

**Submission on Publicly Notified District Plan**  
Clause 6 of Schedule 1, Resource Management Act 1991

To: Waikato District Council **Date:**  
08/10/2018 **Submission method:**  
on-line

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ECM Project: DPRPh5-03  
ECM # .....  
Submission # .....  
Customer # 121154  
Property # N/A

I wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing. I **could not** gain an advantage in trade competition through this submission.

**This is a submission on the Waikato District Council Proposed District Plan (the Proposal):**

The specific issue and/or Proposed District Plan provision(s) of the proposal that my submission relates to is:	Support, Oppose or Support in part	My Submission is:	I seek the following decision from the local authority and/or make the following Recommendation:
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Timing of the notification of the Proposed Plan	General Comment	<p>Legislative reforms are currently occurring with other documents being updated:</p> <ul style="list-style-type: none"> <li>- Draft National Planning Standards (NPS) have been through consultation, with indications of adoption in 2019. The NPS are set to improve consistency in Plan structure format and content. The Ministry for Environment has signaled a desire for cost savings and standardisation - particularly with regard to definitions.</li> <li>- The Proposed Plan is required to 'give effect to' to the Objectives and Policies of the Operative Waikato Regional Policy Statement (WRPS). While the WRPS was Operative 2016, the Objectives and Policies are yet to fully encompass the northern areas of the District that transferred from the former Franklin District. The WRPS will be reviewed to encompass this additional area and is largely informed with regard to settlement patterns, by 'Future Proof' which is also being updated over the 2018/19 period.</li> </ul> <p>New National Standards, potential changes in land use patterns through the adoption of revisions in Future Proof that will then inform the WRPS, all raise question marks regarding the timing of the review as subsequent changes to the Proposed Plan brought about by these other documents will be unnecessarily time consuming and expensive.</p>	<p>Potentially defer hearing of submissions until post NPS adoption, and/or post stage 2 of the review of Future Proof,/updated WRPS. Deferring the Proposed Plan will also allow for more thorough editing of the document</p>
<p>Section A</p> <p>1.4.4. (a)</p>	Support in Part	<p>The impact of Urban development on the rural environment should not restrict the productive capacity of the rural resource to existing levels. The policy should allow for enhanced rural productivity.</p>	<p>Add <b>and enhance</b> following maintain in the first sentence so that it reads:</p> <p>A key issue for the district is to maintain <b>and enhance</b> the productive capacity of the rural resource and ensure that population growth and associated built development is managed in a way that results in efficient and high-amenity urban areas. Development needs to be managed so that emphasis is placed on achieving high amenity standards, while retaining existing valued characteristics as far as practicable. In these areas, development can support local infrastructure, services, and other facilities, while at the same time minimising adverse effects on productive rural activities. Commercial activity should be of a size or function that does not compromise the vitality and viability of the primary commercial centres. It is also important that we take a 'centres-based' approach to retail as per the Waikato Regional Policy Statement (WRPS). A range of housing options should be provided for, with varying land values and amenities.</p>



1.5.2. (a)	Oppose in Part	<p>The Environment Court has questioned the legality of the use of Structure Plans/Master Plans and the like where the activity status of a proposal is determined through such documents. Further the need for owners of properties within a 'Structure Plan' area to collaborate over development in accordance with 'required' Structure Plan provisions is also questionable. Delete reference to master plans/structure plans from the Policy.</p> <p>Future Proof is a dynamic document and will undergo change throughout the term of the Plan - reference to the current document may be misleading.</p>	<p>Amend to read: Defined growth areas have been zoned and their development will be guided through the application of objectives and policies <del>and through processes such as the development of master plans, comprehensive structure plans;</del> within the district plan and any future changes to the district plan. The <del>agreed</del> Future Proof settlement pattern for urban growth and development <del>is to</del> will assist to avoid unplanned encroachment into rural land and is to be contained within defined urban areas to avoid rural residential fragmentation.</p>
1.10.1.1 (a)	Oppose in Part	Refers to wrong WRPS Policy in the second line.	by virtue of Policy 6.1.1 in the Waikato Regional... should read:... Policy 6.1.1.
1.12.1 (b) & (c) & (f)	Oppose in Part	The policy relating to the use of 'Master Plans' where adherence to the Plans may change the activity status of a proposal is questioned for the same reasons as the query on Structure Plans above. Further it is not clear in the document what is meant by Master Plans, (although Policy 4.7.14 also refers to them) and where they are referenced in the Rules.	Delete 1.12.1 (b) & (c)
Section B 4.1.1 (a) & (b)	Support	Support sustainable communities and the objective of providing for 13,300 - 17,500 additional dwellings within the District 2018 - 2045	Provide Policies and support for additional residential zoning opportunities to cater for anticipated demand for the next 27 years. Increase residential zoned areas around existing established communities in line with Future Proof expectations.
4.1.2 (a)	Support	Support the Objective in consolidating growth around existing towns/villages	
4.1.3 (b)	Support in Part	Urban Growth should align with the Waikato Regional Policy Statement informed through 'Future Proof', however the 'Future Proof' settlement patterns are to be updated 2018/19 to take into account legislative reforms such as the National Policy Statement on Urban Development Capacity and strategic requirements	Amend to read: Locate urban growth areas only where they are consistent with <del>Legislative requirements and strategic documents such as Future Proof the Future Proof Strategy Planning for Growth 2017.</del>
4.1.4	Support	This submission supports the integrated and staged approach to development where infrastructure supports such development	

4.1.5 (b)	Support in part	Support the minimum density requirements, but note that physical/geotechnical limitations and market trends may impede achieving minimum requirements especially when existing land holdings are in fragmented ownership.	
4.1.11 (a) (ii)	Support in part	Support where walking and cycling networks form part of the urban framework but opposed to Policy which may lead to walkway cycleways impinging on property rights where the underlying land is not part of the planned urban area.	See submission regarding proposed walkway/cycleway alignment indicative on Planning Maps located on Lot 2 DP 176205 - see property identified with red star on attached Proposed District Plan zoning Map Tuakau/Pokeno and Environs 7.
4.2.14	Support	Earthworks that facilitate residential subdivision is supported.	
4.7.3	Support in Part	That subdivision development responds to the outcomes of the Urban Design Guidelines is supported - but it is noted that the document referenced directs users to the Operative Plan provisions rather than Proposed Plan. The status of this document forming part of the decision making process of the Proposed Plan is also questionable with regard to the ability of the public to submit on changes to the guidelines.	Clarify position regarding guidelines and activity status and/or process for changes to guidelines.
4.7.6 (a)(ii) & (iii)	Oppose	Opposed reference to Structure Plans for the previously mentioned reasons.	Delete reference to Structure Plans.
4.7.7 - 4.7.10	Support		Ensure Subdivision Rules enable the required outcomes of these Policies.
4.7.11 (a) & (b)	Support in Part	While the Policies discuss protecting against reverse sensitivity, identified areas for Residential development with communities such as Pokeno do not contain any buffer between the proposed residential and existing rural environment. Residential development, has the potential to impact on existing farming operations whether or not they are intensive in nature, and/or may be negatively impacted by existing farming practices	Encourage new residential areas to be developed where topographical or physical constraints provide a natural separation between conflicting land uses. (for example use roads/rail lines, significant planted areas as the buffer)
4.7.14	Oppose	Opposed reference to Structure Plans/Master Plans for the previously mentioned reasons.	Delete reference to Structure Plans/Master Plans.



6.4.1	Support	This submission supports the objective of the integration of infrastructure with subdivision and development.	
6.4.2 - 6.4.7	Support in part	This submission supports the stated Policies.	Ensure that the Rules relating to subdivision give effect to the proposed Policies, and that where green field sites are identified for urban growth that the ability to appropriately, effectively and efficiently service these areas in comparison to other areas has been adequately investigated through Section 32 RMA analysis.
6.5.2(a)(iv)	Support in part	While supporting pedestrian and off road cycleways, the identification and location of such should not impact on property rights without Council Designating land for such purposes	Remove indicative walkway cycleways from planning maps unless the underlying land has been earmarked for residential or commercial/industrial development
Section C Chapter 13 Definitions:  Fill Material	Support in part	Clarify the that the list is not inclusive - other materials could be fill such as sand	Amend: Means material used for filling activities including, <b>but not limited to, materials such as sand</b> , soil, clay or aggregate.
Impervious surface	Support in part	Definition is unduly restrictive and does not cater for 'pervious' materials that may be used for driveways etc	Amend: Means a surface such as a road, rooftop, footpath, paving, decking, swimming pool, patio, driveway, vehicle access and manoeuvring area or highly-compacted soil that is not vegetated and does not infiltrate runoff. It excludes wooden decks with spacing between boards of 4mm <b>or more, or surfaces such as gobi paving</b> , where water is allowed to drain through to a permeable surface below <b>the deck</b> .

Planning Maps	Oppose	There appears to be some inconsistency in terminology used in the Overlays on the Planning Maps v provisions within the text - for example in the Rural zone reference Outstanding Natural Character v Maps Natural Character	Amend terms to provide consistency between maps and text.
Planning Maps	Oppose	The Proposed District Planning Maps (inclusive of Legend) refer to Stage 1 - no apparent explanation	Provide explanation as to what is meant by Stage 1.
Planning Maps - Map 07 Tuakau/Pokeno & Environs	Oppose	The proposed residential zoning of the 160 hectare block identified on attachment V1 hatched in purple know as Pokeno West. The zoning of this block appears to have been initially developed as a private plan change then added to the current review of the District Plan and consequently has not gone through the consultative processes normally anticipated from private Plan Changes before being adopted by Council. In adopting this proposed zoning for the site Council has not completed an independent Section 32 to ensure robust decision making in achieving the purpose of the RMA. There has been no analysis of alternative sites for residential zoning on the periphery of Pokeno, particularly with regard to the proposed Objectives and Policies for the Residential zone. For example, while the proposed zoning provides for a degree of residential growth as indicted as being needed for Pokeno within 'Future Proof' and the Proposed District Plan, the constraints within the land make achieving the density targets of both Future Proof and the Proposed District Plan likely unachievable. Further it is unclear as to the nature and ownership of the large areas of 'open space' within the indicative 'Master Plan' for the development. If in public ownership such a high level of public open space will place a potentially excessive burden on the rate payer for development and ongoing maintenance.	Council to examine all zoning options for growth within land in Pokeno and surrounds to provide for the required level of Residential for the next 30 year period as detailed within the Future Proof Strategy. Areas chosen for residential growth should be consistent with the Objectives and Policies of the Residential zone, as well as Regional and National Legislative and Strategic documents. Potentially hold off in zoning the land until new legislative planning requirements, and revised regional growth strategies, have been determined. While not completely discounting the proposed site for residential development, further analysis is needed prior to the determination that this area should be 'next off the block'.

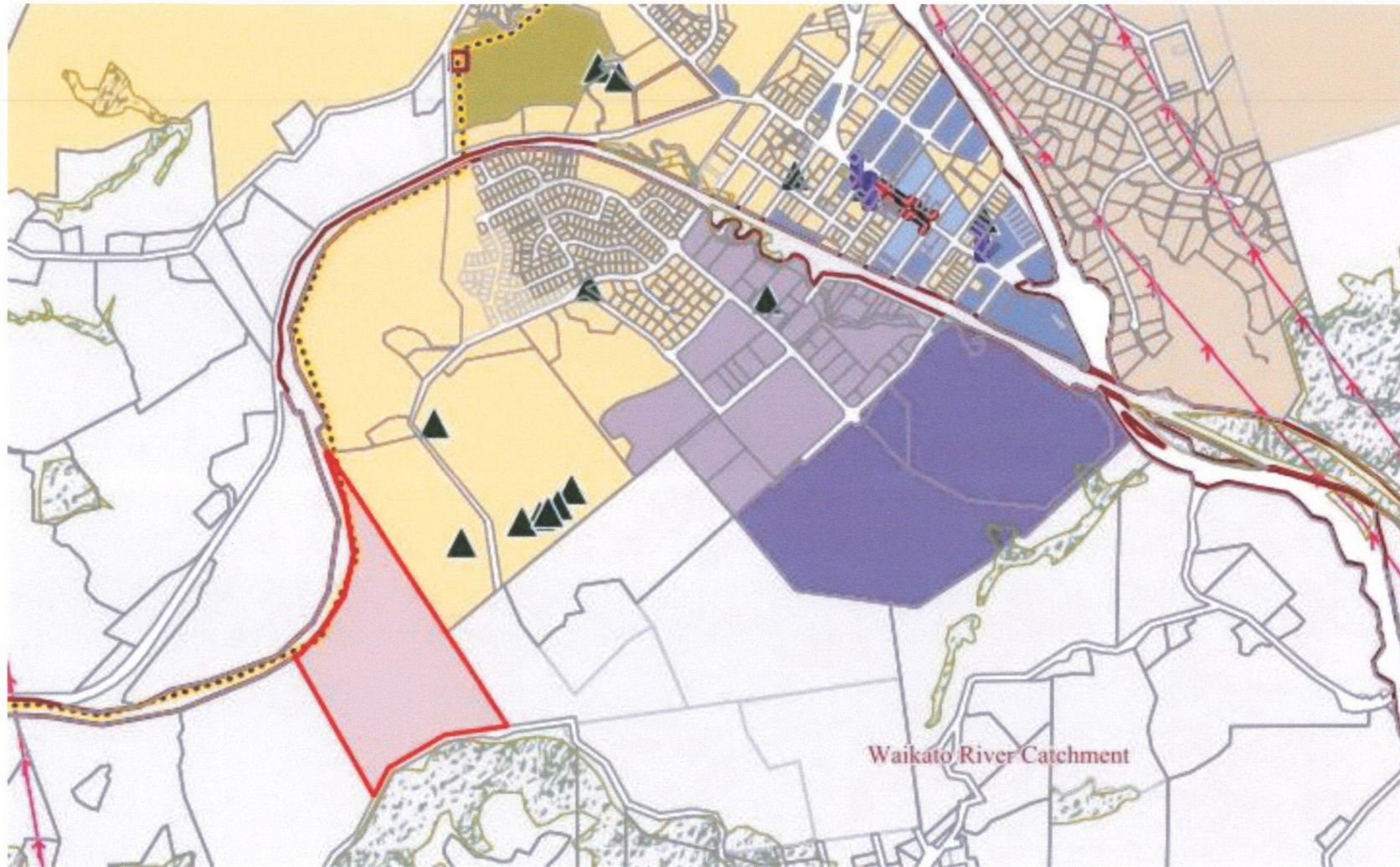


<p>Planning Maps</p> <p>Map 07 Tuakau/Pokeno &amp; Environs</p>	<p>Oppose</p>	<p>The Noakes property, being Lot 2 DP 176205, is a 23.5 hectare block of gently rolling land immediately west of the existing residential zone boundary of Pokeno, and adjoining the Pokeno Village Estate subdivision (site identified with a red star on attachment V1 &amp; highlighted on attachment V1.1). The Proposed District Plan zoning of this site is Rural. This Rural zoning is considered inconsistent with the residential growth expectations for the Operative duration of the Proposed District Plan as identified in the Future Proof strategy, and further is not consistent with the Objectives and Policies of either the proposed Rural zone or Residential zone growth expectations.</p> <p>The eastern boundary of the property is within approximately 250 metres of where earthmoving machinery is currently operating to develop residential sections to cater for CURRENT demand for sections within the Pokeno Village Estate subdivision. The block can be serviced from the east, is in proximity to new water supply infrastructure and includes the location of a future walkway cycleway identified through the District Plan review process..</p> <p>The geographical location of the site, separated from rural land to the north by the east west rail line, and to the south by a substantial covenanted bush block makes the property ideal for the type of residential subdivision anticipated by the Objectives and Policies within the Residential zone of the Proposed District Plan. The block does not contain any dwelling or other substantial impediments to development, and subject to a developer coming on board, is ready to go.</p> <p>Further to the above, the site provides for a logical extension of the residential development of the adjoining land, offering connectivity, access and development options that otherwise may be difficult to realise in the future if connectivity is lost through a lack of appropriate zoning to facilitate development options.</p> <p>In noting that the land is ready, it is recognized that, even if zoned residential, the development of the site will be subject to the regulatory assessment and controls under the subdivision provisions within the Proposed District Plan and other Regional Planning documents. Such assessment will ensure that the development of the land is consistent with the Objectives and Policies of the Plan and the Purpose of the RMA.</p>	<p>Council has simply not identified enough land zoned residential within Pokeno and the immediate surrounds to meet the residential growth expectations within Future Proof. Lot 2 DP 176205 should be zoned Residential and be subject to the Regulatory controls regarding subdivision and development contained within the Residential zone.</p>
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Noakes Property highlighted immediately to the West of Pokeno Residential zone and adjacent current subdivision activity.