

Form 6

Further submission in support of, or in opposition to, submission on notified proposed policy statement or plan, change or variation

Clause 8 of Schedule 1, Resource Management Act 1991

To: Waikato District Council
Private Bag 544
Ngaruawahia
3742

Name: Ports of Auckland Limited
PO Box 1281, Shortland Street
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Scope of further submission

1. This is a further submission in opposition to a submission on Variation 3 to the Proposed Waikato District Plan (the **proposal**).
2. Ports of Auckland Limited (“**POAL**”) has an interest in the proposal that is greater than the interest that the general public has because POAL owns land within the Waikato District which is potentially affected by the relevant submissions either directly or indirectly.
3. This further submission responds to points raised in other submissions that relate to POAL’s land, or may have implications for POAL’s assets and operations.

Submissions supported and opposed

4. The submissions opposed are set out in the table **attached** as **Schedule 1** to this further submission.

Reasons for further submission

5. For the submissions set out in **Schedule 1** that POAL opposes (either in full or in part), those submissions should be disallowed (either in full or in part) so as to:
 - (a) promote sustainable management of resources, achieve the purpose of the Resource Management Act 1991 (“**RMA**”) and give effect to Part 2 and other provisions of the RMA;
 - (b) enable the social and economic well-being of the community in the Waikato district;
 - (c) sustain the potential physical resource represented by POAL’s inland freight hub in Horotiu for the future;
 - (d) adequately protect POAL’s operations in the Waikato district generally;
 - (e) have sufficient regard to the identification of the Horotiu Industrial Park as a “strategic industrial node” within the Waikato Regional Policy Statement (“**WRPS**”);
 - (f) represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions relative to other means;

(g) ensure the proposal is otherwise most appropriate in terms of section 32 of the RMA.

6. Without limiting the generality of the above, the additional reasons why POAL opposes each submission are set out in **Schedule 1**.

Decisions sought

7. POAL seeks the following relief:
- (a) That the submissions opposed in **Schedule 1** be disallowed (either in full or in part).
 - (b) Such further, alternative or other consequential amendments as may be necessary to fully address POAL's further submissions set out above and in **Schedule 1**.
8. POAL wishes to be heard in support of its further submission.

Dated 19 December 2022

Signature by its planning and resource management consultants and authorised agents Bentley & Co. Ltd.



Mark Arbuthnot

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Schedule 1 Further Submissions of Ports of Auckland Limited

Submitter	Sub #	Specific Submission	Support / Oppose	Reasons	Decision Sought
Halm Fan Kong	13.1	Submitter requests the rezoning of 145 Park Road from General Rural Zone to Medium Residential Zone to allow for more housing in Horotiu.	Oppose	<p>The purpose of Variation 3 to the Proposed District Plan is to incorporate Medium Density Residential Standards as required by s.77G of the RMA and to give effect to Policies 3 and 5 of the NPS-UD.</p> <p>Horotiu is not located within an “urban environment” as defined by the NPS-UD. Nor is the General Residential Zone within Horotiu a “relevant residential zone” as defined by the RMA.</p> <p>The relief sought is accordingly not required by s.77G of the RMA and would not give effect to Policies 3 and 5 of the NPS-UD.</p> <p>Furthermore, additional residential intensification of Horotiu is inappropriate in the context of the identification of the Horotiu Industrial Park as a “strategic industrial node” within the WRPS.</p>	Disallow the submission sought
Horotiu Farms Limited	49.1	Amend Variation 3 zoning maps to include areas 1-10 Horotiu West as Medium Density Residential Zone (MDRZ) located between Great South Road and State Highway 1 (shown in submissions) AND Associated consequential amendments to the Proposed District Plan.	Oppose	<p>The purpose of Variation 3 to the Proposed District Plan is to incorporate Medium Density Residential Standards as required by s.77G of the RMA and to give effect to Policies 3 and 5 of the NPS-UD.</p> <p>Horotiu is not located within an “urban environment” as defined by the NPS-UD. Nor is the General Residential Zone within Horotiu a “relevant residential zone” as defined by the RMA.</p> <p>The relief sought by the submitter is accordingly</p>	Disallow the submission sought

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				<p>not required by s.77G of the RMA and would not give effect to Policies 3 and 5 of the NPS-UD.</p> <p>Furthermore, additional residential intensification of Horotiu is inappropriate in the context of the identification of the Horotiu Industrial Park as a “strategic industrial node” within the WRPS.</p>	
KiwiRail	54.13	<p>Add a new permitted activity standard into the GRZ and MR22 (and all relevant zones adjoining the rail corridor affected by Variation 3) as follows:</p> <p><i>RX- Building Setback – railway corridor</i></p> <p><i>(1) Activity status: PER</i></p> <p><i>Where:</i></p> <p><i>(a) Any new building or alteration to an existing building must be setback 5 metres from any designated railway corridor boundary.</i></p> <p><i>(2) Activity status where compliance not achieved: RDIS Council’s discretion is restricted to the following matters:</i></p> <p><i>(a) The size, nature and location of buildings the on the site;</i></p> <p><i>(b) The extent to which the safety efficiency and of rail operations will be adversely affected;</i></p> <p><i>(c) The outcome of any consultation with KiwiRail;</i></p> <p><i>(d) Any characteristics of the proposed use that will make compliance unnecessary.</i></p> <p>AND</p> <p>Such further or other consequential relief, as may</p>	Oppose in part	<p>POAL is not opposed to the relief sought by the Submitter insofar as it seeks amendments to the GRZ and MR22.</p> <p>POAL opposes the relief sought by the Submitter as it relates to “all relevant zones adjoining the rail corridor” to the extent it may affect the provisions zones other than the GRZ and MR22 in particular the General or Heavy Industry Zones.</p> <p>To the extent that the relief sought by the Submitter relates to zones other than the GRZ or MR22, that relief is unnecessary, inappropriate and not required by s.77G of the RMA or to give effect to Policies 3 and 5 of the NPS-UD.</p>	Disallow the submission insofar as it may apply to zones other than the GRZ or MR22.

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		be necessary, to fully give effect to the relief sought.			
Dominion Developments Limited	66.1 & 66.2	<p>Amend the zoning of the property at 26 King Street, Ngaaruawaahia (legal description Part Section 151 Suburbs of Newcastle North) and 24 and 32A Saubrey Road, Ngaaruawahia (legal description Sections 158 and 159 Suburbs of Newcastle South) and along all the properties of King Street from General Residential Zone to Medium Density Residential Zone 2</p> <p>OR</p> <p>Add a bespoke controlled activity process in the General Residential Zone to allow medium density residential development with amendments to the following provisions [see submission for detailed amendments]:</p> <ul style="list-style-type: none"> • SUB-P3 Lot sizes • SUB-P23 Medium density residential subdivision • SUB-R11 Subdivision – general • New rule SUB-R11A Medium density residential • GRZ-O1 Residential character • GRZ-P3 Setback side boundaries <p>AND</p> <p>Any consequential amendments required across the Proposed Waikato District Plan.</p>	Oppose in part	<p>POAL is not opposed to the rezoning of the identified properties.</p> <p>However, it is opposed to a bespoke controlled activity process in the General Residential Zone to the extent that would have broader unintended consequences, including allowing medium density residential development in areas outside of the “urban environment”, such as Horotiu.</p> <p>Horotiu is not located within an “urban environment” as defined by the NPS-UD. Nor is the General Residential Zone within Horotiu a “relevant residential zone” as defined by the RMA.</p> <p>The relief sought by the submitter, as it would relate to Horotiu, is accordingly not required by s.77G of the RMA and would not give effect to Policies 3 and 5 of the NPS-UD.</p> <p>Furthermore, additional residential intensification of Horotiu is inappropriate in the context of the identification of the Horotiu Industrial Park as a “strategic industrial node” within the WRPS.</p>	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.

Schedule 1 Further Submissions of Ports of Auckland Limited

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CSL Trust	82.1	<p>Amend to apply the MDRS to all residential land within urban environments of the District, subject to any legitimate qualifying matters. This would apply to Pookeno, Tuakau, Huntly and Ngaaruawaahia. If necessary, a new zone created to accommodate that amendment. This zone could be referred to as General Residential Zone 2 (GRZ2) or similar.</p> <p>AND</p> <p>Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.</p>	Oppose in part	<p>POAL is not opposed to the relief sought as it relates to Pookeno, Tuakau, Huntly and Ngaaruawaahia.</p> <p>However, the specific changes that have been sought to the General Residential Zone would also allow medium density residential development in areas outside of the “urban environment”, such as Horotiu.</p> <p>Horotiu is not located within an “urban environment” as defined by the NPS-UD. Nor is the General Residential Zone within Horotiu a “relevant residential zone” as defined by the RMA.</p> <p>The relief sought by the submitter, as it would relate to Horotiu, is accordingly not required by s.77G of the RMA and would not give effect to Policies 3 and 5 of the NPS-UD.</p> <p>Furthermore, additional residential intensification of Horotiu is inappropriate in the context of the identification of the Horotiu Industrial Park as a “strategic industrial node” within the WRPS.</p>	Disallow the submission sought to the extent that it would allow medium density residential development in areas outside of the “urban environment”, such as Horotiu.
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)	Oppose in part	<p>POAL is opposed to Medium Density Standards being applied to General Residential Zones outside of the “urban environment”, which would include Horotiu.</p> <p>Horotiu is not located within an “urban</p>	Disallow the submission sought to the extent that it would allow medium density

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		<p>OR</p> <p>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 Residential Zone 2 in 15 and 29/33 Galbraith Street Ngaaruawaahia</p> <p>OR</p> <p>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</p> <p>AND</p> <p>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.</p>		<p>environment" as defined by the NPS-UD. Nor is the General Residential Zone within Horotiu a "relevant residential zone" as defined by the RMA.</p> <p>The relief sought by the submitter, as it would relate to Horotiu, is not required by s.77G of the RMA and would not give effect to Policies 3 and 5 of the NPS-UD.</p> <p>Furthermore, additional residential intensification of Horotiu is inappropriate in the context of the identification of the Horotiu Industrial Park as a "strategic industrial node" within the WRPS.</p>	<p>residential development in areas outside of the "urban environment", such as Horotiu.</p>
Havelock Villages Limited	105.1	Amend to apply the MDRS to all residential land within urban environments of the District, subject to any legitimate qualifying matters. This would apply to Pookeno, Tuakau, Huntly and Ngaaruawaahia. If necessary, a new zone created	Oppose in part	<p>POAL is not opposed to the relief sought as it relates to Pookeno, Tuakau, Huntly and Ngaaruawaahia.</p> <p>However, the specific changes that have been</p>	Disallow the submission sought to the extent that it would allow

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		<p>to accommodate that amendment. This zone could be referred to as General Residential Zone 2 (GRZ2) or similar.</p> <p>AND</p> <p>Any other such relief, and consequential amendments (including zone and overlay maps, objectives and policies), as considered appropriate to give effect to the points raised in the submission.</p>		<p>sought to the General Residential Zone would also allow medium density residential development in areas outside of the “urban environment”, such as Horotiu.</p> <p>Horotiu is not located within an “urban environment” as defined by the NPS-UD. Nor is the General Residential Zone within Horotiu a “relevant residential zone” as defined by the RMA.</p> <p>The relief sought by the submitter, as it would relate to Horotiu, is not required by s.77G of the RMA and would not give effect to Policies 3 and 5 of the NPS-UD.</p> <p>Furthermore, additional residential intensification of Horotiu is inappropriate in the context of the identification of the Horotiu Industrial Park as a “strategic industrial node” within the WRPS.</p>	<p>medium density residential development in areas outside of the “urban environment”, such as Horotiu.</p>