Reject	
FSI 384.49	Mercury NZ Limited	Oppose		Accept	
FSI 340.145	TaTa Valley Limited	Support		Reject	
FSI 342.217	Federated Farmers	Oppose		Accept	

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FS1379.331	Hamilton City Council	Oppose		Accept	
794.4			<p>Amend Section 1.4.3.2 Protecting the rural environment as follows: (a) The continued use of the rural areas for productive rural activities and other land and soil resource-dependent rural-based activities, as well as access to and the extraction of mineral resources, are important to the economic health and well-being of the district and wider subregion. It is therefore necessary to ensure that the continued, effective operations of farming activities or productive rural activities are not adversely affected by <u>manage growth in lifestyle activities including rural residential development.</u> A key focus is to ensure that resource does not become so fragmented that its attraction for activities that require a rural setting is diminished. (b) Activities affecting landscape, historic and amenity values including rural character, recreational activities, high quality soils, significant mineral resources and ecological values need to be managed to avoid adverse effects on the environment, including cumulative effects. This should occur through limiting managing the extent to which non-rural activities are able to establish in the Rural Zone. There is a need to uphold the increased level of control the Council has placed over subdivision activities in the Rural and Country Living Zones, particularly within the</p>	Reject	Decision Report 4: Introduction

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			<p>north Waikato and around the Hamilton City boundary. Any additional areas for rural residential development should be considered within identified growth areas of towns or villages. Non rural activities must occur in towns, villages and defined growth areas, and the expansion of such areas should be managed so that adverse effects on rural areas are minimised. (c) In line with the Regional Policy Statement, the district plan must ensure that rural-residential built development is directed away from natural hazard areas, regionally significant industry, high class soils, primary production activities on high class soils, electricity transmission, and locations identified as likely renewable energy generation sites and from identified significant mineral resources and their identified access routes. (d) Rural areas also contain degraded natural and physical resources, including soil, water and indigenous habitats, because of inappropriate rural productive activities. For example, the loss of indigenous biodiversity and habitats in the Waikato District is significant, and the mauri of the Waikato River has been compromised and it is no longer a healthy and reliable food source for tangata whenua. Degraded natural and physical resources urgently need protection, enhancement and restoration, including the establishment of new ecological habitats. This work is expensive and labour intensive to undertake at the scale</p>		

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			<u>required to meet the Purpose of the Act. In situ incentivised subdivision is an important method to manage the demand for residential/lifestyle growth in rural areas, while at the same time achieving significant environmental restoration benefits.</u> AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.		
FS1110.6	Synlait Milk Limited	Oppose		Accept	
FS1323.4	Heritage New Zealand Pouhere Taonga	Oppose		Accept	
FS1168.12	Horticulture New Zealand	Oppose		Accept	
FS1322.18	Synlait Milk	Support		Reject	
FS1384.50	Mercury NZ Limited	Oppose		Accept	
FS1308.135	The Surveying Company	Support		Reject	
FS1342.218	Federated Farmers	Oppose		Accept	
FS1379.334	Hamilton City Council	Oppose		Accept	
794.5			Amend Objective 3.1.1 Biodiversity and ecosystems as follows: (a) <i>Indigenous biodiversity values and the life-supporting capacity of indigenous ecosystems are maintained or</i>	Reject	Decision Report 9: Significant Natural Areas

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			<p>enhanced. <u>(b) New areas of indigenous biodiversity are established.</u> AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>		
FSI308.136	The Surveying Company	Support		Reject	
FSI342.219	Federated Farmers	Oppose		Accept	
794.6			<p>Amend Policy 3.1.2 Policies as follows: (a) Enable activities that maintain or enhance indigenous biodiversity including: (i) planting using indigenous species suitable to the habitat; (ii) the removal or management of pest plant and animal species; (iii) biosecurity works. <u>(iv) incentivised subdivision.</u>(b) Consider the following when avoiding, remedying or mitigating adverse effects on indigenous biodiversity: (x) ecological corridors, natural processes and buffer areas; <u>(xi) connections and linkages that integrate habitats and resources;</u> (x)<u>(xii) the appropriateness of landuse activities, including primary production;</u> (xi)<u>(xiii) legal and physical production of existing habitat;</u> (c) Provide for the removal of manuka or kanuka on a sustainable basis. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>	Reject	Decision Report 9: Significant Natural Areas

Submission number	Further submitter name	Further submitter oppose/support	Summary of decision requested	Decision	Decision report where this subject matter is addressed
FSI308.137	The Surveying Company	Support		Reject	
794.7			Retain Objective 3.2.1 Significant Natural Areas	Accept	Decision Report 9: Significant Natural Areas
794.8			Amend Policy 3.2.2 Identify and Recognise as follows: (a) <i>Identify significant indigenous vegetation and habitats of indigenous fauna in accordance with the Waikato Regional Policy Statement and identify as Significant Natural Areas.</i> (b) <i>Recognise and protect Significant Natural Areas by ensuring the characteristics that contribute to their significance are not adversely affected.</i> (c) <u><i>Incentivise subdivision for ecological enhancement where it will maintain and support the viability of existing Significant Natural Areas.</i></u> AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 9: Significant Natural Areas
FSI308.138	The Surveying Company	Support		Reject	
794.9			Amend Policy 3.2.7 (a) (i) Managing Significant Natural Areas as follows: (a) <i>Promote the management of Significant Natural Areas in a way that protects their long-term ecological functioning and indigenous biodiversity values, through such means as:</i>	Reject	Decision Report 9: Significant Natural Areas

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			<i>(i) permanently excluding stock through voluntary covenants and conservation incentive subdivisions</i> AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.		
794.10			Amend Policy 3.2.8 Incentivise subdivision as follows: <i>(a) Incentivise subdivision in the Rural Zone when there is the legal and physical protection of Significant Natural Areas, provided the areas are of a suitable size and quality to achieve a functioning ecosystem. (b) Incentivises in situ subdivision in the Rural Zone where there are significant ecological benefits.</i> AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 9: Significant Natural Areas
FS1308.129	<i>The Surveying Company</i>	<i>Support</i>		<i>Reject</i>	
FS1387.1242	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Accept</i>	
794.11			Amend Objective 5.1.1 The rural environment as follows: <i>Objective 5.1.1 is the strategic objective for the rural environment and has primacy over all other objectives in Chapter 5. (a) Subdivision, use and development within the rural environment where: (i) high class soils are protected for productive rural activities; (ii) productive rural activities are supported, while</i>	Reject	Decision Report 22: Rural Zone

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			<i>maintaining and enhancing the rural environment; (iii) urban subdivision, use and development in the rural environment is avoided, and other subdivision is managed.</i> AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.		
FS1375.5	Radio New Zealand	Oppose		Accept	
FS1387.1243	Mercury NZ Limited	Oppose		Accept	
794.12			Retain Objective 5.2.1 Rural resources.	Accept in Part	Decision Report 22: Rural Zone
FS1387.1244	Mercury NZ Limited	Oppose		Accept in Part	
794.13			Amend Policy 5.2.2 High class soils as follows: (a) Soils, in particular high class soils, are retained for their primary productive value. (b) Ensure the adverse effects of activities do not compromise the physical, chemical and biological properties of high class soils. AND Add the distinction between "elite" and "prime" high class soils into the Proposed District Plan (similar to the Auckland Unitary Plan) to better manage soil resources, including appropriate changes to the objectives, policies and rules. AND Amend the Proposed District Plan consequential or	Accept in Part	Decision Report 22: Rural Zone

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			additional amendments as necessary to give effect to the submission.		
794.14			<p>Amend Policy 5.3.8 Effects on rural character and amenity from rural subdivision as follows: (a) Protect <u>protective the amenity values</u> of rural areas by directing urban forms of subdivision, use and development to within the boundaries of towns and villages. ... (d) Rural hamlet subdivision, <u>in situ environmental enhancement incentive subdivision</u>, and boundary relocations ensure the following: (i) Protection of Rural land <u>can continue to be used for productive purposes</u>. ... AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>	Accept in Part	Decision Report 22: Rural Zone
794.15			<p>Add a new policy into Section 5.3 Rural Character and Amenity as follows: <u>Policy 5.3.8B - Environmental enhancement and restoration of ecosystem services</u> (a) <u>Enable environmental enhancement and the restoration of degraded ecosystem services by the provision of in situ incentive subdivision opportunities</u>; (b) <u>Avoid, remedy and mitigate any potential adverse effects of subdivision and development on other rural activities, soil and mineral resources, and rural amenity values</u>; (c) <u>Ensure that areas identified and restored are properly protected for</u></p>	Reject	Decision Report 22: Rural Zone

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			<i>the long term through appropriate legal mechanisms.</i> AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.		
FSI308.130	The Surveying Company	Support		Reject	
FSI387.1245	Mercury NZ Limited	Oppose		Accept	
794.16			Delete Rule 22.3.1 Number of dwellings within a lot; AND Add a more enabling provision. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 22: Rural Zone
FSI171.109	Phoebe Watson for Barker & Associates on behalf of T&G Global	Support		Reject	
FSI379.326	Hamilton City Council	Oppose		Accept	
FSI387.1246	Mercury NZ Limited	Oppose		Accept	
794.17			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	Accept in Part	Decision Report 22: Rural Zone

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			consequential or additional amendments as necessary to give effect to the submission.		
FS1308.131	The Surveying Company	Support		Accept in Part	
FS1387.1247	Mercury NZ Limited	Oppose		Accept in Part	
794.18			Delete Rule 22.3.7.5 Building setback - water bodies; AND Amend rules to relax the setback distances. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 22: Rural Zone
FS1387.1248	Mercury NZ Limited	Oppose		Accept	
794.19			Delete Rule 22.4.1.1 Prohibited subdivision; AND Add more enabling provisions for subdivision. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 22: Rural Zone
FS1328.30	Kenneth Graham Barry	Support		Reject	
FS1308.132	The Surveying Company	Support		Reject	
FS1379.327	Hamilton City Council	Oppose		Accept	

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794.20			Delete Rule 22.4.1.2 General subdivision; AND Add more enabling provisions as a replacement. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 22: Rural Zone
<i>FS1328.31</i>	<i>Kenneth Graham Barry</i>	<i>Support</i>		<i>Reject</i>	
<i>FS1379.328</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	
<i>FS1387.1250</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Accept</i>	
794.21			Delete Rule 22.4.1.4 Boundary relocation; AND Add more enabling provisions as a replacement. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 22: Rural Zone
<i>FS1379.329</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	
<i>FS1387.1251</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Accept</i>	
794.22			Delete Rule 22.4.1.5 Rural Hamlet Subdivision; AND Add more enabling provisions as a replacement. AND Amend the Proposed District Plan consequential or	Reject	Decision Report 22: Rural Zone

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			additional amendments as necessary to give effect to the submission.		
794.23			Delete Rule 22.4.1.6 Conservation lot subdivision; AND Add more enabling provisions as a replacement. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Accept in Part	Decision Report 22: Rural Zone
<i>FS1308.133</i>	<i>The Surveying Company</i>	<i>Support</i>		<i>Accept in Part</i>	
794.24			Delete Rule 22.4.6 Subdivision of land containing all or part of an Environmental Protection Area and Add more enabling provisions as a replacement. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 22: Rural Zone
<i>FS1387.1252</i>	<i>Mercury NZ Limited</i>	<i>Oppose</i>		<i>Accept</i>	
794.25			Delete Rule 22.4.9 Subdivision - Building platform AND Add more enabling subdivision as a replacement. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 22: Rural Zone

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794.26			Add a new rule to provide for in-situ incentive subdivision for environmental enhancement. Submission suggests the Auckland Unitary Plan could be used for guidance. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Accept in Part	
794.27			Add a transferable development right subdivision regime, particularly to relocate lots from elite soils that are inappropriately located. The submission suggests the Auckland Unitary Plan could be used for guidance. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 22: Rural Zone
<i>FSI 138.3</i>	<i>Glenn Michael Soroka and Louise Claire Mered as Trustees of the Pakau Trust</i>	<i>Support</i>		<i>Reject</i>	
<i>FSI 379.330</i>	<i>Hamilton City Council</i>	<i>Oppose</i>		<i>Accept</i>	
794.28			Amend the Proposed District Plan by introducing provisions from the Auckland Unitary Plan, including incentivised subdivision	Reject	Decision Report 22: Rural Zone

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			rules for the General Rural Area for Ecological benefit. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.		
794.29			Amend the Proposed District Plan maps to include the riparian areas on the property at 95 Jericho Road, Pukekohe shown in Appendix 2 of the submission as an Ecological Corridor or a similar layer. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 9: Significant Natural Areas
794.30			Amend the Proposed District Plan to enable the creation of up to 2 additional lots at 95 Jericho Road, Pukekohe East for a minimum 3ha of restoration and protection of indigenous vegetation. The size of the new lots could be between 5000m ² to 1.5ha. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 22: Rural Zone
794.31			No specific decision sought, but the submission supports any opportunity for 95 Jericho Road, Pukekohe East that is available under any rules in the Proposed District Plan, including for sites with older titles and larger	Reject	Decision Report 22: Rural Zone

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			than 20ha. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.		
FSI268.13	Jennie Hayman	Support		Reject	
FSI387.1253	Mercury NZ Limited	Oppose		Accept	
794.32			<p>Amend the provisions within Chapter 22.4 Subdivision, to provide for incentivised subdivision rules to enable ecological benefit within the rural area as a restricted discretionary activity as follows: <i>(b) In situ opportunity in all rural zones but which are subject to overlay rules for outstanding landscapes, features etc. (c) Lot yields Restoration planting: 1 new lot for every 2ha minimum Retirement succession: 1 new lot for every 4ha minimum Wetland establishment: 1 new lot for every 0.5ha establishment (excluding buffer areas) Riparian protection: 1 new lot for every 1.5ha minimum (minimum width of 10m and an average minimum of 15m either side of the stream bank or wetland. (d) the submitter considers whether a maximum cap be applied (e) lots with sizes ranging between 5000m² and 1.5ha. (f) clustering of lots is encouraged but not required as it is a design response issue and site dependent. AND Amend the provisions</i></p>	Reject	Decision Report 22: Rural Zone

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			<p>within Chapter 22.4 Subdivision for incentivise subdivision rules to enable ecological benefit within rural areas by incorporating the following Restricted Discretionary Assessment Criteria as follows:</p> <p><u>(a) Site specific design led approach to the identification of protection/enhancement areas, lot boundaries and building platforms;</u></p> <p><u>(b) Priority provided for the LENZ 4 most at-risk land, wetlands and streams;</u> (c) <u>Opportunity for linkages to other existing or future ecological areas;</u> (d) <u>The qualities and features of the resources to be protected/enhanced;</u> (e) <u>Locating accessways and building platforms, where practicable; off elite soils; where reverse sensitivity risk is managed; to maintain rural production (broadly defined); and to maintain and enhance rural amenity values.</u> (f) <u>The ecological and other benefits of the enhancement;</u> and (g) <u>Legal long-term protection and maintenance mechanisms.</u></p> <p>AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>		
FSI343.1	Bruce Cameron	Support		Reject	
FSI342.220	Federated Farmers	Support		Reject	

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FS1379.332	Hamilton City Council	Oppose		Accept	
FS1387.1254	Mercury NZ Limited	Oppose		Accept	
794.33			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	Decision Report 22: Rural Zone
FS1379.333	Hamilton City Council	Oppose		Accept in Part	
FS1387.1255	Mercury NZ Limited	Oppose		Accept in Part	
794.34			Amend Policy 5.2.3 Effects of subdivision and development on soils as follows: (a) <i>Subdivision, use and development minimises the fragmentation of productive rural land, particularly where high class soils are located.</i> (b) <i>Subdivision which provides a range of lifestyle options is directed away from high class soils and/or where indigenous biodiversity is being protected, where practicable.</i> AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Reject	Decision Report 22: Rural Zone
FS1308.134	The Surveying Company	Support		Reject	

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FS1387.1256	Mercury NZ Limited	Oppose		Accept	
794.35			Retain Objective 5.3.1 Rural character and amenity.	Accept in Part	Decision Report 22: Rural Zone
794.36			Amend Policy 5.3.2 Productive rural activities as follows: (a) Recognise and protect <u>enable</u> the continued operation of the rural environment as a productive working environment by: (i) Recognising that buildings and structures associated with farming and forestry and other operational structures for productive rural activities contribute to rural character and amenity values; (ii) Ensuring productive rural activities are supported by appropriate rural industries and services; (iii) Providing for lawfully-established rural activities and protecting them from sensitive land uses. AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.	Accept	Decision Report 22: Rural Zone
794.37			Retain Policy 5.3.3 Industrial and commercial activities.	Accept in Part	Decision Report 22: Rural Zone
FS1387.1257	Mercury NZ Limited	Oppose		Accept in Part	
794.38			Amend Policy 5.3.4 Density of dwellings and buildings within the rural environment as	Reject	Decision Report 22: Rural Zone

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			<p>follows: (a) Retain open spaces to ensure rural character is maintained. (b) Additional dwellings support workers' accommodation for large productive rural activities. (c) <u>Require site specific design responses for subdivision provisions that avoid, remedy and mitigate, any potential significant adverse effects of buildings on rural character and amenity.</u> AND Amend the Proposed District Plan consequential or additional amendments as necessary to give effect to the submission.</p>		
FS1387.1258	Mercury NZ Limited	Oppose		Accept	