

# **SECTION 42A REPORT**

Report on submissions and further submissions – Variation 3  
to the Proposed Waikato District Plan

## **Enabling Housing Supply – Addendum I**

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Date: 23 June 2023



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# I Introduction and Purpose

1. The purpose of this s42A addendum is to address submission points that were not included (in whole or in part) in the Section 42A report dated 15 June 2023 and version 2 of that report (s42A report). Those submission points specifically relate to:
  - 4 additional rezoning requests;
  - Enabling provisions for retirement villages;
  - Issues of Significance to Maaori;
  - Amendments to Objectives and Policies (MRZ2-O3, MRZ2-O6, MRZ2-P3 and MRZ2-P6);
  - Submissions that support / oppose; and
  - What towns MDRS applies to
2. This addendum report has been prepared by Fiona Hill and Karin Lepoutre. Our qualifications and experience, Code of Conduct acknowledgements and conflicts of interests are outlined in Section I of the s42A report. Fiona Hill authored the rezoning request and issues of significance to Maaori and Karin Lepoutre authored the enabling provisions for retirement villages and amendments to objectives and policies.
3. This addendum should be read in conjunction with the s42A report which includes additional details regarding Variation 3 and the relevant statutory requirements.

## 2 Rezoning

### 2.1 Overview of submissions

4. This section of the report considers submission points:
  - 71.5 Jodi Bell
  - 99.1 as it relates to 9A Ngaaruawaahia Road and 18 Rangimarie Road; and
  - 101.1 Jim Livett
  - 106.10 Kaainga Ora
5. The submission points and related further submissions are identified below:

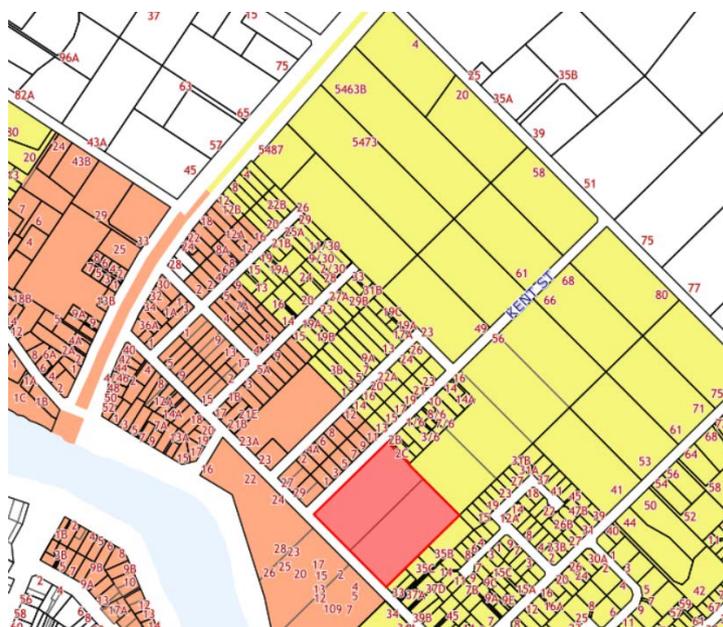
Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Jodi Bell	71.5		Amend MRZ2 zoning maps to include the following: From Belt Street to North Street, Ngaaruawaahia; Uenuku Street, an extended area of Havelock North; Kent Street, George Street, Queen Street and King Street (extended to the end of the road).
Harkness Henry Lawyers	99.1		Ensure all General Residential Zones have the Medium Density Standards applied as anticipated by the Resource Management Act (Enabling Housing Supply Act and Other Matters Amendment Act) OR In the alternative, if the MDRS is not applied in the General Residential zone, apply the MDRS to 61 Old Taupiri Road, 26 Jackson Steet Ngaaruawaahia, 99 and 99A Ngaaruawaahia Road, Ngaaruawaahia, 18 Rangaimarie Road, Ngaaruawaahia AND retain the Medium Density

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
			Residential Zone 2 in 15 and 29/33 Galbraith Street Ngaaruawaahia OR if the MDRS is not applied to the General Residential Zone, or the General Residential zone is not rezoned to medium Density Residential 2 Zone, that the Comprehensive Residential development ('CRD' rules are reinstated AND Rezone 99A Ngaaruawaahia Road and 18 Rangimarie Road are rezoned to include the whole property under the one General Residential Zone to avoid having half in the General Residential Zone and half in the Rural Zone.
Waikato Regional Council*	99.1	205.6	Reject submission point (rezoning request).
Te Whakakitenga o Waikato Incorporated	99.1	213.61	The submitter seeks that the whole of the submission be disallowed
Ports of Auckland	99.1	214.7	Disallow the submission sought in respect of a bespoke controlled activity process in the General Residential Zone to the extent that it would allow medium density residential development in areas outside of the "urban environment", such as Horotiu.
Top End Properties*	99.1	222.39	Allow the first part of the submission
CSL Trust*	99.1	223.3	Allow the first part of the submission
Pokeno West* and West Pokeno Limited	99.1	224.39	Allow the first part of the submission
Jim Livett	101.1		Amend the proposal to a tiered transition between single and three storey properties OR Add the whole of Matipo Drive, Tuakau in MDRZ2
Kainga Ora	106.10		Amend the zoning of sites [see submission for maps and identification of sites]. AND Any such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in the submission.
Te Whakakitenga o Waikato Incorporated	106.10	213.68	The submitter is concerned that the request of the submitter has not considered current and planned three waters infrastructure. The submitter is concerned that the request of the submitter has not considered Te Ture Whaimana o Te Awa o Waikato. The submitter understands three waters infrastructure has not been planned for the level of development that Variation 3 would enable. The submitter is concerned that this will put further pressure on the Waikato River. and in this regard the relief sought is not compatible with Te Ture Whaimana o Te Awa o Waikao - the Vision and Strategy for the Waikato River which demands restoration and protection.
Hynds Pipe Systems Ltd	106.10	221.33	Submitter opposes the proposed Appendix 2 amendments as it will result in reverse sensitivity effects, would be inappropriate and result in adverse environmental effects that have not been considered as part of the s32 assessment and it does not represent the most appropriate way of exercising the Council's

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
			functions, having regard to the efficiency and effectiveness of the proposed plan provisions. Submitter (Hynds) very concerned about the proposed zoning of the HVL Land which could affect Hynds' operations.
Top End Properties	106.10	222.50	The amended zoning maps accurately reflect the requirement of the IPI to upzone land in all relevant residential zones and implement the MDRS.
CSL Trust	106.10	223.41	The amended zoning maps accurately reflect the requirement of the IPI to upzone land in all relevant residential zones and implement the MDRS.
Pokeno West and West Pokeno Limited	106.10	224.51	The amended zoning maps accurately reflect the requirement of the IPI to upzone land in all relevant residential zones and implement the MDRS.

## 2.2 Analysis

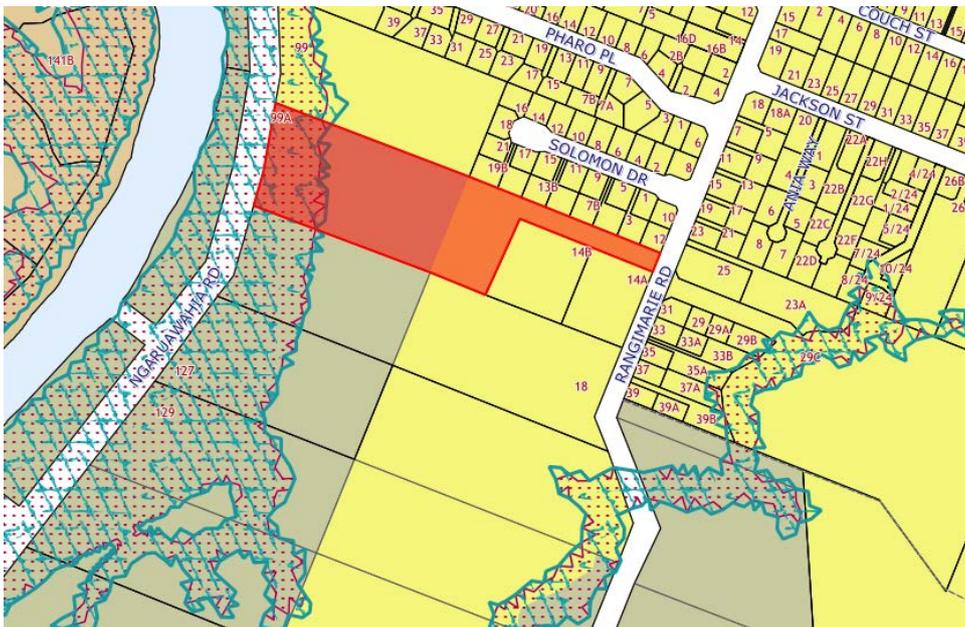
1. **Jodi Bell** (submitter #71.5) has requested specified streets in Ngaaruawaahia be rezoned MRZ2 namely from Belt Street to North Street, Ngaaruawaahia; Uenuku Street, an extended area of Havelock North; Kent Street, George Street, Queen Street and King Street. A map of the general location is included below:



2. It is my opinion this rezoning request relates to the urban fringe qualifying matter. If the Panel removes the urban fringe qualifying matter the properties will have the medium density residential standards applying to these sites along with other properties that were located within the urban fringe. Notwithstanding this, the ability to build 3 houses on this site or any

other site will also be affected by other qualifying matters and district wide rules for earthworks and other activities.

3. Part of submission point 99.1 by 61 Old Taupiri Road, Swordfish Project Ltd, 26 Jackson Limited, 99 Ngaaruawaahia Limited and Next Construction Limited requested to rezone 99A Ngaaruawaahia Road and 18 Rangimarie Road to the General residential zone to avoid having half in the General residential Zone and half in the General rural zone. The rezoning request is opposed by further submitters. The reasons for the submission state the rezoning is sought for consistency.
4. I have included below the PDP Decisions Version map of the properties concerned. 99A Ngaaruawaahia Road (highlighted in red) and 18 Rangimarie Road is to the immediate south:



5. I have also included below the ODP maps for this location:



6. In the ODP both properties were zoned rural. I note part of 99A Ngaaruwaahia Road and 18 Rangimarie was rezoned general residential zone when the PDP was notified and no changes were made in the decisions version of the PDP.
7. I do not agree with this part of the submission for the following reasons:
- The General Rural Zone area of the site is located within the High Risk Flood Zone and Flood Plain Management Area.
  - No additional information is provided with the submission that supports the rezoning of the site.
  - If this area was to be rezoned I consider a comprehensive approach is required given the presence of the flood hazard in this location.
8. **Jim Livett** (submitter #101.1) has requested to amend the proposal so that there is a tiered transition between single and three storey properties, or for the whole of Matipo Drive, Tuakau to be within the MDRZ2 Zone. The map below shows the zoning in and around Matipo Drive Tuakau:



12. In my opinion a tiered approach would be inconsistent with the duty of a Tier 1 authority under S77G(1) of the Act to incorporate the MDRS in the absence of any qualifying matters to justify the approach. It is my opinion this rezoning request relates to the urban fringe qualifying matter. If the Panel removes the urban fringe qualifying matter the properties will have the medium density residential standards applying to these sites along with other properties that were located within the urban fringe. Notwithstanding this, the ability to build 3 houses on this site or any other site will also be affected by other qualifying matters and district wide rules for earthworks and other activities.
13. **Kainga Ora** (submitter #106.10) requested the rezoning of some sites as they appear to retain the zoning of the PDP whilst other sites are upzoned. In my opinion this is a general submission point with the specific areas requested to be rezoned already covered in Topic 1 of the S42A report. It is considered no further analysis is required.

## 2.3 Recommendations

14. I recommend submission point 99.1 and 106.10 be rejected and 71.5 and 101.1 be accepted in part.

## 2.4 Recommended amendments

15. No amendments are recommended

## 2.5 Section 32AA evaluation

16. No S32AA evaluation is required.

# 3 Enabling Provisions for Retirement Villages

17. This section of the report addresses additional submission points in relation to enabling provisions for retirement villages, requested by the Retirement Villages Association (submitter #107).

## 3.1 Submissions

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Retirement Villages Association	107.1		Amend variation to enable retirement housing and care options in all relevant residential zones and provide for the functional and operational need. AND Include a restricted discretionary activity rule for retirement villages in all residential zones (including General Residential and Medium Density Residential Zone 1) AND Include consequential amendments including a retirement village-specific objective, policy and rule framework.
Kāinga Ora	107.1	217.77	Reject submission point in part.
Retirement Villages Association	107.4		Add objectives and policies that recognise the need to provide appropriate accommodation and care for the ageing population (refer to submission for text)
Retirement Villages Association	107.5		Add rules that permit the use and operation of retirement villages
Kāinga Ora	107.5	217.78	Accept submission point in part.
Retirement Villages Association	107.6		Add matters of discretion that are a tailored and fit for purpose approach for retirement villages
Retirement Villages Association	107.7		Public notification for retirement villages should always be precluded and limited notification should only be available when a retirement village breaches one or more of the height, height in relation to boundary, setbacks and building coverage standard
Te Whakakitenga o Waikato Incorporated	107.7	213.85	The submitter seeks that the whole of the submission be disallowed
Retirement Villages Association	107.8		Review the development standards so they are fit for purpose for retirement villages AND Review the development standards that go beyond the scope of the MDRS
Kāinga Ora	107.8	217.79	Reject submission point.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Retirement Villages Association	107.9		Add permitted activity provisions for retirement villages that reflect the unique characteristics of retirement villages AND the development standards are no more onerous than the MDRS AND retirement village specific objectives and policies are added.
Kāinga Ora	107.9	217.80	Reject submission point.
Retirement Villages Association	107.10		Any alternative or consequential relief to the matters addressed in the submission points 107.1 to 107.9
Kāinga Ora	107.10	217.81	Reject submission point.
Retirement Villages Association	107.11		Add a new definition of retirements units as follows: Retirement unit means any unit within a retirement village that is used or designed to be used for a residential activity (whether it includes cooking bathing, and toilet facilities). A retirement unit is a not a residential unit.
Retirement Villages Association	107.16		Delete the words 'within a walkable catchment' from the purpose statement.
Retirement Villages Association	107.18		Amend Objective MRZ2-O2.
Retirement Villages Association	107.19		Amend Objective MRZ2-O3 (Residential amenity) as follows: Achieve a level of residential amenity commensurate with a medium density environment comprised of primarily including three-storey buildings, including semidetached and terraced housing, townhouses and low-rise apartments and retirement villages.
Retirement Villages Association	107.22		Add a new objective for the Medium Density Residential Zone 2 that provides for the housing and care needs of the ageing population. MRZ2-OX Ageing population Recognise and enable the housing and care needs of the ageing population.
Retirement Villages Association	107.23		Add a new Policy is included in the Policies of the Medium Density Residential Zone 2, as follows: MRZ2-PX Changing communities to provide for the diverse and changing residential needs of communities and recognise that the existing character and amenity of the residential zones will change over time to enable a variety of housing types with a mix of densities.
Kāinga Ora	107.23	217.82	Accept submission point.
Retirement Villages Association	107.25		Add a new Policy in the Medium Density Residential Zone 2 section, as follows: MRZ2-PX Provision of housing for an ageing population 1. Provide for a diverse range of housing and care options that are suitable for the needs and characteristics of older persons in residential areas, such as retirement villages. 2. Recognise the functional and operational needs of retirement villages, including that they: (a) May require greater density than the planned urban built character to enable efficient provision of services. (b) Have a unique layout and internal amenity needs to cater for the requirements of residents as they age.
Kāinga Ora	107.25	217.84	Reject submission point.
Retirement Villages Association	107.31		Amend MRZ2-P5 for consistency with the MDRS. No specific amendment is provided.
Retirement Villages Association	107.34		Amend policy MRZ2-P8 (Changes to amenity values) as follows: Recognise that the planned urban built form may result in changes to the amenity values and characteristics of the urban character over time and those changes are not, of themselves, an adverse effect.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Retirement Villages Association	107.36		Delete MRZ2-R2 AND Replace it with a new rule permitted activity rule entitled 'Retirement villages, excluding the construction of buildings. Refer to submission for the detail of the rule
Kāinga Ora	107.36	217.88	Reject submission point.
Retirement Villages Association	107.37		Amend Rule MRZ2-S1(1) and MRZ2-S1(a) by adding the words 'retirement unit/s' as shown in the submission. The submitter supports Rule MRZ2-S1 as it aligns with clause 10 of the MDRS. The submitter considers that specific reference to retirement units is required. The submitter seeks to amend Rule MRZ2-S1(2) to exclude retirement villages from the matters of discretion, so the retirement village specific matters of discretion apply to the construction of a retirement village building that exceeds this standard (as per Rule MRZ2-RX refer Submission 107.36).
Kāinga Ora	107.37	217.89	Reject submission point.
Retirement Villages Association	107.38		Amend Rule MRZ2-S2(2) to exclude retirement villages from these matters of discretion so the retirement village specific matters of discretion apply to the construction of a retirement village building that exceeds this standard (as per Rule MRZ2-RX above refer Submission Point 107.36).
Retirement Villages Association	107.40		Amend Rule MRZ2-S4(2) to exclude retirement villages from these matters of discretion so the retirement village specific matters of discretion apply to the construction of a retirement village building that exceeds this standard (as per Rule MRZ2-RX. Refer Submission 107.36).
Retirement Villages Association	107.41		Amend Rule MRZ2-S5(2) to exclude retirement villages from these matters of discretion so the retirement village specific matters of discretion apply to the construction of a retirement village building that exceeds this standard (as per Rule MRZ2-RX Refer Submission 107.36). AND the submitter seeks to exclude retirement villages from the matters of discretion and apply specific matters of discretion.
Retirement Villages Association	107.42		Amend Rule MRZ2-S6 to add specific standards for retirement units with additions shown in the submission AND the submitter seeks to exclude retirement villages from the matters of discretion and apply specific matters of discretion. The submitter supports Rule MRZ2-S6 and the outdoor living space provisions in principle which reflect the outdoor living space standard of the Act. The submitter considers that because of retirement villages providing a range of private and communal outdoor areas, amendments should be made to Rule MRZ2-S6 that enable the communal areas to count towards the amenity standard. The submitter also considers that the matters of discretion for a restricted discretionary activity under Rule MRZ2-S6(2) are not appropriate for retirement villages. The submitter seeks that retirement village specific matters of discretion apply instead. These retirement village specific matters of discretion are those provided in relation to Rule MRZ2-RX Refer Submission 107.36.
Kāinga Ora	107.42	217.91	Reject submission point.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Retirement Villages Association	107.43		Amend Rule MRZ2-S7 to add specific standards for retirement units with the additions shown in the submission AND the submitter seeks to exclude retirement villages from the matters of discretion and apply specific matters of discretion.
Kāinga Ora	107.43	217.92	Reject submission point.
Retirement Villages Association	107.44		Amend Rule MRZ2-S8 as: MRZ2-S8(1)(a): Any residential unit or retirement unit facing the public street must have a minimum of 20% of the street-facing façade in glazing. This can be in the form of windows or doors. AND The submitter seeks to exclude retirement villages from the matters of discretion and apply specific matters of discretion.
Retirement Villages Association	107.45		Amend Rule MRZ2-S9 to provide for retirement units. MRZ2-S9 (1) (a) A residential unit or retirement unit at ground floor level has a landscaped area of a minimum of 20% of a developed site with grass or plants and can include the canopy of trees regardless of the ground treatment below them. (b) The landscaped area may be located on any part of the development site and does not need to be associated with each residential unit or retirement unit.
Retirement Villages Association	107.49		Amend the purpose, objectives and policies to recognise that residential activities are appropriate within the LCZ.
Retirement Villages Association	107.54		Amend the LCZ-S5 (Height in relation to boundary) so that it is no more restrictive than the MDRS height in relation to boundary standard.
Retirement Villages Association	107.55		Amend LCZ-S6 (Building Setbacks) so that it is no more restrictive than the MDRS yard standard when applied to residential activities.
Retirement Villages Association	107.56		Amend LCZZ-S10 (Outdoor living spaces) so that it is no more onerous than the MDRS outdoor living space standard and recognises that communal spaces may be provided instead of private/exclusive use spaces.
Retirement Villages Association	107.59		Add a new Rule to provide for the activity of retirement villages as a permitted activity: COMZ-RX - Retirement Villages, excluding the construction of buildings (1) Activity status: Permitted Land-use effects standards and Land-use building standards do not apply. Activity Specific Standards: Nil (2) Activity status where compliance not achieved: n/a.
Te Whakakitenga o Waikato Incorporated	107.59	213.88	The submitter seeks that the whole of the submission be disallowed
Retirement Villages Association	107.60		Add a new rule COMZ-RX as shown in the submission that lists the Construction of buildings Retirement Villages as a Restricted Discretionary. The submission includes matters of discretion specific to the activity and requests that the activity should be precluded from public notification.
Retirement Villages Association	107.65		Amend the purpose, objectives and policies to recognise that residential activities are appropriate within the TCZ.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Retirement Villages Association	107.66		Add the following policies into Part 3 - Town Centre Zone Provision of housing for an ageing population 1. Provide for a diverse range of housing and care options that are suitable for the needs and characteristics of older persons in the Commercial Zone, such as retirement villages. 2. Recognise the functional and operational needs of retirement villages, including that they: a. May require greater density than the planned urban built character to enable efficient provision of services. b. Have unique layout and internal amenity needs to cater for the requirements of residents as they age. Larger sites. Recognise the intensification opportunities provided by larger sites within the Medium Density Residential Zone by providing for more efficient use of those sites. d)Density standards Enable the density standards to be utilised as a baseline for the assessment of the effects of developments. AND Delete or Amend other Town Centre Zone objectives and policies for consistency.
Retirement Villages Association	107.67		Add a new Rule to provide for the activity of retirement villages as a permitted activity: TCZ-RX - Retirement Villages, excluding the construction of buildings (1) Activity status: Permitted Land-use effects standards and Land-use building standards do not apply. Activity Specific Standards: Nil (2) Activity status where compliance not achieved: n/a.
Te Whakakitenga o Waikato Incorporated	107.67	213.89	The submitter seeks that the whole of the submission be disallowed
Retirement Villages Association	107.68		Add a new rule TCZ-RX as shown in the submission that lists the Construction of buildings Retirement Villages as a Restricted Discretionary. The submission includes matters of discretion specific to the activity and requests that the activity should be precluded from public notification.
Retirement Villages Association	107.69		Retain TCZ-S3.
Retirement Villages Association	107.70		Amend TCZ-S4 so that it is no more restrictive than the MDRS height in relation to boundary standard.
Retirement Villages Association	107.71		Amend TCZ-S8 so that it is no more restrictive than the MDRS yard standard when applied to residential activities.
Retirement Villages Association	107.72		Amend TCZ-S11 so that it is no more onerous than the MDRS outdoor living space standard and recognise that communal spaces may be provided instead of private exclusive use spaces.
Pokeno Village Holdings Limited	108.1	206.25	Reject submission point.
Kāinga Ora	108.1	217.94	Reject submission point in part.

## 3.2 Analysis

### *General provisions for retirement villages*

18. The **Retirement Villages Association** (submitter #107) generally sought amendments to Variation 3 to enable retirement housing and care options in all relevant residential zones and provide for their functional and operation need. The Retirement Villages Association further sought to amend the activity status for retirement villages and include consequential amendments for including retirement village specific objectives, policies and rules (submission points #107.1-107.10). The reliefs sought by the Retirement Villages Association supported in their entirety by Ryman Healthcare Limited (submitter #108).
19. Not every individual Retirement Villages Association submission point was addressed within the s42A report (dated 15 June 2023) and this part of the addendum provides more specific responses to some of the more intricate requests.
20. Overall, I retain the position outlined in paragraph 213 of the S42A report which states:  
*“In relation to the proposed policies relating to the provision of housing for an ageing population, I am of the view that the inclusion of specific provisions / policies for retirement villages do not support or are consequential on the MDRS or Policies 3,4 and 5 of the NPSUD. Therefore, they are not ‘related provisions’ under section 80E of the RMA. For this reason, I do not consider the IPI process to be an appropriate mechanism for these requested amendments. I understand that this is approach consistent with the interim guidance provided by the IHP for the IPI to the Auckland Unitary Plan<sup>1</sup>.”*
21. On the basis of the above analysis, I recommend that the following additional submission points are rejected (#107.1, #107.4-11, #107.18, #107.22, #107.23, #107.25, #107.36-38, #107.40-45, #107.50- #107.59-60, #107.66-68)

### *Town Centre and Local Centre Zone Provisions*

22. The Retirement Villages Association sought to amend the purpose, objectives and policies of the Local centre zone (LCZ) to recognise that residential activities are appropriate within the LCZ. I note that no such changes are required to give effect to Policies 3 or 4 of the NPS-UD which relate to building heights rather than land use activities. Regardless, I am of the view that residential activities are appropriately provided for in the LCZ on the basis that:
  - a. The purpose statement of the LCZ explicitly includes residential activities.
  - b. Residential activity is permitted above ground floor level.

For the above reasons I recommend that submission point #107.49 is rejected.

23. The Retirement Villages Association sought to amend standards TCZ-S4 (Height in relation to boundary), TCZ-S8 (Building setbacks – zone boundaries), TCZ-S11 (Outdoor living space), LCZS5 (Height in relation to boundary), LCZ-S6 (Building setbacks) and LCZ-S10 (Outdoor living space) on the basis that the standards are more restrictive than the MDRS provisions. The same relief was sought by the Retirement Villages Association for the equivalent provisions in the Commercial Centre Zone.

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<sup>1</sup> Refer to paragraph 71 of the Interim Guidance on matters of statutory interpretation and issues relating to the scope of the relief sought by some submissions dated 12 June 2023

24. Given relevant standards within the TCZ, the COMZ and the LCZ are the same, I adopt the analysis provided in paragraphs 219-221 of the s42A report. The specific reasoning as applied to the TCZ and LCZ rather than the COMZ is outlined below.
25. While both the height in relation to boundary and building setback standards are more restrictive than the MDRS, I am of the view that the standards enable an appropriate interface to the MRZ2 (and other zones) for the following reasons:
  - The overall building height permitted within the TCZ and the LCZ is 12m (i.e. higher than the MRZ2) and therefore a greater height in relation to boundary requirement than the MRZ2 would better provide for appropriate amenity outcomes on adjoining residential properties.
  - A much wider range of non-residential activities are permitted within the TCZ and LCZ than within the MRZ2, therefore a greater height in relation to boundary requirement than the MRZ2 can better provide for appropriate amenity outcomes on adjoining residential properties.
26. In addition to the above, I note that the TCZ and the LCZ are not relevant residential zones and therefore are not required to have MDRS incorporated.
27. No changes are proposed to the outdoor living space standards (TCZ-S11 and LCZ-S10) which requires a minimum balcony of 15 square metres and a circle with a diameter of at least 2.4 metres. I am of the view that a minimum outdoor living space requirement that is greater than the MDRS is appropriate within the TCZ and LCZ context. I note that no building setbacks are required within the TCZ and LCZ (to adjoining TCZ and LCZ properties respectively) and that the quality of potential outdoor living spaces could be compromised as a result – especially in relation to access to sunlight and visual mass of adjoining properties. In my view, a larger minimum outdoor living space requirement would contribute to reducing those potential adverse effects.
28. For the above reasons I recommend that the following additional submission points are rejected #107.54-56 and #107.70-72.

#### *Walkable Catchments*

29. The Retirement Villages Association sought to delete the words ‘within a walkable catchment’ from the purpose statement of the MRZ2. This topic is addressed within paragraph 244 of the s42A report. I agree that those words should be removed if the urban fringe is removed and therefore recommend that submission point #107.16 is accepted.

#### *Provisions for Retirement Villages within the MRZ2*

30. Despite rejecting most of the Retirement Villages Association’s submission points, I am of the view that retirement housing is an important component of our communities and should be provided for in the PDP. While I have stated above that I do not consider the IPI process to be an appropriate mechanism for the requested amendments, I note the following generally in relation to retirement villages within the MRZ2:

- MRZ2-O1 seeks to provide for a variety of housing types that respond to housing needs and demands. In my view this includes housing for the elderly and retirement villages.
- MRZ2-P3 relates to housing design that meets the day-to-day needs of residents. In my view this is relevant to retirement villages and the range of needs of its residents.
- New retirement villages or alterations to existing retirement villages are provided for as a permitted activity subject to a range of standards. Where these standards are not met, retirement villages become a restricted discretionary activity.

31. For the above reasons, I am of the view that the MRZ2 contains adequate provisions for retirement villages within the relevant residential zone (i.e. MRZ2). I consider there to be an appropriate balance between enabling the establishment of new villages while giving Council (and at time the community through public consultation) sufficient discretion to manage potential effects on the residents of the community and the wider environment.

### 3.3 Recommendations

32. That no amendments are made in relation to enabling provisions for retirement villages.

### 3.4 Recommended amendments

33. No amendments are recommended

## 4. Issues of Significance to Maaori

38. This section of the report addresses one issue:

- The analysis for Ngāti Naho submission points.

39. In Version 2 of the S42A report, four paragraphs were inadvertently omitted and part of one paragraph was omitted. These paragraphs were included in the first report. The correct version of the 5 paragraphs is recorded below. The numbering has been adjusted to fit in with the numbering in the Section 42A report Version 2:

386a **Ngaati Naho Trust** (submission #83.26) seek to protect and enhance all sites of cultural significance in their rohe including but not limited to waahi tapu, puna wai, urupa, marae, pā, papakāinga, repo, roto, pūkaki,awa, maunga, tokatapu, rākau, ana or pou. They provide an example, Te Pou o Mangatawhiri between Pōkeno and Te Paina (Mercer). The submitter has also sought to protect the heritage trail regarding the 1863 –1864 land wars. Attached to the submission is detailed information regarding the land wars and maps identify places of significance. The submitter in **Ngaati Naho Trust (#83.27)** has also sought to retain Section 6(e) of the Act as a qualifying matter.

386b In respect of this submission, I note this variation is limited to the four towns subject to Variation 3. I consider the issue raised by this submitter are a lot broader than the places affected by Variation 3. I also consider further engagement is required with Ngaati Naho to identify sites or areas of significance and for those areas to be furthered in a future planning process. In this regard I also note the recent Environment Court decision referred to as the *Waikanae* decision, which related to a site or area of significance to Maaori. In the *Waikanae* decision the Environment Court decided it was not possible to

introduce a new site or area of significance to Maaori through the IPI process. The principal reason for the Court's decision was that an IPI is about enabling additional development and does not allow a council to introduce more restrictive rules (such as a new scheduled site) without going through a traditional plan change process. In respect of submission #83.27, S6(e) has been retained as a qualifying matter.

387 **Ngaati Naho** (submission #83.2, 83.3, 83.25) have sought to add three new qualifying matters into the Plan. These matters relate to Te Mana o te Wai principles, Manawa-a-Whenua, and Wairua. The submissions are supported by Te Whakakitenga o Waikato Incorporated and opposed by Kaainga Ora.

387a Te Mana o te Wai is the fundamental concept in the National Policy Statement for Freshwater Management. In the reasons for the submissions the submitter stated: It is important to infuse the Te Mana o te Wai principles into the PDP. The principles are: Mana whakahaere, Kaitiakitanga, Manaakitanga, Governance, Stewardship, and Care and Respect. The submitter has also asked to add Manawa-a-Whenua and Wairua as qualifying matters. In the submission Ngaati Naho refers to "Manawa-ā-whenua" ('heart of the land') as the existence of a massive water table and aquifers that connect all our waterways in towns like (but not limited to) Tuakau, Pookeno, Mangatangi, Maramarua, Mercer, Meremere, Te Kauwhata, Ohinewai, Tahuna and Huntly.

388 Ngaati Naho have appended a significant amount of information to their submission. An initial meeting has been held with Ngaati Naho but further engagement is required. In respect of the issues raised as part of these submission points, I note the following:

- Mr Andrew Boldero has applied the Te Mana o te Wai principles in assessing what effects the MDRS will have on water resources and stormwater in particular. This information was circulated to submitters on 7 June. This report identifies a number of actions that are required to meet these principles. Some of these actions sit outside of Variation 3. In this regard I note the recommendation to Council to 'identify freshwater health areas.'
- In my opinion there is existing policy direction that goes some way to achieve the matters raised by this submission. In this regard I refer to the existing provisions in the PDP being the objectives and policies in the section MV - Maaori values and Maatauranga Maaori and the objectives and policies in the section TETW - Te Ture Whaimana – Vision and Strategy. As an example, TETW-PI on implementing Te Ture Whaimana includes subparagraph (f) 'recognising and providing for application of maatauranga Maaori'.
- In respect of the Variation 3 process we are currently in, there is limited ability to make other amendments. This is because there is no ability to recommend changes that are more restrictive than those that are within the PDP Proposed Plan (Waikanae Decision).

## 5. Amendments to Objectives and Policies

### 5.1 Introduction

34. This section of the addendum addresses four submission points that were made in relation to:

- a. Amendments to MRZ2-O3;
- b. Amendments to MRZ2-O6;
- c. Amendments to MRZ2-P3; and
- d. Amendments to MRZ2-P5.

### 5.2 Submissions

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Synlait Milk Ltd	46.2		Amend MRZ2-O6 Reverse sensitivity as follows: Avoid or minimise the potential for reverse sensitivity by managing the location ...
Havelock Vilages Limited*	46.2	218.1	Reject submission point.
Hynds Pipe Systems Ltd*	46.2	221.9	Accept submission point.
Blue Wallace Surveyors Ltd*	89.2		Amend MRZ2-P3 as follows Policy MRZ2-P3: Enable housing and associated services to be designed to meet the day-to-day needs of residents.
Retirement Villages Association	107.11		Add a new definition of retirements units as follows: Retirement unit means any unit within a retirement village that is used or designed to be used for a residential activity (whether it includes cooking bathing, and toilet facilities). A retirement unit is a not a residential unit.
Retirement Villages Association	107.49		Amend the purpose, objectives and policies to recognise that residential activities are appropriate within the LCZ.

### 5.3 Analysis

35. The **Retirement Villages Association** (submitter #107) sought to amend MRZ2-O3 to include specific reference to retirement villages and remove the reference to heights primarily being three storeys as they consider that to be inconsistent with MRZ2-P4. I

36. I disagree that reference should be made to retirement villages within the objective. The objective relates to the built form of the environment, rather than specific land uses of the environment. I further disagree that the objective is inconsistent with MRZ2-P4 which relates to enabling developments that do not meet permitted activity status and encourages high quality developments. In my view 'primarily' implies that there are instances where greater heights can be achieved and this is supported by MRZ2-P4 which encourages such

developments to be of a high quality. For these reasons I recommend that submission point #107.19 is rejected.

- 37. **Synlait Milk** (submitter #46) sought to amend MRZ2-O6 to remove the words “or minimise” from the objective. I address requested amendments to MRZ2-O6 in paragraph 194 of the s42A report, including my opinion regarding the use of the word ‘avoid’. I retain my position outlined in that paragraph and therefore recommend that submission point #46.2 is rejected.
- 38. **Blue Wallace Surveyors** (submitter #89) sought to amend MRZ2-P3. Schedule 3a of the RMA outlines the mandatory objectives and policies that must be included as part of incorporating the MDRS. MRZ2-P3 is a mandatory policy and cannot be amended. I therefore recommend that submission point #89.2 is rejected.
- 39. The **Retirement Villages Association** (submission #107.31) sought to amend MRZ2-P5 (streetscape, yards and outdoor living spaces) as they do not consider the policy to be consistent with the MDRS. No recommended wording is provided. In my view, the policy is appropriate when read within the context of the MRZ2 provisions. While built form outcomes and residential amenities within the MRZ2 will differ to the GRZ, it is still appropriate to provide policy directives regarding the expected outcomes for streetscapes, yards and outdoor living spaces. For this reason, I recommend that submission point #107.31 is rejected.

#### 5.4 Recommendations

- 40. That no amendments are made in relation to enabling provisions for retirement villages.

#### 5.5 Recommended amendments

- 41. No amendments are recommended.

## 6. Submissions that support / oppose

### 6.1 Introduction

- 42. The tables below replace those in the Section 42A report as some submissions were inadvertently not included.
- 43. Replace the submission table following para 722 with the following table. The recommendation in para 729 are to apply to this table:

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Brent & Kym Cooper	2.2		Delete MRZ2-P1 Housing Typology.
Daniel Randall	3.1		Delete Pookeno from SUB-P14.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Tania Nepe	6.1		No specific decision requested, but decision opposes SUB-R and considers that subdivision should not be allowed for the following reasons: · Te Kauwhata does not have the population density to justify high rise buildings. · Te Kauwhata is struggling to maintain and upkeep current infrastructure for its growing community as it is. · Te Kauwhata is not Auckland or a major city that this type of subdivision requires.
Dave Honiss	7.1		Amend Variation 3 so it applies to selected parts of Tuakau, not the whole town.
Ruth Williams	9.1		Amend and leave the same.
Paulia Amoroa	10.1		Delete the Ngaaruawaahia map from Variation 3.
Graciela Edith Eidelman Di Denia	15.1		Delete William Street, Huntly and surrounding area.
Graciela Edith Eidelman Di Denia	15.2		Delete MDRS provisions.
Roberto Denia	16.1		Delete William Street, Huntly and surrounding area.
Roberto Denia	16.2		· Opposes the development for up to 3 homes and up to 11 m high without needing resource consent and permission from neighbours.
Douglas W Rowe	17.1		Delete GRZ to MRZ2.
Douglas W Rowe	17.2		Delete MRZ to MRZ2.
John and Priscilla Boyson	22.1		Delete Variation 3 provisions from the proposed district plan.
John and Priscilla Boyson	22.2		Council to make a submission to the government on behalf of the community demanding that the requirements imposed on the Council to create this Variation be removed.
Jenny Kelly	23.1		Delete the medium density provisions from the proposed district plan.
Sarath & Damayanthi Jayasinghe	25.1		Delete Variation 3 and ask the government to look at more innovative ways to add to the housing stock.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Lucia Daniels	26.1		Delete the change from three-storey housing to two-storey housing and retain two levels maximum.
Lucia Daniels	26.2		No specific decision requested but submission opposes Variation 3 MRZ to MRZR and expresses the following concerns: · Privacy of neighbours. · Safety in the event of fire. · Volunteer fire brigade in the community. · Overcrowding of schools. · Parking area limited as roads have narrowed over the years.
Lisa and Michael Garth	33.1		Retain General Residential Zone in Pokeno
Pokeno Village Holdings Limited	33.1	206.2	Accept submission point.
Ngāti Te Ata	33.1	228.2	Accept submission point 33.1 to the extent it seeks to limit the application of the MDRS throughout Pōkeno's rural backdrop.
Nthan Harvey	34.2		Retain GRZ zone for its intended purposes.
Ngāti Te Ata	34.2	228.3	Accept submission point 35.2 to the extent it seeks to limit the application of the MDRS throughout Pōkeno's rural backdrop.
Anita Jacobsen	36.1		Delete Variation 3.
Peter Nicholas and Ann Nicholas	37.1		Reject Variation 3 in its entirety (as is stated in submission #41).
Chris Annadale	38.1		Assurance that if the proposal goes ahead, it will not impact on existing residents. The submission expresses the following concerns: · Shade, privacy and noise. · Parking. · The quality of life and wellbeing of residents. · Potential for slum style living. · Safety.
Chris Annadale	38.2		Council should have had community meetings to address this earlier and help with the submission process as it is not designed for the average person to feel comfortable navigating the process.
Hayley and Jarrod Taylor	39.1		Delete Variation 3 from the Proposed District Plan
Gurjeet Singh Sainy	40.1		Delete Variation 3
Pokeno Community Committee	41.1		Delete Variation 3 from the proposed district plan.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	41.1	200.1	That the submission be allowed.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Top End Properties*	41.1	222.4	Disallow the submission
CSL Trust*	41.1	223.4	Disallow the submission
Pokeno West* and West Pokeno Limited	41.1	224.4	Disallow the submission
Pokeno Community Committee	41.3		Add more strict measures to protect current homeowners who may be adjacent to future medium density housing.
Kāinga Ora	41.3	217.20	Reject submission point.
Top End Properties*	41.3	222.6	Disallow the submission
CSL Trust*	41.3	223.6	Disallow the submission
Pokeno West* and West Pokeno Limited	41.3	224.6	Disallow the submission
Pokeno Community Committee	41.4		At the least, apply these changes to newly created sections that have not yet been sold to homeowners
Hynds Pipe Systems Ltd*	41.4	221.4	Reject submission point.
Top End Properties*	41.4	222.7	Disallow the submission
CSL Trust*	41.4	223.7	Disallow the submission
Pokeno West* and West Pokeno Limited	41.4	224.7	Disallow the submission
David Jones	45.6		Reduce the extent of farmland and open grazing land which is proposed to be zoned to MRZ2.
Pokeno Village Holdings Ltd	47.1		Delete Variation 3 from the Proposed District Plan
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	47.1	200.7	That the submission be allowed.
Anna Noakes* and MSBCA Fruhling Trustee's Company Ltd	47.1	200.8	That the submission be allowed.
Havelock Vilages Limited*	47.1	218.13	Reject submission point.
Top End Properties*	47.1	222.21	Disallow the submission
CSL Trust*	47.1	223.21	Disallow the submission

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Pokeno West* and West Pokeno Limited	47.1	224.21	Disallow the submission
Pookeno Village Holdings Ltd	47.2		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.
Havelock Vilages Limited*	47.2	218.14	Reject submission point.
Hynds Pipe Systems Ltd*	47.2	221.12	Accept submission point in part.
Top End Properties*	47.2	222.22	Disallow the submission
CSL Trust*	47.2	223.22	Disallow the submission
Pokeno West* and West Pokeno Limited	47.2	224.22	Disallow the submission
Megan Martin	48.1		No specific decision requested, but submission opposes Variation 3. Submitter considers that areas for future planning should be set out for townhouses with commune style living and facilities to support this, ie coffee shops, gardens, central areas.
Allen Frabric Ltd	51.1		Amend to limit 3x3 houses to within walking distance from town centres as per the proposed amended by Council.
Brian Hopkins	52.1		Delete Variation 3. Submission expresses concern about the character of Pookeno being changed from a country village to a multi-storey subdivision and the lack of public notification for permitted buildings.
Teresa Wine	61.1		Delete Variation 3
Top End Properties*	61.1	222.25	Disallow the submission
CSL Trust*	61.1	223.25	Disallow the submission
Pokeno West* and West Pokeno Limited	61.1	224.25	Disallow the submission
Teresa Wine	61.3		At the least, apply these changes to newly created sections that have not yet been sold to homeowners
Top End Properties*	61.3	222.27	Disallow the submission
CSL Trust*	61.3	223.27	Disallow the submission

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Pokeno West* and West Pokeno Limited	61.3	224.27	Disallow the submission
Megan Ryder	64.2		No specific decision requested, but submission considers that if built, any medium density housing definitely needs to be regulated by rules along with permission sought from neighbours.
Joss Annandale	65.1		Assurance that if the Variation proceeds that it will not impact on existing residents.
Christopher Els	67.1		Delete Variation 3
Chris Parker	73.1		Delete Variation 3
Top End Properties*	73.1	222.29	Disallow the submission
CSL Trust*	73.1	223.29	Disallow the submission
Pokeno West* and West Pokeno Limited	73.1	224.29	Disallow the submission
Laura Kellaway and Bryan Windeatt	75.1		Amend parts of the Variation as detailed in submission.
Ngāti Naho Trust	83.28		Reject Variation 3 changes to the Proposed Waikato District Plan.
Mirika Paul	85.1		Delete Variation 3 provisions from the Proposed District Plan.
Marae Tukere	87.3		Not stated
Te Whakakitenga o Waikato Incorporated	87.3	213.52	The submitter seeks that the whole of the submission be allowed
Mr and Mrs. Lex Deaby	94.1		Retain height restrictions for buildings. Submission opposes rezoning of streets.
Adrian Paul Van Weerden	95.1		The submitter is seeking amendment to the Variation. No specific decision requested.
Jim Ivens	97.1		Delete Variation 3 provisions from the Proposed District Plan

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Retirement Villages Association	107.2		Incorporate the MDRS into the District Plan without amendments
Lana Tapu	111.1		Not stated.
Mrs S Paul	113.1		Require assurance if the Variation goes ahead, it does not impact on existing residents.

44. Replace the submission table following para 733 with the following table. The recommendation in para 740 are to apply to this table:

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Summerset Group Holdings Limited	4.2		No specific decision requested, but submission supports the inclusion of changes that are provided by the MDRS provision of the Enabling Housing Supply Act.
Max Robitzsch	5.1		Retain all changes of Variation 3, OR Amend to further strengthen intensification opportunities.
Stanley JoanEdward	8.1		Retain MRZ2 in Tuakau.
Donald Matheson	12.1		Retain the proposed zoning and provisions for Ngaaruawaahia as set out in Variation 3.
Heritage New Zealand	28.1		No specific decision requested, but submission recognises and supports the intention to acknowledge and make provisions for identified qualifying matters.
Nathan Harvey	34.1		Retain new MRZ2 zone for its intended purposes.
Waikato Regional Council*	42.1		No specific decision requested, but submission is supportive of the Variation and acknowledges the scope of the change is directed by central government requirements.
Tineka Wymer	43.1		Retain Variation 3.
Kiwi Rail*	54.3		No specific decision requested, but submission supports urban development, including around transport nodes, and recognises the benefits of co-locating housing near transport corridors which provide passenger connections.
Ministry of Education	60.3		No specific decision requested, but submission broadly supports provisions in Variation 3 that seek to put in place a framework that will deliver integrated communities that support the concepts of liveable, walkable and connected neighbourhoods. This includes a transport network that is easy and safe to use for pedestrians and cyclists and is well connected to public transport, shops, schools, employment, open spaces and other amenities. AND Any consequential amendments.
Jodie Bell	71.1		Retain the Medium Residential Zone

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Jodie Bell	71.6		Retain the Lower Waipa Esplanade Area being included in the MZR2 zone.
Laura Kellaway and Bryan Windeatt	75.2		In principle support the proposed MDRZ 1 and 2 Zones.
Kāinga Ora	106.1		No specific decision requested, however the submission generally supports the proposed provisions contained within the Medium Density Residential Zone 2. AND Any such further, alternative or consequential relief as may be necessary to fully achieve the relief sought in the submission.
Queen's Redoubt Trust	106.1	211.2	Decline the original submission of Kainga Ora to the extent that it relates to part of the Queen's Redoubt . Amend the plan in a manner that recognises the location of the specified properties, and the archaeological values that may be evident in parts of these sites and any consequential changes.
Richard Piechazak	112.1		Approve future subdivision.

## 7. What towns do the MDRS apply to?

### 7.1 Introduction

45. A further submission point to submission 88.1 was not included in the table following paragraph 88. The further submission point was lodged by Ngata To Ata and is FS228.9. The further submission point is identified below and replaces that part of the table. The recommendation associated with the further submission point is included in Appendix I.

Submitter Names	Submission Point	FS Point	Summary of Decision Requested:
Brenda Roberts	88.1		Amend the proposal to make existing General residential zone to Medium Density Residential Zone 2. The submission opposes the proposal and refers in particular to Pokeno.
Pokeno Village Holdings Limited	88.1	206.14	Reject submission point.
Ngāti Te Ata	88.1	228.9	Reject submission point