

RESOURCE MANAGEMENT ACT 1991

FURTHER SUBMISSION ON VARIATION 3 (ENABLING HOUSING SUPPLY) TO THE PROPOSED WAIKATO DISTRICT PLAN

Clause 8 of the First Schedule

TO: Waikato District Council
By Email: districtplan@waidc.govt.nz

SUBMITTERS: **Anna Noakes and MSBCA Fruhling Trustee's Company Limited (as trustees of the Fruhling Trust)** c/-Beresford Law
the address for service set out below.

1. The Submitters made a primary submission, Submission No. 44, on Variation 3 (Enabling Housing Supply) to the Proposed Waikato District Plan (**PDP**) ("**the Variation**"). The Submitters make further submissions in opposition to, or in support of, the relief sought in the primary submissions of other submitters as set out in **Attachment 1**.
2. Where submissions are supported or opposed, it is to the extent that it is consistent with the relief sought by the Submitters in their primary submission. The specific parts of the submission supported or opposed are addressed, and the specific reasons for the Submitters' position are set out in **Attachment 1**.
3. The general reasons for this further submission are:
 - (a) The Submitters' primary submission seeks amendments to the Variation to address the adverse stormwater effects of intensification (including altered natural flow paths and altered hydrological conditions, including the volume, frequency and duration of discharges, and the extent of inundation) on adjacent rural land and downstream properties. Such stormwater effects have the potential to be affected by the primary submissions of other submitters in **Attachment 1**.
 - (b) In the case of submissions opposed, the submissions do not promote the sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Act; and rejecting the relief sought in the submissions would more fully serve the

statutory purpose than would implementing that relief.

- (c) In the case of those submissions supported, the submissions promote the sustainable management of natural and physical resources and are consistent with the purpose and principles of the Act; and allowing the relief sought would more fully serve the statutory purpose than would disallowing that relief.
4. The Submitters wish to be heard in support of this further submission.
5. If other parties make similar submissions, the Submitters would consider presenting a joint case with them at any hearing.

DATED 14 December 2022



JL Beresford

Counsel for **Anna Noakes and MSBCA Fruhling Trustee's Company Ltd**
(as trustees of the Fruhling Trust)

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Attachment 1: Further submission details

Further Submission Details					
Details of original submission that further submission is being made on				Details of further submission	
Original submitter	Submission number	Original submitter position	Relief sought as stated in the summary of submissions	Support or oppose	Reasons for support or opposition
Pookeno Community Committee	41.1	Oppose	Delete Variation 3 from the proposed district plan.	Support	Consultation with neighbours provides opportunities to identify and appropriately address adverse effects on the environment.
Waikato Regional Council	42.5	Not stated	Amend objectives, policies, and rules to better give effect to Te Ture Whaimana, if required.	Support	If the Variation is approved it is appropriate to include additional provisions relating to infrastructure capacity constraints to address the effects of urban intensification.
Waikato Regional Council	42.6	Amend	Amend objectives, policies, and rules to better give effect to Te Ture Whaimana, if required.	Support	If the Variation is approved it is appropriate to include additional provisions relating to infrastructure capacity constraints to address the effects of urban intensification.
Waikato Regional Council	42.20	Support in Part	Consider adding a new matter of discretion relating to stormwater management	Support	If the variation is approved it is appropriate to include additional matters including matters of discretion to reduce the adverse effects of additional stormwater run-off associated with intensification.
Waikato Regional Council	42.21	Support	Retain MRZ2-S10(1) Impervious surfaces	Support	It is desirable to retain of the maximum impervious surface standard to reduce adverse effects of additional stormwater run-off associated with intensification.
Waikato Regional Council	42.22	Amend	Add a new matter of discretion to MRZ2-S10(2) Impervious surfaces relating to effects on waterways and/or the use of low-impact design technologies.	Support in part	Supports to the extent that it would not have adverse stormwater effects.
Pookeno Village Holdings Limited	47.1	Oppose	Delete Variation 3 from the Proposed District Plan	Support	The intensification requirements are unnecessary given the existing and planned future supply of housing stock and further intensification will generate adverse effects on the urban environment and adjacent

					rural land.
Pookeno Village Holdings Limited	47.1	Oppose	That the Council review all land zoned General Residential Zone in the Proposed Waikato District Plan decision, reducing General Residential Zone to give effect to the NPS-UD in a manner that reflects the true residential demand capacity.	Support	The intensification requirements are unnecessary given the existing and planned future supply of housing stock and further intensification will generate adverse effects on the urban environment, downstream properties and adjacent rural land.
Ministry of Housing and Urban Development	50.1	Oppose	Delete the urban fringe qualifying matter and apply the MDRS as required by the RMA across the relevant residential zones. AND Amend to apply the MDRS to all relevant residential zones.	Oppose	The urban fringe qualifying matter, meets the relevant statutory requirements, will encourage more intense development to concentrate towards town centres enabling more efficient use of infrastructure, a choice of housing typologies and contribute to the development of well-functioning urban environments, and assist in reducing the adverse stormwater effects of urbanisation on downstream properties and adjacent rural land.
Waikato District Council	76.1	Support	Amend Variation 3 to give greater consideration to the capacity within the three-waters network to accommodate the future growth that would be enabled by Variation 3.	Support	Amending the Variation as sought is consistent with the submitter's original submission seeking that the Variation is amended to avoid adverse stormwater runoff effects of intensification, including on downstream properties and adjacent rural land.
Waikato District Council	76.2	Amend	Amend Variation 3 to give greater consideration to the urban design outcomes of development and growth enabled by Variation 3.	Support	Quality urban design is closely associated with ensuring that adverse stormwater effects are adequately avoided, remedied or mitigated.
CSL Trust	82.1	Amend	Amend to apply the MDRS to all residential land within urban environments of the District, subject to any legitimate qualifying matters. This would apply to Pookeno, Tuakau, Huntly and Ngaaruawaahia. If necessary, a new zone created to accommodate that amendment. This zone could be referred to as General Residential Zone 2 (GRZ2) or similar.	Oppose	The proposed zoning pattern in Variation 3 as notified will encourage more intense development to concentrate towards town centres enabling more efficient use of infrastructure, a choice of housing typologies and contribute to the development of well functioning urban environments and assist in reducing the adverse stormwater effects of urbanisation on downstream properties and adjacent rural land.

CSL Trust	82.2	Oppose	Delete the Urban Fringe qualifying matter, which fails to meet the relevant statutory requirements and is inappropriate.	Oppose	The urban fringe qualifying matter, meets the relevant statutory requirements, will encourage more intense development to concentrate towards town centres enabling more efficient use of infrastructure, a choice of housing typologies and contribute to the development of well-functioning urban environments, and assist in reducing the adverse stormwater effects of urbanisation on downstream properties and adjacent rural land.
CSL Trust	82.3	Amend	Delete the relevant standards from the GRZ that are being replaced by the MDRS.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development.
CSL Trust	82.4	Amend	Add a new rule that any infringement of the MDRS is a restricted discretionary activity. Add matters of discretion based on the equivalent of those from the MDRZ2 proposed in V3.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
CSL Trust	82.5	Amend	Add a new rule in the GRZ that one to three units are permitted subject to compliance with the MDRS.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
CSL Trust	82.6	Amend	Add a new rule in the GRZ that four or more units are restricted discretionary activity subject to compliance with the MDRS and the remaining standards of the GRZ.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
CSL Trust	82.7	Amend	Add matters of discretion for four or more units based on the equivalent of those from the MDRZ2 proposed in V3 or the notified Multi-Unit Housing discretions of the Proposed District Plan.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
CSL Trust	82.8	Amend	Add a rule that for four or more units that any infringement of a MDRS rule is a restricted discretionary activity.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.

CSL Trust	82.9	Amend	Add new subdivision rules for one to three units and four or more units based on the requirements of the MDRS and RM-EHA with the matters of discretion being equivalent to those in the MDRZ2.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
Ngāti Naho Trust	83.17	Amend	Delete consultation not required from neighbours	Support	Consultation with neighbours provides opportunities to identify and appropriately address adverse effects on the environment.
Havelock Village Limited	105.1	Amend	Amend to apply the MDRS to all residential land within urban environments of the District, subject to any legitimate qualifying matters. This would apply to Pookeno, Tuakau, Huntly and Ngaaruawaahia. If necessary, a new zone created to accommodate that amendment. This zone could be referred to as General Residential Zone 2 (GRZ2) or similar.	Oppose	The proposed zoning pattern in Variation 3 will encourage more intense development to concentrate towards town centres enabling more efficient use of infrastructure, a choice of housing typologies and contribute to the development of well-functioning urban environments and assist in reducing the adverse stormwater effects of urbanisation on downstream properties and adjacent rural land..
Havelock Village Limited	105.2	Oppose	Delete the Urban Fringe qualifying matter, which fails to meet the relevant statutory requirements and is inappropriate.	Oppose	The urban fringe qualifying matter, meets the relevant statutory requirements, will encourage more intense development to concentrate towards town centres enabling more efficient use of infrastructure, a choice of housing typologies and contribute to the development of well-functioning urban environments, and assist in reducing the adverse stormwater effects of urbanisation on downstream properties and adjacent rural land.
Havelock Village Limited	105.3	Amend	Delete the relevant standards from the GRZ that are being replaced by the MDRS.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development.
Havelock Village Limited	105.4	Amend	Add a new rule that any infringement of the MDRS is a restricted discretionary activity. Add matters of discretion based on the equivalent of those from the MDRZ2 proposed in V3.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.

Havelock Village Limited	105.5	Amend	Add a new rule in the GRZ that one to three units are permitted subject to compliance with the MDRS.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
Havelock Village Limited	105.6	Amend	Add a new rule in the GRZ that four or more units are restricted discretionary activity subject to compliance with the MDRS and the remaining standards of the GRZ.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
Havelock Village Limited	105.7	Amend	Add matters of discretion for four or more units based on the equivalent of those from the MDRZ2 proposed in V3 or the notified Multi-Unit Housing discretions of the Proposed District Plan.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
Havelock Village Limited	105.8	Amend	Add a rule that for four or more units that any infringement of a MDRS rule is a restricted discretionary activity.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
Havelock Village Limited	105.9	Amend	Add new subdivision rules for one to three units and four or more units based on the requirements of the MDRS and RM-EHA with the matters of discretion being equivalent to those in the MDRZ2.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
Kainga Ora	106.2	Amend	Amend Variation 3 to have only one Medium Density Residential Zone in the PDP applied across the Waikato District The Proposed MRZ2 is selected as the preferred set of Medium Density Residential Zone provisions in the PDP and renamed as the 'Medium Density Residential Zone' (MRZ) <ul style="list-style-type: none"> • Medium Density Residential Zone 1 (MDZ1) is deleted from Variation 3; and • The spatial application of the MDZ1 and MRZ2 are combined in the PDP as one zone, renamed as MRZ and colour-coded the same legend in the planning maps. 	Oppose	Submitter supports retaining a two MRZ zones to provide Council with greater flexibility as to zoning where this is needed to manage the adverse effects of urbanisation.
Kainga Ora	106.8	Oppose	Delete the "urban fringe" qualifying matter. Apply	Oppose	The urban fringe qualifying matter, meets

			the proposed MRZ2 zone (which contains the MDRS standards) to the spatial extent of the GRZ in its entirety within Huntly, Ngaaruawaahia, Pookeno and Tuakau.		the relevant statutory requirements, will encourage more intense development to concentrate towards town centres enabling more efficient use of infrastructure, a choice of housing typologies and contribute to the development of well-functioning urban environments, and assist in reducing the adverse stormwater effects of urbanisation on downstream properties and adjacent rural land..
Kainga Ora	106.9	Amend	Amend the zoning of sites [see submission for maps and identification of sites].	Oppose	The proposed zoning pattern in Variation 3 as notified will encourage more intense development to concentrate towards town centres enabling more efficient use of infrastructure, a choice of housing typologies and contribute to the development of well functioning urban environments and assist in reducing the adverse stormwater effects of urbanisation on downstream properties and adjacent rural land..
Kainga Ora	109.18	Amend	Add a new policy to the Strategic direction chapter as follows: To provide for high density residential development within a 400m walkable catchment of the town centres of Huntly and Ngaaruawaahia	Oppose	The Submitter does not have an interest Huntly and Ngaaruawaahia the Submitter but is concerned at the potential for the zone to be applied to Pookeno, which would exacerbate the adverse effects of urban intensification. If such a strategy is included it should specifically record that such a zone is not appropriate in Pookeno.
Kainga Ora	106.19	Amend	High Density Residential Zone – new chapter	Oppose	The Submitter does not have an interest Huntly and Ngaaruawaahia the Submitter but is concerned at the potential for the zone to be applied to Pookeno, which would exacerbate the adverse effects of urban intensification. If such a zone is included it should not apply in Pookeno.
Kainga Ora	106.20	Amend	Add reference to the High Density Residential Zone within the SUB subdivision provisions associated with the Medium Density Residential Zone.	Oppose	The Submitter does not have an interest Huntly and Ngaaruawaahia the Submitter but is concerned at the potential for the zone to be applied to Pookeno, which would

					exacerbate the adverse effects of urban intensification. If such a zone is included it should not apply to subdivisions in Pookeno.
Kainga Ora	106.21	Oppose	Amend the following rules to remove all references to the MRZ1 zone and replace it with MRZ: <ul style="list-style-type: none"> • SUB-R30 Subdivision – general · • SUB-R32 Subdivision – general · • SUB-R33 Subdivision – boundary adjustments · • SUB-R34 Subdivision – amendments and updates to Cross Lease Flats Plans and Conversion to Freehold · • SUB-R35 Subdivision – amendments and updates to Cross Lease Flats Plans and Conversion to Freehold · • SUB-R36 Title Boundaries – contaminated land · • SUB-R37 Subdivision – road frontage · • SUB-R38 Subdivision creating reserves · • SUB-R39 Subdivision creating reserves 	Oppose	Submitter supports retaining a two MRZ zones to provide Council with greater flexibility as to zoning where this is needed to manage the adverse effects of urbanisation.
Kainga Ora	106.25	Oppose	Amend the zoning of the General residential zoned sites in Huntly, Ngaaruawaahia, Pookeno, and Tuakau to Medium density residential 2 zone (as sought to be modified elsewhere in this submission). Amend the zoning so that General residential zone is only applied in areas that are not defined as 'urban environments' under the Housing Supply Act, with the exception of Raglan and Te Kauwhata.	Oppose	The proposed zoning pattern in Variation 3 as notified will encourage more intense development to concentrate towards town centres enabling more efficient use of infrastructure, a choice of housing typologies and contribute to the development of well-functioning urban environments and assist in reducing the adverse stormwater effects of urbanisation on adjacent rural land.
Kainga Ora	106.27	Amend	Amend the Purpose of the Medium Density Residential Zone 2 chapter.	Oppose	The urban fringe qualifying matter, meets the relevant statutory requirements, will encourage more intense development to concentrate towards town centres enabling more efficient use of infrastructure, a choice of housing typologies and contribute to the development of well-functioning urban environments, and assist in reducing the adverse stormwater effects of urbanisation on adjacent rural land. Submitter supports retaining a two MRZ zones to provide

					Council with greater flexibility as to zoning where this is needed to manage the adverse effects of urbanisation.
Kainga Ora	106.33	Support	Retain MRZ2-S10 Impervious surfaces. Delete reference to the MRZ2 chapter, to reflect a single 'Medium Density Residential Zone' chapter.	Support and Oppose	Supports retention of impervious surface standards to managed the adverse effects of stormwater runoff from urban development. Opposes a single MRZ zone to provide Council with greater flexibility as to zoning where this is needed to manage the adverse effects of urbanisation.
Kainga Ora	106.42	Amend	Add an additional height overlay applies to the Town centre zone in Huntly, Ngaaruawaahia, Pookeno and Tuakau, to reflect the increased building heights sought within the proposed High density residential zone sought elsewhere in the submission	Oppose	The Submitter does not have an interest Huntly and Ngaaruawaahia the Submitter but is concerned at the potential for the zone to be applied to Pookeno, which would exacerbate the adverse effects of urban intensification. If such a zone is included it should not apply in Pookeno.