

**IN THE MATTER** of the Resource Management Act 1991 (“RMA” or “the Act”)

**AND**

**IN THE MATTER** of a further submission by **PŌKENO VILLAGE HOLDINGS LIMITED** in opposition to various submissions in respect of Variation 3 to the Proposed Waikato District Plan

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**FURTHER SUBMISSION BY PŌKENO VILLAGE HOLDINGS LIMITED ON VARIATION 3 TO THE PROPOSED WAIKATO DISTRICT PLAN**

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**TO:** Waikato District Council  
Private Bag 544  
Ngaruawahia 3742

**NAME OF SUBMITTER:** Pōkeno Village Holdings Limited

**1. INTRODUCTION**

- 1.1 This is a further submission on Variation 3 to the Proposed Waikato District Plan (“Variation 3”).
- 1.2 Pōkeno Village Holdings Limited (“PVHL”) has played a major role in the growth of Pōkeno. PVHL is currently developing land at Pōkeno in the Plan Change 21 (“PC21”) and Plan Change 24 (“PC24”) areas known as the Pōkeno Village Estate and Pōkeno Gateway Business Park.
- 1.3 PVHL was a proponent of the Pōkeno Structure Plan, which was incorporated into the Operative Waikato District Plan via C 21 and PC24, which has been used to guide the expansion of Pōkeno.
- 1.4 PVHL lodged a primary submission on Variation 3.

## 2. **PVHL'S PRIMARY SUBMISSION**

- 2.1 PVHL's primary submission sought the rejection of Variation 3 on the basis that implementation of the Medium Density Residential Standards ("MDRS") in Pōkeno would result in adverse urban design and urban amenity outcomes which are out of step with Pōkeno's character.
- 2.2 PVHL acknowledges that Waikato District Council is obliged to notify a variation to the Proposed Waikato District Plan ("PWDP") to incorporate the MDRS in accordance with the requirements of section 77G of the Act.
- 2.3 Assuming that Pōkeno is an "urban environment" for the purpose of section 77G and the National Policy Statement on Urban Development 2020 (which is not necessarily accepted), PVHL considers that the specific characteristics of Pōkeno mean that it is appropriate to confine intensification to the walkable catchment of the town centre in order to achieve a well-functioning urban environment and to avoid a ring of high density development on the outskirts of the town which would result in inefficient and poor urban form.
- 2.4 This further submission therefore addresses:
  - (a) Retention of the urban fringe qualifying matter;
  - (b) Retention of the General Residential Zone ("GRZ"); and
  - (c) Retention of the PWDP decisions version of the GRZ provisions.

## 3. **PVHL'S FURTHER SUBMISSION**

- 3.1 PVHL has standing to lodge this further submission on the grounds that it has an interest in Variation 3 that is greater than the interest the general public has, for the reasons set out in paragraphs 1.2 and 1.3 above.
- 3.2 The particular parts of the original submissions on Variation 3 that PVHL supports or opposes, and the reasons for this support or opposition, are set out in the table attached as **Appendix 1**.
- 3.3 PVHL wishes to be heard in support of its submission.

3.4 If others make a similar submission, PVHL will consider presenting a joint case with them.

**DATED** at Auckland this 16<sup>th</sup> day of December 2022



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**Pōkeno Village Holdings Limited**

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## APPENDIX 1: FURTHER SUBMISSION AND RELIEF SOUGHT BY PVHL

Name of original submitter	Address of original submitter	Original Submitter number	Original submission point number/s	Support or Oppose	Reasons for my support or opposition are	I seek that the whole (or part [describe part]) of the submission be allowed (or disallowed)
Waka Kotahi	Waka Kotahi NZ Transport Agency c/- Mike Wood PO Box 973 Waikato Mail Centre Hamilton 3240 New Zealand	29	<u>29.3</u> Evaluate the additional option of providing for increased density in the four towns and make any consequential changes.	Oppose	PVHL considers that the urban fringe qualifying matter is justifiable and appropriate.	Reject submission point 29.3.
Lisa and Michael Grath	63 Helenslee Road Pōkeno	33	<u>33.1</u> Retain GRZ in Pōkeno	Support in part	PVHL supports the retention of the GRZ.	Accept submission point 33.1.
Tuurangawaewae Marae	43 Herschel Street Ngaruawahia	35	<u>35.2</u> Retain GRZ for its intended purpose	Support in part	PVHL supports the retention of the GRZ.	Accept submission point 35.2 to the extent it seeks to retain GRZ as a zone within Pōkeno.
Pōkeno Community Committee	6 McNeish Place Pōkeno	41	<u>41.2</u> Add Pōkeno Special Character as a qualifying matter in MRZ2-P6.	Support in part	PVHL supports the implementation of provisions which recognise the special characteristics of Pōkeno and the inappropriateness of enabling intensive urban development throughout the town.	Accept submission point 41.2 to the extent it seeks to appropriately limit the application of the MDRS throughout Pōkeno.
Synlait Milk Ltd	Locality Ltd c/- Nicola Rykers Private Bag 806 Ashburton	46	<u>46.1</u> Retain the Pōkeno planning map as	Support in Part	PVHL supports the retention of the GRZ and agrees that it is not appropriate to	Accept submission point 46.1.

			<p>notified, in particular the retention of the General Residential Zoning as shown on the Planning Map. Submission opposes any change from General Residential to Medium Residential Zone 1 or Medium Residential Zone 2 on land adjoining or in proximity of the Heavy Industrial Zone.</p>		<p>locate Medium Density Residential Zone 2 in proximity to the Heavy Industry Zone.</p>	
<p>Ministry of Housing and Urban Development</p>	<p>Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development c/- Fiona McCarthy PO Box 82 Wellington 6140</p>	50	<p><u>50.1</u> 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.</p>	Oppose	<ul style="list-style-type: none"> <li>PVHL opposes the deletion of the urban fringe qualifying matter as the removal of this qualifying matter and inclusion of the MDRS in the GRZ will encourage inappropriate intensification of residential development in areas outside the 800m walkable catchment of the Pōkeno town centre, encourage urban sprawl and decrease variety in housing choice which is inconsistent with Policy 1(a) of the NPS-UD.</li> <li>Imposition of the MDRS to all residential land would and would not result in a well-functioning urban environment.</li> </ul>	<p>Reject submission point 50.1.</p>

<p>Patricia (Trish) Savage</p>	<p>5 Galston Court Pōkeno</p>	<p>74</p>	<p><u>74.1</u> Amend the restricted area in Pōkeno that the MDRS has been applied to and focus on areas in Pōkeno that are yet to be developed rather than areas that currently have housing with existing covenants.</p>	<p>Oppose</p>	<ul style="list-style-type: none"> <li>PVHL opposes the application of the Medium Density Residential Zone 2 on current undeveloped land outside the 800m walkable catchment as it will result in inappropriate levels of intensification in areas outside the walkable catchment of the Pokeno town centre, encourage urban sprawl and decreased variety in housing choice which is inconsistent with Policy 1(a) of the NPS-UD.</li> </ul>	<p>Reject submission point 74.1.</p>
<p>CSL Trust</p>	<p>Peter Fuller Quay Chambers Level 7, 2 Commerce Street PO Box 106215 Auckland 1143</p>	<p>82</p>	<p><u>82.1</u> 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 Pōkeno, Tuakau, Huntly and Ngaruawahia. If necessary, a new zone created to accommodate that amendment. This zone could be referred to as GRZ 2 or similar.</p>	<p>Oppose</p>	<p>PVHL opposes this submission point on the basis that the imposition of the MDRS (and subsequent zone change) will result in over-intensification of Pōkeno and would not result in a well-functioning urban environment.</p>	<p>Reject submission point 82.1.</p>

			<p><u>82.2</u> Delete the Urban Fringe qualifying matter, which fails to meet the relevant statutory requirements and is inappropriate.</p>	Oppose	<ul style="list-style-type: none"> <li>PVHL considers that the urban fringe qualifying matter is justifiable and appropriate.</li> <li>PVHL considers deletion of the urban fringe qualifying matter will encourage inappropriate intensification of residential development in areas outside the 800m walkable catchment of the Pōkeno town centre, encourage urban sprawl and decrease variety in housing choice which is inconsistent with Policy 1(a) of the NPS-UD and would not result in a well-functioning urban environment.</li> </ul>	Reject submission point 82.2.
			<p><u>82.3</u> Delete the relevant standards from the GRZ that are being replaced by the MDRS.</p>	Oppose	<ul style="list-style-type: none"> <li>PVHL opposes this submission point on the basis that replacement of the proposed GRZ standards with more enabling provisions of the MDRS (even by way of Restricted Discretionary activity status) would be incompatible with the planning outcomes for the zone, which is for less intensive residential</li> </ul>	Reject submission point 82.3 – 82.6.

		<p><u>82.4</u> Add a new rule that any infringement of the MDRS is a restricted discretionary activity. AND Add matters of discretion based on the equivalent of those from the Medium Density Residential Zone 2 proposed in Variation 3.</p> <p><u>82.5</u> Add a new rule in the GRZ that one to three units are permitted subject to compliance with the MDRS.</p> <p><u>82.6</u> 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</p>		<p>development, would result in over-intensification of Pōkeno outside of the walkable catchment, and would not result in a well-functioning urban environment.</p>	
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			standards of the GRZ.			
Brenda Roberts	16 Ford Street Pōkeno	88	<u>88.1</u> Amend the proposal to make existing GRZ to Medium Density Residential Zone 2.	Oppose	PVHL opposes the replacement of the GRZ with the Medium Density Residential Zone 2 as this would result in over-intensification of Pōkeno outside of the walkable catchment and would not result in a well-functioning urban environment.	Reject submission point 88.1.
Havelock Village Limited	Buddle Findlay PO Box 1433 Auckland 1140 Attention: Vanessa Evitt	105	<u>105.1</u> 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 Pōkeno, Tuakau, Huntly and Ngaruawahia. If necessary, a new zone created to accommodate that amendment. This zone could be referred to as GRZ 2 or similar.	Oppose	PVHL opposes this submission point on the basis that the imposition of the MDRS (and subsequent zone change) will result in over-intensification of Pōkeno and would not result in a well-functioning urban environment.	Reject submission point 105.1.
			<u>105.2</u> Delete the Urban Fringe qualifying matter, which fails to meet the relevant statutory.	Oppose	<ul style="list-style-type: none"> <li>PVHL considers that the urban fringe qualifying matter is justifiable and appropriate.</li> <li>PVHL considers deletion of the urban fringe qualifying matter will encourage inappropriate intensification of residential</li> </ul>	Reject submission point 105.2.

			requirements and is inappropriate.		development in areas outside the 800m walkable catchment of the Pōkeno town centre, encourage urban sprawl and decreased variety in housing choice which is inconsistent with Policy 1(a) of the NPS-UD.	
			<p><u>105.3</u> Delete the relevant standards from the GRZ that are being replaced by the MDRS.</p> <p><u>105.4</u> Add a new rule that any infringement of the MDRS is a restricted discretionary activity. AND Add matters of discretion based on the equivalent of those from the Medium Density Residential Zone 2 proposed in Variation 3.</p>	Oppose	PVHL opposes this submission point on the basis that replacement of the proposed GRZ standards with more enabling provisions of the MDRS (even by way of Restricted Discretionary activity status) would be incompatible with the planning outcomes for the zone, which is for lower density residential development, would result in over-intensification of Pōkeno outside of the walkable catchment, and would not result in a well-functioning urban environment.	Reject submission point 105.3 – 105.6.

			<p><u>105.5</u> Add a new rule in the GRZ that one to three units are permitted subject to compliance with the MDRS.</p> <p><u>105.6</u> 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.</p>			
Kāinga Ora	Kāinga Ora – Homes and Communities PO Box 74598 Greenlane, Auckland 1051	106	<p><u>106.8</u> Delete the “urban fringe” qualifying matter. AND Apply the proposed Medium Density Residential Zone 2 (which contains the MDRS standards) to the spatial extent of the GRZ in its entirety within Huntly, Ngaruawahia,</p>	Oppose	<ul style="list-style-type: none"> <li>• PVHL considers that urban fringe qualifying matter is justifiable and appropriate.</li> <li>• PVHL opposes this relief on the basis that deletion of the urban fringe qualifying matter and will encourage inappropriate intensification of residential development in areas outside the 800m walkable catchment of the Pōkeno town centre, encourage urban sprawl and decreased variety in housing choice which is inconsistent with Policy 1(a) of the NPS-UD.</li> <li>• Replacement of the GRZ with the Medium Density Residential Zone 2 (and the consequential imposition of</li> </ul>	Reject submission point 106.8.

			Pōkeno and Tuakau.		the MDRS to all residential land) would result in over-intensification of Pōkeno and would not result in a well-functioning urban environment.	
			<p><u>106.25</u> Amend the zoning of the GRZ sites in Huntly, Ngaruawahia, Pōkeno, and Tuakau to Medium Density Residential zone 2 zone. AND Amend the zoning so that GRZ 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.</p>	Oppose	PVHL opposes this submission point on the basis that replacement of the GRZ with the Medium Density Residential Zone 2 (and the consequential application of the MDRS) would result in over-intensification of Pōkeno outside of the walkable catchment and would not result in a well-functioning urban environment.	Reject submission point 106.25.
Retirement Villages Association	Luke Hinchey c/o Chapman Tripp, Level 34, 15 Customs St West, PO BOX 2206	107	<p><u>107.3</u> Review the application of the MDRS to Huntly Tuakau, Ngaruawahia and Pōkeno, and in particular the urban fringe qualifying matter.</p>	Oppose	<ul style="list-style-type: none"> <li>PVHL considers that the urban fringe qualifying matter is justifiable and appropriate.</li> <li>PVHL opposes this relief on the basis that deletion of the urban fringe qualifying matter will encourage inappropriate intensification of residential development in areas outside the 800m walkable catchment of the Pōkeno town centre, encourage urban sprawl and</li> </ul>	Reject submission point 107.3 and 107.73.

			<p><u>107.73</u>  Reconsider the aerial extent of the Medium Density Residential 2 Zone.  AND  Remove the urban fringe qualifying matter so those areas are rezoned from GRZ to Medium Density Residential Zone 2.</p>		<p>decreased variety in housing choice which is inconsistent with Policy 1(a) of the NPS-UD.</p> <ul style="list-style-type: none"> <li>• Replacement of the GRZ with the Medium Density Residential Zone 2 (and the consequential application of the MDRS to all residential land) would result in over-intensification of Pōkeno and would not result in a well-functioning urban environment.</li> </ul>	
Ryman Healthcare	Luke Hinchey c/o Chapman Tripp, Level 34, 15 Customs St West, PO BOX 2206	108	<p>108.1  The submitter seeks the same relief sought by Retirement Villages Association (RVA #107).</p>	Oppose	<p>Submitter seeks the same relief as sought by Retirement Villages Association above, including the removal of the urban fringes qualifying matter. Therefore, see submitter 107 above for reasoning.</p>	Reject submission point 108.1.