

Form 6

Further Submission in Support of and in Opposition to Submissions on Variation 3 to the Proposed Waikato District Plan

To: Waikato District Council

Name of Submitter: Hugh Green Limited

Address for Service: C/- CivilPlan Consultants Limited
PO Box 97796
Manukau City
Auckland 2241

Attn: Aaron Grey

Telephone: (09) 222 2445

Email: aaron@civilplan.co.nz

This is a further submission in support of and in opposition to submissions on Variation 3 to the Proposed Waikato District Plan – Enabling Housing Supply ('the proposal').

Hugh Green Limited ('HGL' or 'the submitter') has an interest in the proposal that is greater than the interest the general public has. In particular, HGL manages companies that are the owners of the following land within or adjacent to Te Kauwhata:

- Land owned by Hugh Green Commercial Limited at Saleyard Road, Te Kauwhata, which is subject to the Commercial Zone and partly within 100 m of the North Island Main Trunk Railway Line.
- Land owned by St Michaels Farm Limited at Paddy Road, Rangiriri, which is subject to the General Rural Zone and partly within 100 m of the North Island Main Trunk Railway Line.

The submitter wishes to be heard in support of their further submission. If others make a similar submission, the submitter will consider presenting a joint case with them at a hearing.

1. Support of Submissions

The submitter supports particular parts of the following submissions:

- Submission by Kāinga Ora – Homes and Communities: submission points 106.2 and 106.14; and

- Submission by The Retirement Villages Association of New Zealand Incorporated: submission point 107.73.

The reasons for supporting these submissions are:

- Multiple Medium Density Residential zones across the region has the potential to lead to administrative confusion and poor efficiency for all plan users.
- The outcomes provided for by proposed Medium Density Residential Zone 2 are not significantly different to those of the existing Medium Density Residential Zone.
- The recent amendments to the RMA do not prevent the MDRS from being applied to those areas that Waikato District Council does not identify as part of the urban environment.
- The Proposed Waikato District Plan has anticipated Te Kauwhata to have the capacity for 5,100 dwellings by 2050,¹ indicating that this township is likely to be part of a housing and labour market of at least 10,000 people and, therefore, would become an urban environment, which the MDRS would be required to apply to.
- Increased opportunities for residential development will allow for greater likelihood of realisation of business development at currently vacant commercial zoned land adjacent to the Te Kauwhata town centre.

The submitter seeks that the identified parts of these submissions be allowed, resulting in the following relief:

- Amend Variation 3 to have only one Medium Density Residential Zone in the Waikato District, with the single Medium Density Residential Zone adopting the provisions of the proposed Medium Density Residential Zone 2 (affecting sites subject to the Medium Density Residential Zone within Te Kauwhata and Raglan).
- Amend the zoning of 46 to 50 Te Kauwhata Road and at 26D to 40 Blunt Road, Te Kauwhata from General Residential zone to Medium Density Residential Zone.

2. Opposition to Submissions

The submitter opposes particular parts of the following submission:

- Submission by KiwiRail: submission points 54.2, 54.13 and 54.15.

The reasons for opposing this submission are:

- The proposed noise and vibration controls are unreasonably onerous and would impose significant additional costs on landowners that are disproportionate to the actual risk of adverse reverse sensitivity effects.

¹ As specified in the Proposed Waikato District Plan Hearing 25 Zone Extents Framework report, refer page 96: https://www.waikatodistrict.govt.nz/docs/default-source/your-council/plans-policies-and-bylaws/plans/district-plan-review/hearings/hearing-25/reports-and-working-papers/framework-report-19012021-final.pdf?sfvrsn=7fb48fc9_6

- The proposed noise and vibration controls burden of mitigating noise generated by the railway would unfairly borne by adjoining landowners rather than the operator of the railway (KiwiRail), who has complete control over the variables that affect noise and vibration generation. It should be the responsibility of KiwiRail to mitigate the adverse effects of their activities upon adjacent properties.
- The application of noise and vibration controls for sites adjacent to the railway corridor was considered by the Proposed Waikato District Plan and decisions by the Independent Hearings Panel were to reject the relief sought by KiwiRail. KiwiRail has appealed that decision and a determination from the Environment Court has not yet been made. It is considered most appropriate for the suitability of noise and vibration controls for sites adjacent to the railway corridor to be determined through that Proposed Waikato District Plan appeal process rather than through the Variation 3 process.
- Variation 3 does not propose to alter any provisions that relate to the Commercial zone other than to introduce reference to the new and renamed medium density residential zones. Variation 3 does not increase the development potential of sites within the Commercial zone beyond that already enabled by the Proposed Waikato District Plan. Therefore, the application of new noise and vibration standards within the Commercial zone is not required to manage effects arising from Variation 3.
- The application of new noise and vibration standards applying to all sites in Waikato District that adjoin the railway corridor, including sites within rural zones, is considered to be beyond the scope of Variation 3, which, as an Intensification Planning Instrument, is limited to provisions that give effect to, support, or are consequential to the MDRS and policies 3, 4 and 5 of the NPS-UD, none of which relate to rural environments.

The submitter seeks that the identified parts of these submissions be disallowed, resulting in the following relief:

- A new acoustic installation and ventilation standard applying to all noise sensitive activities within 100 m of the railway corridor across all zones is not introduced as part of Variation 3.
- A new vibration standard to all noise sensitive activities within 60 m of the railway corridor across all zones is not introduced as part of Variation 3.

Signature:



 AARON GREY – SENIOR PLANNER, CivilPlan Consultants Ltd
 on behalf of HUGH GREEN LIMITED

Date: 15 December 2022