

**BEFORE THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

**ENV-2022-AKL-000070**

**IN THE MATTER** of an appeal under clause 14(1) of  
Schedule 1 of the Resource  
Management Act 1991

**AND**

**IN THE MATTER** of a Proposed District Plan

**BETWEEN** **GREIG HOLDINGS LIMITED**

Appellant

**AND** **WAIKATO DISTRICT COUNCIL**

Respondent

**To: The Registrar  
Environment Court – Auckland**

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**AMENDED NOTICE OF APPEAL**

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*21 June 2023*

**Counsel Instructed**

Peter Fuller  
Quay Chambers  
2 Commerce Street  
P O Box 106215  
Auckland City 1143  
peter.fuller@quaychambers.co.nz  
021 635 682

## DECISION APPEALED

1. Grieg Holdings Limited (the **Appellant**), filed an appeal on 1 March 2023 on a decision of the Respondent, the Waikato District Council, on the following matter (the **Decision**):

The Proposed Waikato District Plan, notified and determined under Schedule 1 of the Act (**Proposed Plan**).

2. The Appellant made a submission on the Proposed Plan that was lodged by The Surveying Company Limited (Submitter number 685 and 689).
3. The Appellant is not a trade competitor for the purposes of section 308D of the Resource Management Act 1991 (**Act**).
4. The Appellant received notice of the Decision on 17 January 2022.
5. The Decision was made by commissioners and adopted by the Respondent.

## THE LAND AFFECTED

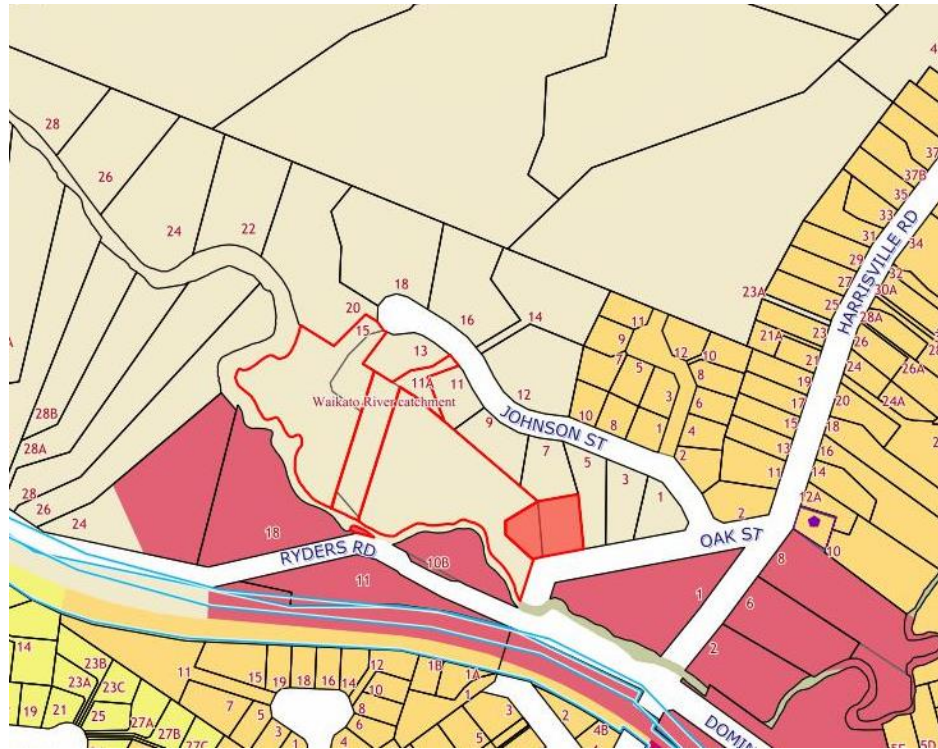
6. The land affected by the Proposed Plan and subject to the appeal is 1.9914 ha at Johnson and Oak Street, Tuakau. The land parcels are shown in the map below:



**Figure 1 – Greig land at Tuakau**

## PROVISIONS BEING APPEALED

7. The Decision rezoning map from the Village Zoning Report for Tuakau is inserted below:



**Figure 2 – Proposed Plan Decision Large Lot Zoning Map**

8. The Appellant is appealing the following parts of the Decision:
- a) The Appellant supported the Village Zone, and its associated planning provisions, as identified in the Notified Proposed Plan:



**Figure 3 – Notified Proposed Plan Village Zoning for Tuakau**

- b) However, the Decision changed the zoning to Large Lot Residential (**LLR**).
- c) Therefore, the objectives, policies and rules, including the zoning maps, of the Village zone and the LLR zoning, are appealed.
- d) The main part of the Decision being appealed is the deletion of the different lot size provisions for serviced and un-serviced land within the zone, that were included in the Notified Proposed Plan, and the refusal to grant a residential zoning.

## **REASONS FOR APPEAL**

- 9. The reasons for the appeal include, but are not limited to, the following matters:
- 10. The deleted Notified Proposed Plan Village Zone had differential lot size provisions, for serviced versus un-serviced land which was recommended by the section 42A Report and supported by submissions and expert evidence in the Hearings.
- 11. The Decision did not grant the residential zoning sought in the submission and a residential zoning is the most appropriate landuse activity for the site.



12. Regarding the Act, the Decision on the Proposed Plan does not:

- a) meet the purpose and principles in Part 2;
- b) enable people to provide for their social and economic wellbeing and for their health and safety, by unnecessarily limiting the development opportunities on the Appellants' land;
- c) use the land resource efficiently in terms of allocation, public and private welfare, and operational efficiency (s 7(b)). Urban land is a scarce resource and providing for higher density development will enable a more efficient use of natural and physical resources and promote sustainable management;
- d) mean that the Respondent achieves its functions as a territorial authority under s 31 of the Act, and in particular, by ensuring ("shall") that there is sufficient development capacity for housing and business land to meet demand (s 31(1)(aa));
- e) satisfy s 32 and s 32AA requirements, and in particular, the need to assess the benefits and costs of low density LLR lot sizes (2500 m<sup>2</sup>) versus the general residential zone. The LLR zone will result in lost opportunities for housing, economic growth and employment, and does not meet the tests in (s 32(2)(a));
- f) satisfy the matters that must be considered for a Proposed Plan (s 74);
- g) "give effect" to the higher order statutory planning instruments as is required (s 75(3)) and as explained further below;
- h) avoid, remedy and mitigate, significant adverse environmental effects, and in particular, the adverse effects on social and economic wellbeing from a shortage of housing choices; and
- i) demonstrate sound resource management practice.

13. Regarding the higher order statutory planning framework, and without limiting the generality of the above:

- a) The Decision does not give effect to the National Policy Statement – Urban Development 2020 (**NPS-UD**) including ensuring that there is sufficient

urban development capacity that is zoned, and commercially viable. For example, 2.2 Policies:

*Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:*

*(a) have or enable a variety of homes that:*

*(i) meet the needs, in terms of type, price, and location, of different households; and.....*

*.....*

*(c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport;*

*(d) and support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*

*(e) support reductions in greenhouse gas emissions ....*

- i. Housing choice and affordability will be improved by enabling higher density development that reduces the land cost component of housing (Policy 3).
- ii. The GRZ will provide for higher density development and achieve the following objective.

*Objective 6: Local authority decisions on urban development that affect urban environments are:*

*integrated with infrastructure planning and funding decisions;*

- iii. The land is serviced and it would be inefficient not to integrate the land use zoning density with the available and funded infrastructure services.
- iv. The Decision has also appeared to ignore the Respondents' obligations under Policy 10 that requires local authorities to:

*(b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and*

*(c) engage with the development sector to identify significant opportunities for urban development.*

- v. The Appellant is unaware of any concerns over servicing for GRZ densities on the appeal sites, and the land is a significant and centrally located urban development opportunity for Tuakau to provide much needed housing.
  - vi. The relief sought will give effect to a well-functioning urban environment (Objective 1 and Policy 6).
- b) The Decision does not give effect to the relevant objectives and policies of the Waikato Regional Policy Statement (**WRPS**) and in particular;
- vii. The lower density LLR zone will not achieve a compact urban form, integrated with infrastructure (WRPS 3.12(c)), and will not help to ease pressure for additional greenfield development in inferior locations.
  - i. The relief sought “gives effect” to the WRC-RPS and Chapter 3.12 Built Environment objectives, and Chapter 6 provisions in particular. Tuakau is an established village, and it has been appropriately identified for some urban growth.
  - ii. A higher density GRZ will best achieve the protection of productive soils from inappropriate subdivision, use and development (WRPS 3.25 & 3.26).
14. It is noted that the WRPS pre-dates the NPS-UD and has not been amended to reflect the new statutory requirements. Therefore, if there is any inconsistency, and the NPS-UD is more enabling of housing capacity provision, it should be given more weight.
15. The Decision does not ensure consistency and integration (horizontal and vertical) with the relevant objectives and policies of other parts of the Proposed Plan and the higher order statutory requirements. For example, the decision to “down-zone” the land, by removing the LLR servicing provision, does not implement:

*Objective UFD-01 – Urban environment*

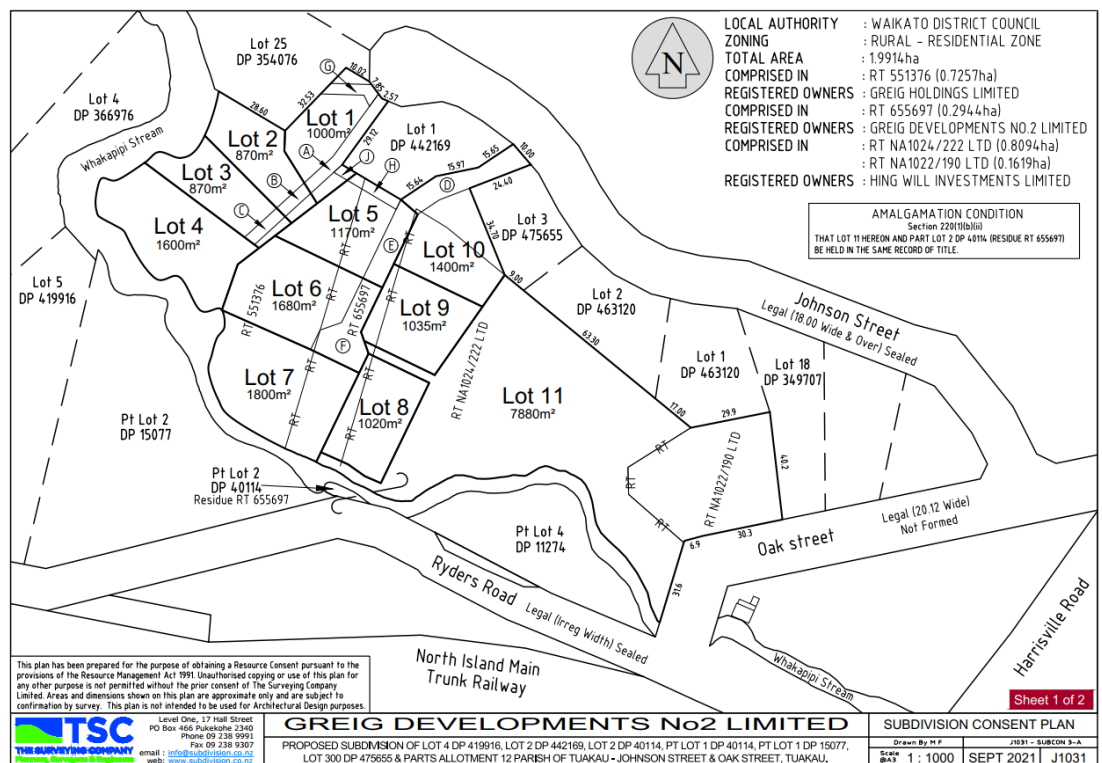
*A compact urban form* that provides for connected liveable communities.

Or;

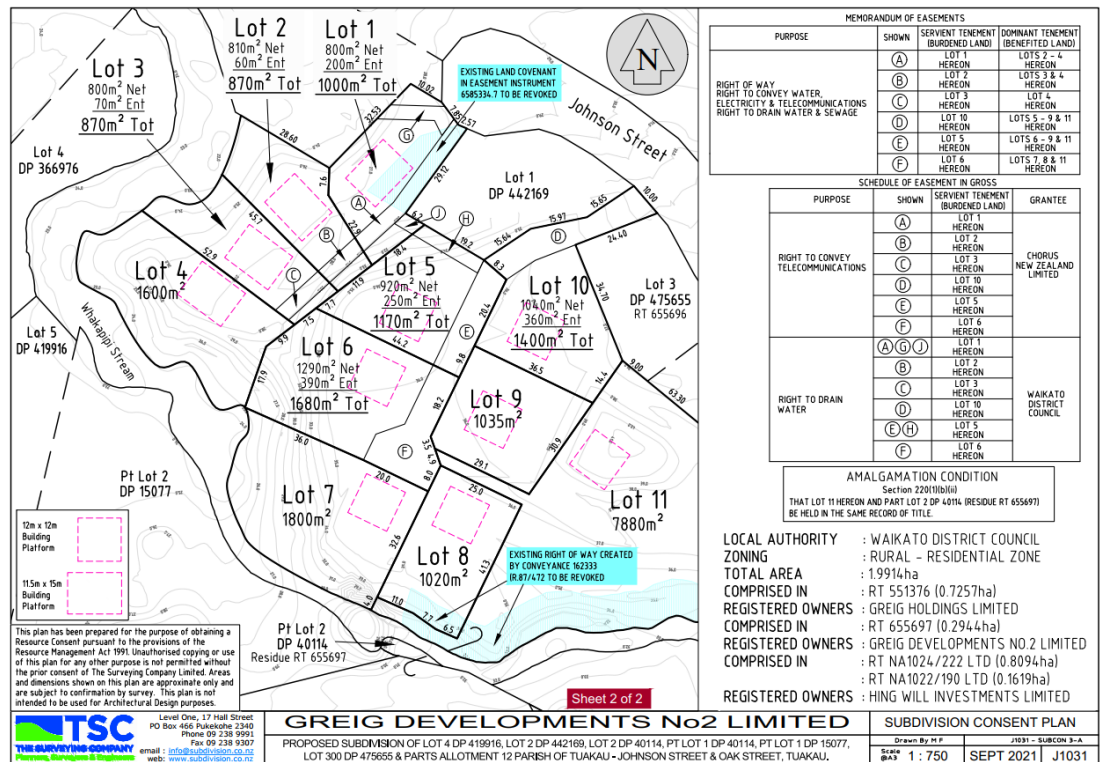
*SD-04 – Housing variety*

*A variety of housing types are available to meet the community's housing needs.*

16. It is contrary to sound planning practice for the zoning to be inconsistent with a consented activity that is part way through construction. Incongruous zoning provisions trigger unnecessary resource consents for no demonstrable resource management purpose.
17. The Hearings Panel did not appear to be aware of the significant resources that have already been expended in developing the land to be consistent with the serviced Village Zone, with full knowledge and approval of the Respondent through the resource consents it has granted. In making a generic determination the Panel did not take into account the following relevant facts regarding the Appellants' land.
18. This project \ has been progressing for approximately 8 years and is relying on the Proposed Plan Village Zone rules regarding lot sizes and servicing.
  - a) The Appellant has obtained resource consents for earthworks and development setbacks \ and is well advanced in developing the land in accordance with the provisions in the Village Zone. The proposed scheme plans are provided below.







**Figure 4 – Proposed Subdivision Consent Plan for Greig at Johnson and Oak Street**

19. The LLR zone will merely frustrate, and increase the costs of the provision of much needed housing in Tuakau. Indeed it is estimated that the “down-zoning” will result in the loss of 10 \ dwellings on the appeal land. The Decision provided no thorough analysis as to what “benefits” justify such a significant “cost” and loss of societal welfare (s32, s5 and NPS-UD).
20. Further reasons are outlined in the original submission and further submission.

## RELIEF SOUGHT

21. The Appellant seeks the following relief:

- That the Decision be overturned, in part, in accordance with the grounds outlined in this appeal and the relief sought.
- That the Appellant’s site be rezoned GRZ.
- That, in the alternative, the Proposed Plan be amended, insofar as it does not provide the Appellant with the;
  - objectives and policies;

- rules;
- activity status;
- standards;
- and zoning relief,

to achieve the serviced Village Zone density of urban development enabled under the Notified Proposed Plan.

- d) In the alternative to GRZ, reinstatement of the reticulated/non reticulated minimum lot size provisions that were included in the Notified version of the Proposed Plan.
- e) Other such relief, and consequential amendments, as considered appropriate to meet the purpose of the Act and the higher level statutory planning requirements.
- f) Costs of and incidental to this appeal.

## MEDIATION

22. The Appellants consent to engaging in mediation, or any other dispute resolution activity that may be appropriate, to try and settle its appeal.

## DOCUMENTS ATTACHED

23. The following documents are **attached** to this notice:

- a) The Appellants original submission and further submission on the Proposed Plan (**Appendix A**).
- b) The Decision report for the Village Zone and Tuakau area (**Appendix B**) – provided with the original appeal.
- c) A list of names and addresses of potential persons to be served with a copy of this Amended notice (**Appendix C**).

**DATED** this 21<sup>st</sup> day of June 2023



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**Peter Fuller**  
**Counsel for Greig Holdings Limited**

### **Address for service:**

Peter Fuller  
*LLB, MPlan, DipEnvMgt, BHortSc*  
Quay Chambers  
Barrister  
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## **Advice to recipients of copy of amended notice of appeal**

### *How to become a party to proceedings*

You may be a party to the appeal if;

- (a) within 15 working days after the period for lodging a notice of appeal ends you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- (b) within 20 working days after the period for lodging a notice of appeal ends, you serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements (see form 38).

### *How to obtain copies of documents relating to the appeal*

The copy of this notice served on you does not attach a copy of the appellant's submission or the decision appealed. These documents may be obtained, on request, from the appellant.

### *Advice*

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

**APPENDIX A**  
**APPELLANTS' ORIGINAL AND FURTHER SUBMISSIONS**

27<sup>th</sup> September 2018



**THE SURVEYING COMPANY**  
Specialist Surveyors, Planners & Engineers

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Level One, 17 Hall Street  
PO Box 466 Pukekohe 2340  
Phone 09 238 9991  
Fax 09 238 9307  
email: [info@subdivision.co.nz](mailto:info@subdivision.co.nz)  
web: [www.subdivision.co.nz](http://www.subdivision.co.nz)

Waikato District Council  
Private Bag 544  
**NGARUAWAHIA 3742**

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

### **Introduction**

This Submission is from:

Greig Holdings Limited  
C/- The Surveying Company  
PO Box 466  
**PUKEKOHE 2340**

**Attn: Leigh Shaw**

Ph: (09) 238 9991

Email: [leigh@subdivision.co.nz](mailto:leigh@subdivision.co.nz)

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

The Survey Company has been engaged to prepare a submission on the Proposed Waikato District Plan on behalf of Greig Holdings Limited. The submission relates to the site located at Johnson Street, Tuakau. The site is two hectares in area and is located to the north of the existing CBD of Tuakau. The property is proposed to be zoned village.

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

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





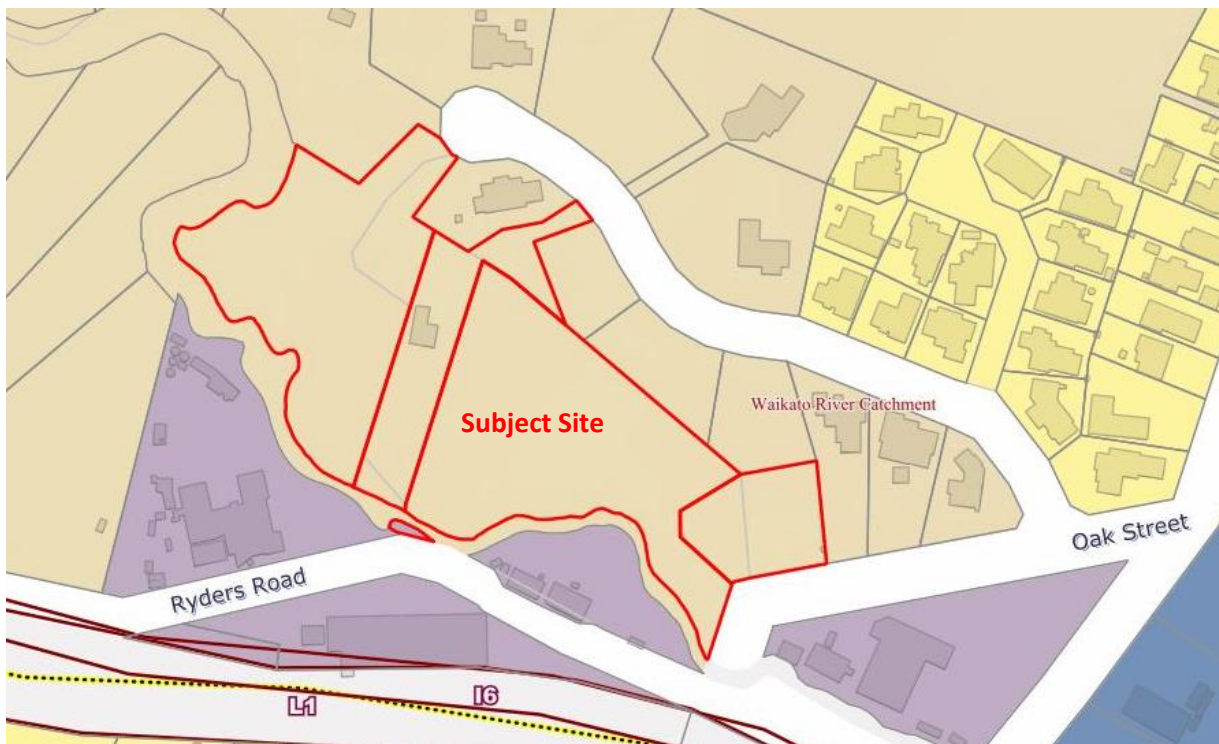


Figure 1: Subject site located at Johnson/Oak Street.

The specific provisions of the Proposed Waikato District Plan that my submission relates to the zoning of land within walking distance of the Tuakau Town Centre as follows:

Prepared by:

**THE SURVEYING COMPANY LTD**

**VANESSA ADDY**

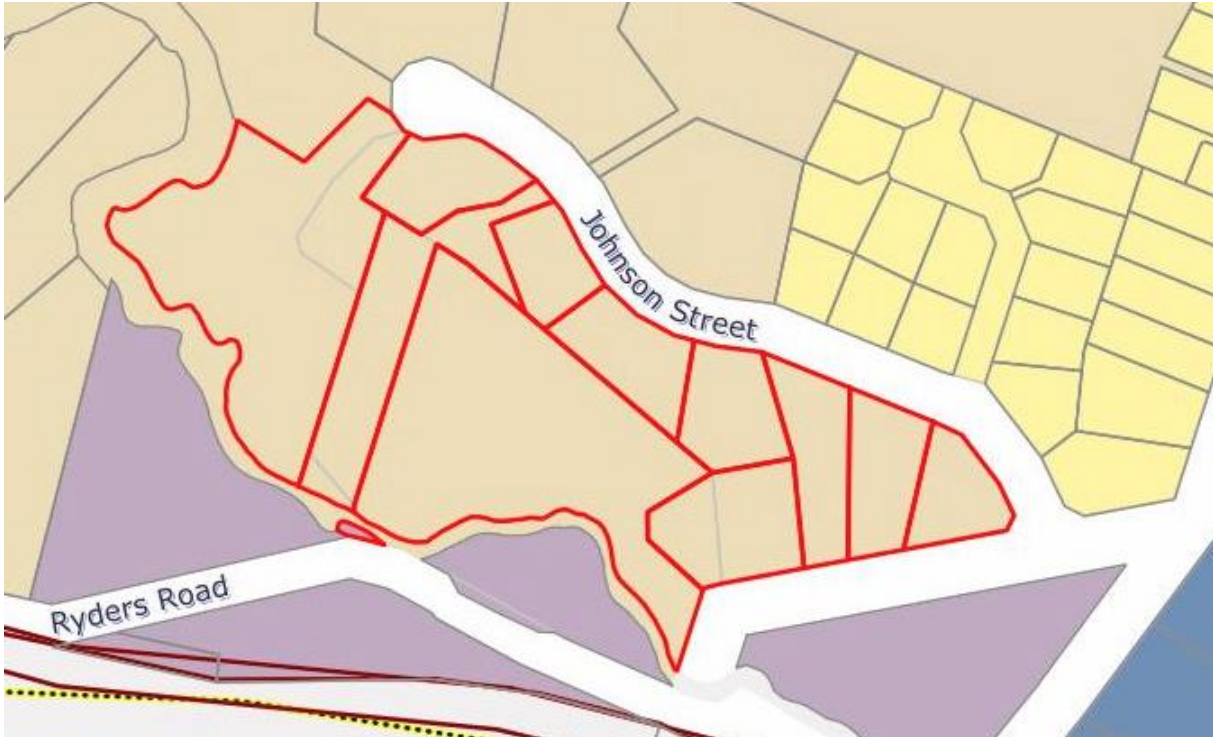
Senior Planner

Reviewed by:

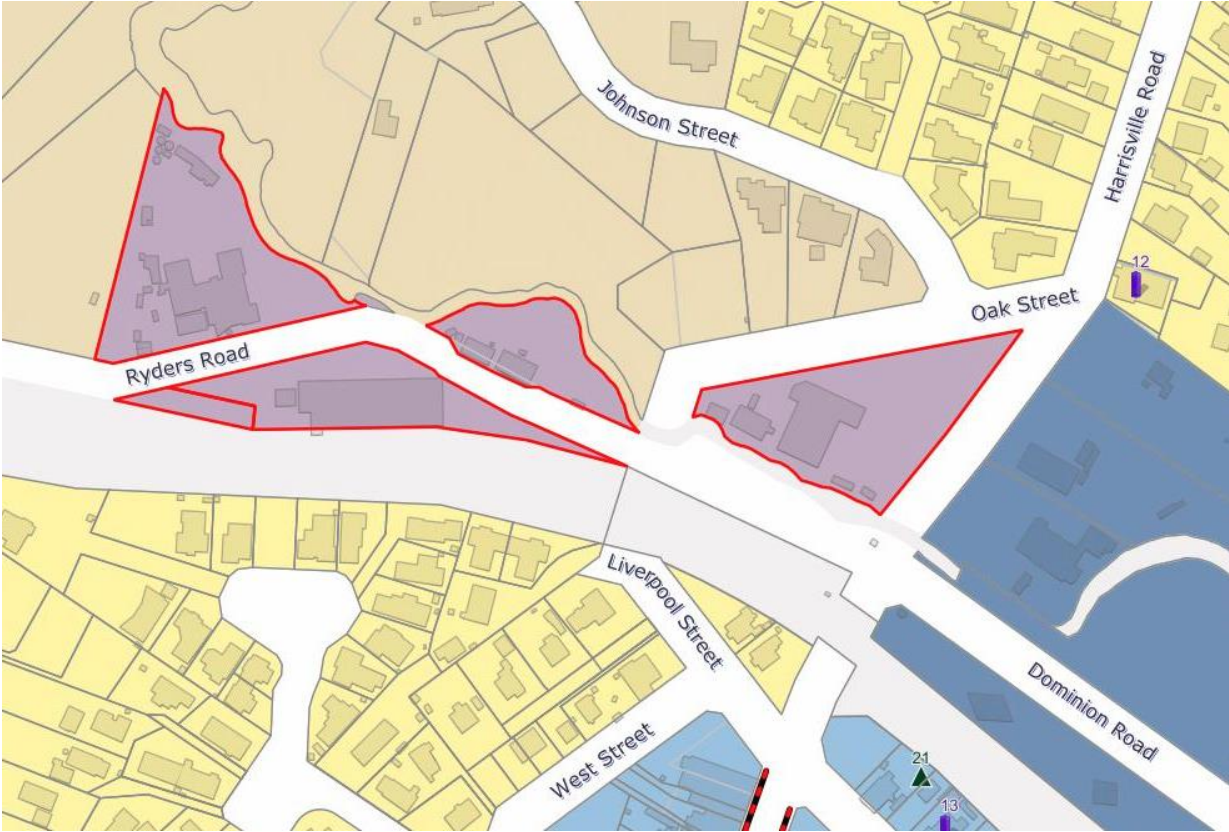
**LEIGH SHAW**

**THE SURVEYING COMPANY LTD**

Planning Manager

Proposed Zone/Overlay	Support/ Oppose	Our Submission is:	We seek the following decision:
Village	Oppose  Amend Maps	<p>Overall we support the intent of the Plan and the rezoning of land for residential and business use in the Tuakau area for the following reason:</p> <ul style="list-style-type: none"> <li>• Zoning of residential land gives effect to the NPS on Urban Land Capacity which identifies the Waikato District as high growth urban area.</li> </ul> <p>Our submission relates to zoning of land at Johnson/Oak Street, Tuakau as shown below.</p>  <p><i>Figure 2: Land located at Johnson/Oak Street to be zoned Residential.</i></p> <p>We oppose the village zoning of the land at Johnson/Oak Street, Tuakau and request this is zoned <b>Residential</b> for the following reasons:</p>	<p>We support the rezoning of subject land for residential use within Tuakau but request that the maps are amended so that the land at Johnson/Oak Street is zoned <b>Residential</b>.</p>

		<ul style="list-style-type: none"> <li>• Village zoning is an inefficient use of the urban land resource that is in close proximity to the town centre of Tuakau, within walking distance of approximately 400 metres.</li> <li>• The site is serviced by Council's water and wastewater infrastructure. The council should give consideration to residential subdivision in suitably located areas that are able to utilise urban services.</li> <li>• The site's development will create residential growth within an appropriate area and directs residential growth away from rural and coastal areas in the District.</li> <li>• The rural areas of Tuakau contain versatile soils that are used for rural production activities. These soils contribute significantly to both regional and national food supply. Intensification of urban land at higher densities should be encouraged within close proximity of the Tuakau town centre to ensure that land supply requirements meet expected growth while preserving the soil resources. The maximisation of the lands residential development potential will future proof the capacity of land supply to avoid further encroachment into the rural area past the lifetime of this Plan. The proposed Village zoning underutilises the land resource where Residential zoning in this location is more appropriate given its proximity to the town centre of Tuakau.</li> <li>• Fails to give effect to the Future Proof Strategy identified in 1.5.1 of the Plan that seeks a shift in the existing pattern of land use towards accommodating growth through a more compact urban form based on concentrating growth in and around Hamilton (67%) and the larger settlements of the district (21%). This involves a reduction in the relative share of the population outside of the subregion's existing major settlements through tighter control over rural-residential development and encouraging greater urban densities in existing settlements. In respect to this strategy, the proposed village zone is considered to be an inefficient use of the residential land resource.</li> <li>• "Village" zone does not feature in the Draft National Planning Standards. While the standards are still in draft form, it should be encouraged that the Proposed Waikato District Plan follows the format set out in the standards.</li> <li>• There is no assessment in the s32 analysis as to why this land has been zoned village.</li> </ul>	
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Proposed Zone/Overlay	Support/ Oppose	Our Submission is:	We seek the following decision:
Industrial	Oppose  Amend Maps	<p>Overall we support the intent of the Plan and the rezoning of land for residential and business use in the Tuakau area.</p> <p>Our submission relates to zoning of land shown below.</p>  <p><i>Figure 3: Land to remain zoned Business.</i></p> <p>We oppose the proposed Industrial zoning of the land between the subject site and the CBD of Tuakau for the following reasons:</p> <ul style="list-style-type: none"> <li>• The proposed industrial land is considered to provide ad-hoc development. This will introduce smell and noise sensitivity of some of the industries and business activities in the town to occur in the future.</li> </ul>	<p>We oppose the rezoning of the land between the subject site and the Tuakau Town Centre to Industrial.</p> <p>This land should remain zoned <b>Business</b>.</p>



		<ul style="list-style-type: none"> <li>• There is considerable stock of existing undeveloped industrial land situated on Bollard Road to the south-east of Tuakau.</li> <li>• A key principle of a district plan is to provide buffers between residential and industrial activities to reduce reverse sensitivity effects of industry.</li> <li>• No additional areas for industry are required as there is a large area of industrial zoned and as yet undeveloped land to the east of the town. The industrial area is separated from the residential areas by the gully through which Kairoa stream flows.</li> <li>• New opportunities for industrial activities should <u>not</u> be encouraged adjoining the town centre and residential areas. The plan needs to enable industrial development in the Whangarata industrial area</li> <li>• Any existing businesses located in the subject area are protected by either land use consents or existing use rights.</li> <li>• The Tuakau Structure Plan shows this area as part of the Business Zone.</li> <li>• The town centre is a focal point to provide a mixture of business and community services.</li> <li>• There is no assessment in the s32 analysis as to why this land has been zoned industrial.</li> </ul>	
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20 June 2019



Waikato District Council  
Private Bag 544  
**NGARUAWAHIA 3742**

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

### **Introduction**

This Submission is from:

Greig Developments No 2 Limited  
C/- The Surveying Company  
PO Box 466  
**PUKEKOHE 2340**

**Attn: Leigh Shaw**

Ph: (09) 238 9991  
Email: [leigh@subdivision.co.nz](mailto:leigh@subdivision.co.nz)

The Surveying Company prepared a submission number 689 on the Proposed Waikato District Plan (PWDP) and has been engaged to prepare a further submission on the Proposed Waikato District Plan on behalf of Greig Developments No 2 Limited.

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

Greig Developments No 2 Limited have an interest in the proposal greater than the interest that the general public has as they are considering the feasibility of developing land around Tuakau and are directly affected by the submissions identified below.



We wish to be heard at the hearing in support of this further submission. If others make a similar submission I will consider presenting a joint case with them at the hearing.

We have added further pages/sheets that form part of our further submission.

We understand that we are responsible for serving a copy of our further submission on the original submitter(s) within 5 working days after it is served on Council.

Yours faithfully

**THE SURVEYING COMPANY LTD**

Prepared by:



**VANESSA ADDY**

Senior Planner

Reviewed by:



**LEIGH SHAW**

Planning Manager

**cc.**

Waikato Regional Council

CKL

Ports of Auckland Limited

Classic Builders Waikato Limited

Garth and Sandra Ellmers

Auckland Council

Greig Metcalfe

Waikato District Council

Russell Grey

Sharp Planning Solutions

Vineyard Road Properties Limited

Brent Trail for Surveying Services Ltd

Van den Brink Group

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[Alan@vandenbrinkgroup.co.nz](mailto:Alan@vandenbrinkgroup.co.nz)

Submitter Name	Submission Point	Relevant Provision	Relief Sought by the Submitter	Support/ Oppose	Reasons
Waikato Regional Council	81.149	16.1.3 Restricted Discretionary Activities	Add to Rule 16.1.3 RD 1 A Multi-Unit development a new condition as follows: The development is either serviced by or within 400m walking distance of public transport.	Neutral	<p>We support the intent of this submission to encourage multi-unit development close to existing town centres with public transport links.</p> <p>However, we oppose the implication that towns without public transport links cannot have multi-unit developments for their residents. Many of the Waikato District Towns have no public transport and even if a train line passes through the town, there is no service and/station for the residents to use public transport.</p>
CKL	471.35	16.1.2 Permitted Activities	Amend Rule 16.1.2 P3 (a) Permitted Activities, to enable retirement villages on a site that has a net area less than 3ha or require resource consent at this scale. AND Any consequential amendments necessary.	Support	<p>Finding an area of land over 3 hectares in size in the Residential zone will be challenging. Retirement villages can range in their design including individual detached units, townhouses and apartment-style units in a multi-storey building.</p> <p>A minimum site size of 3 hectares will add to urban sprawl rather than provide housing intensification close to existing town centres.</p>

Submitter Name	Submission Point	Relevant Provision	Relief Sought by the Submitter	Support/ Oppose	Reasons
CKL	471.36	16.1.2 Permitted Activities	Amend Rule 16.1.3 RD1 (c) Restricted Discretionary Activities, so that the minimum net site area for multi-unit developments is reduced to 150m2 or 200m2 per residential unit based on average site area(rather than 300m2 per residential unit based on net site area). AND Any consequential amendments necessary.	Support	The rule in the PWDP does not promote higher densities or compact development and will add to urban sprawl rather than housing intensification. Density should be appropriate to the physical attributes of the proposed development.
Classic Builders Waikato Limited	123.3	16.1.3 Restricted Discretionary Activities	Delete Rule 16.1.3 RD1 (c) Restricted Discretionary Activities, which requires a minimum net site area of 300m2 for multi-unit development OR Amend Rule 16.1.3 RD1 (c) Restricted Discretionary Activities to reduce the minimum net site area to less than 300m2 for each unit for multi-unit development.	Support	The rule in the PWDP does not promote higher densities or compact development and will add to urban sprawl rather than housing intensification. Density should be appropriate to the physical attributes of the proposed development.
Garth and Sandra Ellmers	244.4	16.1.3 Restricted Discretionary Activities	Amend Rule 16.1.3 RD1 (c) Restricted Discretionary Activities, to decrease the minimum site area required for duplexes to 200m2.	Support	The rule in the PWDP does not promote higher densities or compact development and will add to urban sprawl rather than housing intensification. Density should be appropriate to the physical attributes of the proposed development.

Submitter Name	Submission Point	Relevant Provision	Relief Sought by the Submitter	Support/ Oppose	Reasons
Garth and Sandra Ellmers	244.5	16.1.3 Restricted Discretionary Activities	Amend Rule 16.1.3 RD1 (c) Restricted Discretionary Activities, to decrease the minimum site area required for duplexes to 200m2.	Support	Site coverage needs to be increased to allow for a reasonably sized home on smaller sites.
Ports of Auckland Limited	578.27	16.1.2 Permitted Activities	Amend Rule 16.1.2 P3 to remove retirement villages as a permitted activity within the Residential Zone. AND Amend Rule 16.1.3 Restricted Discretionary Activities, to include rules relating to new or altered retirement villages ...	Oppose	This is a site-specific submission that will have major implications on all areas of the Waikato District.
Auckland Council	372.16	16.1.3 Restricted Discretionary Activities	Amend Rule 16.1.3 Restricted Discretionary activities, as it relates to Pokeno and Tuakau ...  OR Add an alternative residential zone for Pokeno and Tuakau which provides for terraced housing.	Support	The rules in the PWDP within the residential zone will not provide for intensification of the existing urban area nor will they result in a range of housing typologies that facilitate housing choice.  Higher minimum densities than those proposed are more appropriate for established residential areas immediately adjacent to the Business Town Centre zones. Higher residential densities around this zone would better support public transport and other infrastructure, the commercial vitality of the town centre and promote people living, working and playing in their local town centres.

Submitter Name	Submission Point	Relevant Provision	Relief Sought by the Submitter	Support/ Oppose	Reasons
Greig Metcalfe	602.46	24.1.1 Permitted Activities	Add a new rule to Rule 24.1.1 Permitted Activities for "A new retirement village or alterations to an existing retirement village" and appropriate activity-specific conditions. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.	Support	Retirement villages are appropriate land use in the Village Zone. Retirement villages do not feature as a land use activity in the village zone. Given the demand for such facilities, provision should be made for retirement villages in all urban areas, including the village zone.
Greig Metcalfe	602.47	24.2.4.1 Earthworks - General	Delete Rule 24.2.4.1 P1(a)(i) Earthworks - General. AND Delete Rule 24.2.1 P3(a)(iv) Earthworks - General. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.	Support	Earthworks within 1.5m of a boundary are inevitable and even the most minor activity, such as digging a posthole, would trigger the requirement for resource consent.
Waikato District	697.942	24.1.1 Permitted Activities	Add a new activity to Rule 24.1.1 after P8 for retirement villages.	Support	Retirement villages are appropriate land use in the Village Zone. Retirement villages do not feature as a land use activity in the village zone. Given the demand for such facilities, provision should be made for retirement villages in all urban areas, including the village zone.

Submitter Name	Submission Point	Relevant Provision	Relief Sought by the Submitter	Support/ Oppose	Reasons
Greig Metcalfe	602.48	24.2.4.1 Earthworks - General	Delete Rule 24.2.4.1 NCI Earthworks - General. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.	Support	The importation of clean fill is provided for as a permitted activity by other rules (P2 and P3).
Russell Grey	333.1	24.3.5 Building coverage	Amend Rule 24.3.5 P2 Building Coverage, reducing the provision from 20% to 15%.	Oppose	20% allows greater flexibility in housing choice and built form. Buildings are anticipated for this zone and do not need to be further restricted by reducing the building coverage. 20% building coverage will achieve adequate low-density housing opportunities while continuing to provide a sense of open space between properties.
Sharpe Planning Solutions	695.135	24.3.5 Building coverage	Amend Rule 24.3.5 P1 and P2 to retain the operative district plan building coverage of 10% or 300m <sup>2</sup> , whichever is the larger.	Oppose	20% allows greater flexibility in housing choice and built form. Buildings are anticipated for this zone and do not need to be further restricted by reducing the building coverage. 20% building coverage will achieve adequate low-density housing opportunities while continuing to provide a sense of open space between properties.



Submitter Name	Submission Point	Relevant Provision	Relief Sought by the Submitter	Support/ Oppose	Reasons
Vineyard Road Properties Limited	626.2	24.4.1 Subdivision – General	Amend the minimum net site area for general subdivision in the Village Zone to 2000m <sup>2</sup> , whether or not the lots are publicly reticulated; AND/OR Amend the Proposed District Plan with any necessary consequential or other relief that addresses these concerns.	Oppose	<p>Where reticulation exists, opportunities for subdivision at a higher density should prevail. A reduced minimum lot size where lots can be reticulated will provide more efficient use of both the land resource and the corresponding available infrastructure.</p> <p>The Village Zone is an <b>urban</b> environment that anticipates low-density development. A minimum lot size of 1000m<sup>2</sup> will continue to maintain open space and achieve the appropriate level of amenity.</p>

Submitter Name	Submission Point	Relevant Provision	Relief Sought by the Submitter	Support/ Oppose	Reasons
Brent Trail for Surveying Services Ltd	382.7	24.4.11 Subdivision Creating Reserves	Amend Rule 24.4.11 RD1 (a) Subdivision Creating Reserves, by replacing 50% with 20%.	Oppose	<p>Rule 24.4.11 RD1(a)-Subdivision Creating Reserves should be deleted and made into a matter of discretion.</p> <p>Roading infrastructure is expensive and the rule will result in additional costs for developers which may not be justifiable from an economic perspective. The enforcement of the rule may increase the cost of development which could be passed onto purchasers. This is an arbitrary standard which may not be relevant for all reserve types or developments. Safety and surveillance of reserves may be achieved with less road frontage. There is no analysis in the s32 stating why the 50% road frontage rule has been applied. While this may be a principle to follow it should not be enforced through a rule.</p>

Submitter Name	Submission Point	Relevant Provision	Relief Sought by the Submitter	Support/ Oppose	Reasons
Sharpe Planning Solutions	695.139	24.4.9 Road frontage	Retain the 20m frontage as proposed in Rule 24.4.9 RD1(a) Road frontage .	Oppose	The layout of development is dependent on the size and shape of the site as well as its topography (amongst other constraints). While a 20m minimum width along a road boundary can generally work in many developments that have the ability to follow a grid design, not every site is flat with no size or shape constraints. Sites with topographical natural or physical constraints may be unable to practically implement a layout that achieves 20m road frontage for all lots with the road. There may also be sites where the lay of the land is best suited to an alternative roading design. There is no analysis in the s32 regarding this relevance or practicality of this rule.

Submitter Name	Submission Point	Relevant Provision	Relief Sought by the Submitter	Support/ Oppose	Reasons
Van den Brink Group	633.32	Maps>Zones >Industrial	<p>Amend the zoning of properties at Ryders Road and Harrisville Road, Tuakau from Industrial Zone to Business Zone (see attachment 2 to the submission).</p> <p>AND</p> <p>Rezone a portion of the property at 24 Ryders Road, Tuakau from Village Zone to Business Zone. (see attachment 2 to the submission).</p> <p>AND</p> <p>Any consequential amendments and/or additional relief required to address the matters raised in the submission.</p>	Support	Council should not zone land based solely on current land uses. The land is situated within proximity to the centre of Tuakau, where redevelopment can provide opportunities to support the residential growth projected for this area. The location of this land lends itself to commercial development opportunities such as retail, office to support an increasing population.
Van den Brink Group	633.54	Rule 20.2.1	Delete Rule 20.2.1 Servicing and hours of operation in its entirety.	Oppose	Restricting the hours of operation of businesses located in the Industrial zoned land where it adjoins Residential/Village zoned land is highly appropriate as it will assist in reducing reverse sensitivity effects between the two quite different zones. This will assist in and achieving a more appropriate level of amenity given the sensitivities between the two zones.

Submitter Name	Submission Point	Relevant Provision	Relief Sought by the Submitter	Support/ Oppose	Reasons
Van den Brink Group	633.68	Rule 20.3.4.1 P1(ii)	Amend Rule 20.3.4.1 P1 (ii) Building setbacks to reduce the setback between sites with other zones to 3m. AND Any consequential amendments and/or additional relief required to address the matters raised in the submission.	Oppose	Providing additional buffer setbacks between sites with other zones is highly appropriate and should be at least 7.5 metres, particularly where it adjoins a Residential/Village Zone. The additional setback will assist in providing an appropriate buffer between other zones, achieving a more appropriate level of amenity given the sensitivities between the zones.

**APPENDIX B**  
**VILLAGE ZONE DECISION REPORT**  
**(ATTACHED SEPERATELY)**



**APPENDIX C****LIST OF POTENTIAL PARTIES TO BE SERVED AMENDED APPEAL NOTICE****Respondent – Waikato District Council**

District Plan Hearings Administrator  
 Waikato District Council  
 Private Bag 544  
 Ngaruawahia 3742  
 Email: [Districtplan@waidc.govt.nz](mailto:Districtplan@waidc.govt.nz)

Cc: Bridget Parham  
 Counsel for Waikato District Council  
 Email: [Bridget.Parham@tompkinswake.co.nz](mailto:Bridget.Parham@tompkinswake.co.nz)

**S274 Parties on the Greig Appeal**

Harrisville Twenty Three Limited  
 C/o Peter Fuller  
 Barrister  
 Quay Chambers  
 PO Box 106215  
 Auckland City 1143  
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 Email: [peter.fuller@quaychambers.co.nz](mailto:peter.fuller@quaychambers.co.nz)

**Proposed Plan Change Submitters Served With Original Appeal**List of Submitters:

Waikato Regional Council  
 Waikato District Health Board  
 Horotiu Properties Limited  
 Hamilton City Council  
 Jordyn Landers for Horticulture New Zealand  
 Brendan Balle on behalf of Balles Bros Group Limited  
 Greig Metcalfe  
 Sharp Planning Solutions Ltd  
 GD Jones  
 Lee Slomp  
 Lucy Smith for Terra Firma Resources Ltd  
 Greig Developments No.2 Ltd  
 Brent Trail Surveying Services Ltd  
 Richard Falconer for Terra Consultants (CNI)  
 Fire and Emergency New Zealand  
 The Surveying Company

List of Further Submitters:

GD Jones  
Watercare  
Greig Metcalfe for CKL  
Hamilton City Council  
Horotiu Properties Limited  
T & G Global  
Jennie Hayman  
Mercury Energy Limited  
Pareoranga Te Kata  
Bridget Murdoch on behalf of Counties Power