

**FURTHER SUBMISSION ON ENABLING HOUSING SUPPLY VARIATION 3 TO THE  
PROPOSED WAIKATO DISTRICT PLAN**

**Clauses 95 and 8 of Schedule 1, Resource Management Act 1991**

**To:** The District Plan Hearings Administrator  
Waikato District Council  
Private Bag 544  
Ngaruwahia 3742

**By email:** districtplan@waidc.govt.nz

**Name of Further Submitter:** Hynds Pipe Systems Limited and the Hynds Foundation (together, **Hynds or the Submitter**)

1. This is a further submission both in support of and opposition to submissions on Variation 3 to the Proposed Waikato District Plan – Appeals Version (**the Proposed Plan**).
2. Hynds has an interest in Variation 3 that is greater than the interest of the general public because it operates a concrete manufacturing and distribution site at 9 McDonald Road, Pookeno (**Hynds Factory Site**) that is adjacent to, and in proximity to, land for which submissions on Variation 3 seek changes to the Proposed Plan to enable residential intensification. The Hynds Factory Site is zoned Heavy Industrial in the Proposed Plan.
3. Hynds intends to expand its 9 McDonald Road operation onto the adjoining 4.27ha of land at 62 Bluff Road. This land is zoned Heavy Industrial in the Proposed Plan.
4. By way of further background, Hynds was involved in the hearings process for the Proposed Plan. In particular, Hynds put forward evidence in support of applying the Heavy Industrial zone to 4.27ha of 62 Bluff Road site, and evidence in opposition to the submission by Havelock Village Limited (**HVL**) proposing a large scale residential redevelopment of its land at 88, 242 (in part) and 278 Bluff Road and 5 Yashili Drive (**HVL Land**), which overlooks the Hynds Factory Site. Hynds opposed the HVL proposal on the basis of the potential reverse sensitivity, landscape, infrastructure and traffic effects of the HVL development on the Hynds operation and the Pookeno environment generally.

5. Hynds has lodged an appeal with the Environment Court against the Council's decisions on the Proposed Plan (**Appeal**). The Appeal concerns, among other matters, the:
- (a) zoning of the HVL Land as a combination of General residential zone (**GRZ**) and General rural zone (**GRUZ**); and
  - (b) inclusion of the Havelock Precinct Plan and associated provisions related to the HVL Land (and reverse sensitivity effects more generally) in a number of chapters of the Proposed Plan.
6. Hynds opposes or supports 13 submissions. Attached to this further submission is a table setting out the following details:
- (a) the original submissions to which this further submission relates;
  - (b) whether Hynds supports or opposes the original submission;
  - (c) the particular part of the original submissions to which this further submission relates;
  - (d) the reasons for the support/opposition; and
  - (e) whether Hynds seeks that the original submission be allowed or disallowed.
7. Hynds wishes to be heard in support of its further submission.
8. If others make a similar submission, Hynds would be prepared to consider presenting a joint case with them in any hearing.

**DATED** at Auckland this 19th day of December 2022



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W S Loutit / S J Mitchell  
Counsel for Hynds Pipe Systems Limited and  
the Hynds Foundation

**Address for service of further submitter:**

Simpson Grierson

Level 27, 88 Shortland Street

Private Bag 92518

Attention: Sarah Mitchell / Chris Ryan

Email: sarah.mitchell@simpsongrierson.com / chris.ryan@simpsongrierson.com

Name of original submitter	Address of original submitter	Original submitter number	Original submission point number/s	Support or Oppose	Reasons for Hynds support or opposition are	Hynds seeks that the whole (or part) of the submission be allowed or disallowed
Heritage New Zealand Pouhere Taonga	PO Box 13339 Tauranga 3141 Attn: Carolyn McAlley  E: cmcalley@heritage.org.nz	28	28.4	Support	The amendment sought clarifies that the subdivision provisions for the Medium Density Residential Zone 2 ( <b>MRZ2</b> ) do not apply where qualifying matters are identified.	Allow
			28.6	Support	The amendment sought clarifies that the subdivision provisions for the MRZ2 do not apply where qualifying matters are identified.	Allow
Waka Kotahi	PO Box 973 Waikato Mail Centre Hamilton 3240 New Zealand  E: mike.wood@nzta.govt.nz	29	29.3	Oppose	<p>The submission seeks amendments to the MRZ2, including removing the Urban Fringe Qualifying Matter.</p> <p>Hynds considers that the Urban Fringe Qualifying Matter should be retained in its current form at Pookeno, or a qualifying matter of the same or similar effect, as it appropriately limits development which could have significant negative impacts including:</p> <ul style="list-style-type: none"> <li>visual and landscape effects generated by intensive, 3 level development in highly visible locations adjoining the rural environment;</li> <li>transport effects given that development within the urban fringe is not within the walkable catchment for the centre;</li> <li>infrastructure effects given intensive development on the fringe is subject to infrastructure constraints; and</li> <li>reverse sensitivity effects where intensive residential development will be located in close proximity to existing industrial development or intensive rural activities.</li> </ul> <p>Hynds considers that the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, is necessary in Pookeno:</p> <ul style="list-style-type: none"> <li>to accommodate the requirement in the National Policy Statement for Urban Development 2020 (<b>NPS-UD</b>) to provide sufficient business land suitable for low density uses. Hynds' position is that sufficient business land at Pookeno can only be provided through application of the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, so as to ensure that the business land provided can be used effectively and efficiently (without suffering from reverse sensitivity effects); and</li> <li>because higher density, as provided for by the Medium Density Residential Standards (<b>MDRS</b>) or policy 3 of the NPS-UD (<b>Policy 3</b>), would be inappropriate in proximity to the Hynds Factory Site.</li> </ul> <p>The Urban Fringe Qualifying Matter is an efficient mechanism as it recognises that land outside the walkable catchment needs to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p>	Disallow
Pookeno Community Committee	Attn: Ric Odom 6 McNeish Place Pokeno 2402  E: ricodom@xtra.co.nz	41	41.4	Oppose	<p>It is not appropriate to apply the MDRS to all new areas of residential development as is sought in the submission, particularly where the new development is located on the urban fringe and, therefore, could have significant negative impacts including:</p> <ul style="list-style-type: none"> <li>visual and landscape effects generated by intensive, 3 level development in highly visible locations adjoining the rural environment;</li> </ul>	Disallow

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					<ul style="list-style-type: none"> <li>• transport effects given that development within the urban fringe is not within the walkable catchment for the centre;</li> <li>• infrastructure effects given intensive development on the fringe is subject to infrastructure constraints; and</li> <li>• reverse sensitivity effects where intensive residential development will be located in close proximity to existing industrial development or intensive rural activities.</li> </ul> <p>Hynds considers that the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, is necessary in Pookeno:</p> <ul style="list-style-type: none"> <li>• to accommodate the requirement in the NPS-UD to provide sufficient business land suitable for low density uses. Hynds' position is that sufficient business land at Pookeno can only be provided through application of the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, so as to ensure that the business land provided can be used effectively and efficiently (without suffering from reverse sensitivity effects); and</li> <li>• because higher density, as provided for by the MDRS or Policy 3, would be inappropriate in proximity to the Hynds Factory Site.</li> </ul> <p>The Resource Management Act 1991 (<b>RMA</b>) enables Councils to apply qualifying matters where there is a matter that makes higher density as provided for by the MDRS or Policy 3 inappropriate in an area. This is the case with the urban fringe of Pookeno</p> <p>Urban fringe areas need to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p>	
Waikato Regional Council	<p>Attn: Katrina Andrews Private Bag 3038 Waikato Mail Centre Hamilton 3240</p> <p>E: Katrina.Andrews@waikatoregion.govt.nz</p>	42	42.8	<b>Oppose</b>	<p>The submission seeks that an "intermediary density" is permitted outside of the 800m walkable catchment at Pookeno.</p> <p>Whilst there may some, limited, areas adjoining the 800m catchment that could be suitable for medium density housing development or some other "intermediary density", consideration should not be given to extensive areas on the urban fringe of Pookeno. Medium density housing development or other "intermediary density" on the urban fringe of Pookeno could have significant negative impacts including:</p> <ul style="list-style-type: none"> <li>• visual and landscape effects generated by intensive, 3 level development in highly visible locations adjoining the rural environment;</li> <li>• transport effects given that development within the urban fringe is not within the walkable catchment for the centre;</li> <li>• infrastructure effects given intensive development on the fringe is subject to infrastructure constraints; and</li> <li>• reverse sensitivity effects where intensive residential development will be located in close proximity to existing industrial development or intensive rural activities.</li> </ul>	Disallow

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					<p>Hynds considers that the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, is necessary in Pookeno:</p> <ul style="list-style-type: none"> <li>to accommodate the requirement in the NPS-UD to provide sufficient business land suitable for low density uses. Hynds' position is that sufficient business land at Pookeno can only be provided through application of the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, so as to ensure that the business land provided can be used effectively and efficiently (without suffering from reverse sensitivity effects); and</li> <li>because higher density, as provided for by the MDRS or Policy 3, would be inappropriate in proximity to the Hynds Factory Site.</li> </ul> <p>The RMA enables Councils to apply qualifying matters where there is a matter that makes higher density as provided for by the MDRS or Policy 3 inappropriate in an area. This is the case with the urban fringe of Pookeno</p> <p>Urban fringe areas need to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p>	
Anna Noakes and MSBCA Fruhling Trustees's Company Ltd (as trustees of the Fruhling Trust)	Attn: Joanna Beresford Beresford Law, Level 6, 20 Waterloo Quadrant, Auckland, 1010  E: joanna@beresfordlaw.co.nz	44	44.1	Support	The retention of the GRZ in Pookeno and the use of the Urban Fringe Qualifying Matter as is sought in the submission serves to protect the character of the Pookeno Township and its rural setting. It will reduce the potential for development on the urban fringe to generate infrastructure, transport, landscape and reverse sensitivity effects.	Allow
			44.2	Support	<p>The submission opposes Variation 3 to the extent that increased housing density would generate adverse stormwater effects on downstream catchments.</p> <p>Hynds considers that the stormwater effects on downstream catchments need to be carefully considered when enabling intensification. In particular:</p> <ul style="list-style-type: none"> <li>since its purchase of the Hynds Factory Site, Hynds has witnessed two storm events where a bottleneck further downstream of the Tanitewhiora Stream has caused flooding issues near its property. Until such time as the District Council has resolved the downstream issues any potential residential intensification upstream has the potential to create further stormwater and flooding issues for properties along the Tanitewhiora Stream and in particular the Hynds Factory Site;</li> <li>the potential flooding issues are environmental effects that the Council needs to have regard to as part of the section 32 assessment. The intensification proposed also does not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions;</li> <li>enabling intensification without appropriately managing stormwater discharges and diversions is inconsistent with Part 2 of the RMA (in terms of avoiding, remedying and mitigating adverse effects) and does not adequately give effect to the Waikato Regional Policy Statement (WRPS); and</li> </ul>	Allow

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					<ul style="list-style-type: none"> <li>any increase or significant risk from natural hazards such as flooding is a matter of national importance in section 6 of the RMA and needs to be appropriately managed, including through applying qualifying matters and enabling less building height or density than may otherwise be enabled by the MDRS or Policy 3 pursuant to section 771 of the RMA.</li> </ul>	
Synlait	Attn: Yves Denicourt / Nicola Rykers Private Bag 806 Ashburton 7740  E: yves.denicourt@synlait.com / nicola.rykers@locality.co.nz	46	46.1	Support	<p>The submission supports the extent of GRZ notified in Variation 3, and opposes any rezoning of GRZ land to MRZ2 or Medium Density Residential Zone 1 in proximity to the Heavy Industrial Zone.</p> <p>Hynds considers that the Pookeno planning map as notified in Variation 3 achieves a balance between enabling intensification in suitable locations, retaining the overall character and setting of Pookeno, and will reduce the potential for adverse effects on activities located in the Heavy Industrial Zone.</p> <p>This balance contributes to the creation of a well-functioning urban environment.</p>	Allow
			46.2	Support	<p>The submission seeks that objective MRZ2-O6 is amended to direct that reverse sensitivity effects are to be avoided rather than minimised.</p> <p>Avoiding (rather than minimising) reverse sensitivity effects from new medium density residential development on existing and future industrial uses is the most effective planning approach for the Pookeno situation. In particular:</p> <ul style="list-style-type: none"> <li>there is sufficient land available in Pookeno and the Waikato generally to ensure that new medium density housing is well separated from existing and future industrial activities;</li> <li>the intensive nature of medium density housing development means that it is not practical to effectively mitigate reverse sensitivity effects;</li> <li>the industrial development at Pookeno is regionally, if not, nationally significant. It follows that reverse sensitivity effects on such activities will also be significant, particularly as such effects may limit the productivity of the site and its ability to continue to develop and thrive.</li> </ul> <p>Ensuring there is no encroachment by sensitive activities on the heavy industrial land is the most appropriate way for the Council to exercise its functions and to ensure the efficiency and effectiveness of the proposed plan provisions.</p>	Allow
			46.3	Support	<p>The submission supports policy MRZ-P6 which provides for qualifying matters as notified. Hynds considers that restricting the level of development that can occur in areas subject to qualifying matters is an effective and efficient means of avoiding reverse sensitivity effects on existing, well established industrial activities. These activities make a significant contribution to employment and economy of the region and therefore need to be protected.</p>	Allow
			46.4	Support	<p>Retaining MRZ-P11 as notified is sought in the submission, as well as mitigation such as the Pookeno Industry Buffer is an essential part of avoiding and mitigating potential reverse sensitivity effects on the existing Heavy Industrial activities at Pookeno.</p>	Allow

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Pokeno Village Holdings Ltd	Attn: Colin Botica E: ColinB@dinesgroup.co.nz	47	47.2	Support in part	<p>The submission seeks that the extent of GRZ land in the Proposed Plan should be considered, with the extent of GRZ being reconsidered to reflect the “true residential demand capacity”.</p> <p>All submissions to Variation 3 should be considered alongside up to date figures in relation to housing supply and demand in the Waikato generally and Pokeno specifically. These figures should take account of:</p> <ul style="list-style-type: none"> <li>the effect of the Plan Change 78 to the Auckland Unitary Plan on the demand for additional housing in the Waikato. It is likely that the development capacity provided by Plan Change 78 will reduce the “spill-over” of housing demand from Auckland to Pokeno;</li> <li>the additional housing capacity that will occur if the various appeals to the Proposed Plan are approved; and</li> <li>the additional housing capacity provided by Variation 3 to the Proposed Plan.</li> </ul> <p>Taking account of the above matters will ensure the Hearings Panel has an accurate picture of both demand and the capacity for additional housing in the Waikato and Pokeno specifically.</p>	Allow
Te Tūāpapa Kura Kāinga Ministry of Housing and Urban Development	Attn: Andrew Crisp / Fiona McCarthy PO Box 82, Wellington 6140 E: RMAPlans@hud.govt.nz	50	50.1	Oppose	<p>The submission seeks that the Urban Fringe Qualifying Matter is deleted. Hynds considers that the Urban Fringe Qualifying Matter should be retained in its current form at Pokeno, or another qualifying matter of the same or similar effect, as it appropriately limits development which could have significant negative impacts including:</p> <ul style="list-style-type: none"> <li>visual and landscape effects generated by intensive, 3 level development in highly visible locations adjoining the rural environment;</li> <li>transport effects, given that development within the urban fringe is not within the walkable catchment for the centre;</li> <li>infrastructure effects given intensive development on the fringe is subject to infrastructure constraints; and</li> <li>reverse sensitivity effects where intensive residential development will be located in close proximity to existing industrial development or intensive rural activities.</li> </ul> <p>Hynds considers that the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, is necessary in Pokeno:</p> <ul style="list-style-type: none"> <li>to accommodate the requirement in the NPS-UD to provide sufficient business land suitable for low density uses. Hynds’ position is that sufficient business land at Pokeno can only be provided through application of the Urban Fringe Qualifying Matter , or a qualifying matter of the same or similar effect, so as to ensure that the business land provided can be used effectively and efficiently (without suffering from reverse sensitivity effects); and</li> <li>because higher density, as provided for by the MDRS or Policy 3, would be inappropriate in proximity to the Hynds Factory Site.</li> </ul>	Disallow

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					<p>The RMA enables Councils to apply qualifying matters where there is a matter that makes higher density as provided for by the MDRS or Policy 3 inappropriate in an area. This is the case with the urban fringe of Pookeno.</p> <p>The Urban Fringe Qualifying Matter is an efficient mechanism as it recognises that land outside the walkable catchment needs to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p>	
CSL Trust	<p>C/- Peter Fuller  Quay Chambers  Level 7, 2 Commerce Street  PO Box 106215  Auckland 1143  E: peter.fuller@quaychambers.co.nz</p>	82	82.2	<b>Oppose</b>	<p>The submission seeks that the Urban Fringe Qualifying Matter is deleted. Hynds considers that the Urban Fringe Qualifying Matter should be retained in its current form at Pookeno, or another qualifying matter of same or similar effect, as it appropriately limits development which could have significant negative impacts including:</p> <ul style="list-style-type: none"> <li>• visual and landscape effects generated by intensive, 3 level development in highly visible locations adjoining the rural environment;</li> <li>• transport effects given that development within the urban fringe is not within the walkable catchment for the centre;</li> <li>• infrastructure effects given intensive development on the fringe is subject to infrastructure constraints; and</li> <li>• reverse sensitivity effects where intensive residential development will be located in close proximity to existing industrial development or intensive rural activities.</li> </ul> <p>Hynds considers that the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, is necessary in Pookeno:</p> <ul style="list-style-type: none"> <li>• to accommodate the requirement in the NPS-UD to provide sufficient business land suitable for low density uses. Hynds' position is that sufficient business land at Pookeno can only be provided through application of the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, so as to ensure that the business land provided can be used effectively and efficiently (without suffering from reverse sensitivity effects); and</li> <li>• because higher density, as provided for by the MDRS or Policy 3, would be inappropriate in proximity to the Hynds Factory Site.</li> </ul> <p>The RMA enables Councils to apply qualifying matters where there is a matter that makes higher density as provided for by the MDRS or Policy 3 inappropriate in an area. This is the case with the urban fringe of Pookeno.</p> <p>The Urban Fringe Qualifying Matter is an efficient mechanism as it recognises that land outside the walkable catchment needs to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p>	Disallow



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			82.3	<b>Oppose</b>	<p>Retention of the GRZ provisions is appropriate. Those provisions give effect to and implement the NPS-UD, the MDRS and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021.</p> <p>Hynds is concerned that providing for three units subject to compliance with the MDRS as a permitted activity will have significant negative impacts including:</p> <ul style="list-style-type: none"> <li>• visual and landscape effects generated by intensive, 3 level development in highly visible locations adjoining the rural environment;</li> <li>• transport effects given that development within the urban fringe is not within the walkable catchment for the centre;</li> <li>• infrastructure effects given intensive development on the fringe is subject to infrastructure constraints; and</li> <li>• reverse sensitivity effects where intensive residential development will be located in close proximity to existing industrial development or intensive rural activities.</li> </ul>	Disallow
			82.4	<b>Oppose</b>	<p>Hynds is concerned that amending the GRZ provisions such that an infringement of the MDRS is a restricted discretionary activity will have significant negative impacts including:</p> <ul style="list-style-type: none"> <li>• visual and landscape effects generated by intensive, 3 level development in highly visible locations adjoining the rural environment;</li> <li>• transport effects given that development within the urban fringe is not within the walkable catchment for the centre;</li> <li>• infrastructure effects given intensive development on the fringe is subject to infrastructure constraints; and</li> <li>• reverse sensitivity effects where intensive residential development will be located in close proximity to existing industrial development or intensive rural activities.</li> </ul> <p>As the MDRS are very permissive, compliance should be able to be achieved in the majority of circumstances. Where compliance is not achieved a fulsome assessment should be able to be undertaken rather than having discretion limited.</p>	Disallow
			82.5	<b>Oppose</b>	<p>Hynds is concerned that providing for three units subject to compliance with the MDRS as a permitted activity in the GRZ will have significant negative impacts including:</p> <ul style="list-style-type: none"> <li>• visual and landscape effects generated by intensive, 3 level development in highly visible locations adjoining the rural environment;</li> <li>• transport effects given that development within the urban fringe is not within the walkable catchment for the centre;</li> <li>• infrastructure effects given intensive development on the fringe is subject to infrastructure constraints; and</li> <li>• reverse sensitivity effects where intensive residential development will be located in close proximity to existing industrial development or intensive rural activities.</li> </ul>	Disallow

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			82.6	Oppose	Hynds is concerned that allowing four or more units as a restricted discretionary activity in the GRZ subject to compliance with the MDRS as a permitted activity will have significant negative impacts including: <ul style="list-style-type: none"> <li>visual and landscape effects generated by intensive, 3 level development in highly visible locations adjoining the rural environment;</li> <li>transport effects given that development within the urban fringe is not within the walkable catchment for the centre;</li> <li>infrastructure effects given intensive development on the fringe is subject to infrastructure constraints; and</li> <li>reverse sensitivity effects where intensive residential development will be located in close proximity to existing industrial development or intensive rural activities.</li> </ul>	Disallow
			82.9	Oppose	The submission seeks amendments to the subdivision provisions of the GRZ to enable more intensive development. <p>Hynds is concerned that allowing more intensive development within the GRZ will have significant negative impacts including:</p> <ul style="list-style-type: none"> <li>visual and landscape effects generated by intensive, 3 level development in highly visible locations adjoining the rural environment;</li> <li>transport effects given that development within the urban fringe is not within the walkable catchment for the centre;</li> <li>infrastructure effects given intensive development on the fringe is subject to infrastructure constraints; and</li> <li>reverse sensitivity effects where intensive residential development will be located in close proximity to existing industrial development or intensive rural activities.</li> </ul>	Disallow
Ngāti Naho Trust	Attn: Haydn Solomon 2 Kimikimi Rd Mercer 2474  E: haydn@ngatinaho.com	83	83.10	Support	Hynds agrees that provisions to avoid or minimise reverse sensitivity effects are necessary, including in so far as they relate to industrial development.	Allow
			83.11	Support	The submission seeks that areas beyond the 800m walkable catchment of the Pookeno town centre should be retained as GRZ. <p>Hynds agrees that the MRZ2 should not be extended beyond the 800m walkable catchment and supports the retention of the Urban Fringe Qualifying Matter at Pookeno or another qualifying matter of the same or similar effect.</p>	Allow
Havelock Village Limited	C/- Buddle Findlay Attn: Vanessa Evitt / Mathew Gribben Level 18, 188 Quay Street, PO Box 1433 Auckland 1140  E: vanessa.evitt@buddlefindlay.com / mathew.gribben@buddlefindlay.com	105	105.1	Oppose	The submission seeks to apply the MDRS to all residential land within urban environments of the District, subject to any "legitimate qualifying matter". <p>Hynds considers that the Urban Fringe Qualifying Matter is "legitimate", and does not consider that it is appropriate to apply the medium density housing provisions to all areas of residential land, particularly where the new development is located on the urban fringe and, therefore, could have significant negative landscape, transport, infrastructure and reverse sensitivity effects. Hynds seeks the retention of the Urban Fringe Qualifying Matter, or another qualifying matter of same or similar effect, in Pookeno.</p>	Disallow

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					<p>Urban fringe areas need to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p> <p>Most importantly, the MDRS should not be applied to the HVL Land as this level of development has the potential to generate the following significant adverse effects:</p> <ul style="list-style-type: none"> <li>• landscape and visual effects from intensive, 3 level development on the hillslopes above Pookeno (including land above RL 100). These hillslopes form an important backdrop to the Pookeno settlement;</li> <li>• transport effects given the intensive nature of development enabled by the MDRS;</li> <li>• infrastructure effects given the intensive nature of the development enabled by the MDRS; and</li> <li>• reverse sensitivity effects, given the application of the MDRS will enable large numbers of people to live in close proximity to the existing industrial activities in the strategic industrial growth node. Many of these residents will have elevated, direct views of the industrial activities on a daily basis. This will generate complaints which may in turn limit the activities and development undertaken on the industrial land.</li> </ul> <p>The evidence supplied in support of residential development on HVL's Land during the hearings for the Proposed Plan did not anticipate the level of development enabled by the MDRS and, therefore, the potential effects of the application of the MDRS have not been adequately assessed.</p> <p>Similarly, the submission by HVL to Variation 3 does not provide a fulsome assessment of the effect of applying the MDRS to the HVL Land. Nor does the submission provide a section 32 analysis to support the application of the MDRS to the HVL Land.</p>	
			105.2	<b>Oppose</b>	<p>The submission seeks that the Urban Fringe Qualifying Matter is deleted (and replaced by the MRZ2 as a consequence).</p> <p>Hynds considers that the Urban Fringe Qualifying Matter should be retained in its current form at Pookeno, or another qualifying matter of same or similar effect, as it appropriately limits development which could have significant visual, transport, infrastructure and reverse sensitivity effects.</p> <p>The Urban Fringe Qualifying Matter is also an efficient mechanism as it recognises that land outside the walkable catchment needs to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p> <p>Most importantly, the Urban Fringe Qualifying Matter should not be removed from the HVL Land as applying the MDRS to this land has the potential to generate the following significant adverse effects:</p> <ul style="list-style-type: none"> <li>• landscape and visual effects from intensive, 3 level development on the hillslopes above Pookeno (including land above RL 100). These hillslopes form an important backdrop to the Pookeno settlement;</li> </ul>	Disallow

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					<ul style="list-style-type: none"> <li>• transport effects given the intensive nature of development enabled by the MDRS;</li> <li>• infrastructure effects given the intensive nature of the development enabled by the MDRS; and</li> <li>• reverse sensitivity effects, given the application of the MDRS will enable large numbers of people to live in close proximity to the existing industrial activities in the strategic industrial growth node. Many of these residents will have elevated, direct views of the industrial activities on a daily basis. This will generate complaints which may in turn limit the activities and development undertaken on the industrial land.</li> </ul> <p>Hynds considers that the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, is necessary in Pookeno:</p> <ul style="list-style-type: none"> <li>• to accommodate the requirement in the NPS-UD to provide sufficient business land suitable for low density uses. Hynds' position is that sufficient business land at Pookeno can only be provided through application of the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, so as to ensure that the business land provided can be used effectively and efficiently (without suffering from reverse sensitivity effects); and</li> <li>• because higher density, as provided for by the MDRS or Policy 3, would be inappropriate in proximity to the Hynds Factory Site.</li> </ul> <p>The RMA enables Councils to apply qualifying matters where there is a matter that makes higher density as provided for by the MDRS or Policy 3 inappropriate in an area. This is the case with the urban fringe of Pookeno.</p> <p>The potential for residential development on the HVL Land to generate reverse sensitivity effects on the Heavy Industrial land at Pookeno was confirmed by the Hearings Panel in its decisions on the Proposed Plan.</p>	
			105.3	<b>Oppose</b>	<p>It is not appropriate to apply the MDRS to all areas of GRZ land as is sought in the submission, particularly where the new development is located on the urban fringe and, therefore, could have significant negative landscape, transport, infrastructure and reverse sensitivity effects.</p> <p>Urban fringe areas need to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p> <p>Most importantly, the MDRS should not be applied to the HVL Land as this level of development has the potential to generate the following significant adverse effects:</p> <ul style="list-style-type: none"> <li>• landscape and visual effects from intensive, 3 level development on the hillslopes above Pookeno (including land above RL 100). These hillslopes form an important backdrop to the Pookeno settlement;</li> <li>• transport effects given the intensive nature of development enabled by the MDRS;</li> <li>• infrastructure effects given the intensive nature of the development enabled by the MDRS; and</li> </ul>	Disallow

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					<ul style="list-style-type: none"> <li>reverse sensitivity effects, given the application of the MDRS will enable large numbers of people to live in close proximity to the existing industrial activities in the strategic industrial growth node. Many of these residents will have elevated, direct views of the industrial activities on a daily basis. This will generate complaints which may in turn limit the activities and development undertaken on the industrial land.</li> </ul> <p>The evidence supplied in support of the HVL development during the hearings for the Proposed Plan did not anticipate the level of development enabled by the MDRS and, therefore, the potential effects of the application of the MDRS have not been adequately assessed.</p> <p>Similarly, the submission by HVL to Variation 3 does not provide a fulsome assessment of the effect of applying the MDRS to the HVL Land. Nor does the submission provide a section 32 analysis to support the application of the MDRS to the HVL Land.</p>	
			105.4	<b>Oppose</b>	<p>The submission seeks that any infringement of the MDRS in the GRZ triggers only a restricted discretionary activity status.</p> <p>The MDRS are very permissive. Therefore, compliance should be able to be achieved in the majority of circumstances. Where compliance is not achieved a fulsome assessment should be able to be undertaken rather than having discretion limited.</p>	Disallow
			105.5	<b>Oppose</b>	<p>The submission seeks up to three units that comply with the MDRS are a permitted activity in the GRZ. Hynds considers that up to three units as a permitted activity (subject to compliance with the MDRS) is not appropriate or necessary for all areas of residential development.</p> <p>Most importantly, up to three units per site should not be permitted in development on the HVL Land. During hearings on the Proposed Plan a bespoke set of precinct provisions were developed to control residential development on the HVL Land, including avoiding and minimising reverse sensitivity effects through the layout of future lots. Notwithstanding Hynds' concerns as to the appropriateness of the precinct provisions, which will be tested through its Appeal, allowing more intensive development within areas on the HVL Land that are currently zoned GRZ undermines the precinct provisions that apply. The evidence supplied in support of residential development on the HVL Land during the hearings for the Proposed Plan did not anticipate the level of development enabled by the MDRS and, therefore, the potential effects of the application of the MDRS have not been adequately assessed.</p> <p>Given that the HVL Land is currently not yet developed, there is no need to "retrofit" the MDRS into the provisions that apply. The HVL Land is subject to a precinct, all provisions relating to development on that land should be contained in that precinct.</p>	Disallow
			105.6	<b>Oppose</b>	<p>The submission seeks that four or more units that comply with the MDRS are a restricted discretionary activity in the GRZ.</p>	Disallow

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					<p>Hynds considers that up to four units as a restricted discretionary activity (subject to compliance with the MDRS) is not appropriate or necessary for all areas of residential development.</p> <p>Greater intensity should not be permitted in development on the HVL Land. During hearings on the Proposed Plan a bespoke set of precinct provisions were developed to control residential development on the HVL Land, including avoiding and minimising reverse sensitivity effects through the layout of future lots. Notwithstanding Hynds' concerns as to the appropriateness of the precinct provisions, which will be tested through its Appeal, allowing more intensive development within areas on the HVL Land that are currently zoned GRZ undermines the precinct provisions that apply. The evidence supplied in support of residential development on the HVL Land during the hearings for the Proposed Plan did not anticipate the level of development enabled by the MDRS and, therefore, the potential effects of the application of the MDRS have not been adequately assessed.</p> <p>The HVL Land is subject to a precinct, all provisions relating to development on that land should be contained in that precinct.</p>	
			105.7	<b>Oppose</b>	<p>The submission seeks that the matters of discretion for four or more units are the equivalent of those in the MRZ2.</p> <p>It is unnecessary to add the matters of discretion for four or more dwellings per site as there should be no provision for four or more dwellings as a restricted discretionary activity.</p>	Disallow
			105.8	<b>Oppose</b>	<p>The submission seeks that four or more units that infringe the MDRS are a restricted discretionary activity in the GRZ.</p> <p>The MDRS are very permissive. Therefore, compliance should be able to be achieved in the majority of circumstances. Where compliance is not achieved a fulsome assessment should be able to be undertaken rather than having discretion limited.</p>	Disallow
			105.9	<b>Oppose</b>	<p>The submission seeks amendments to the provisions for subdivision in the GRZ. Subdivision associated with 3 or 4 or more units per site in the GRZ should be a full discretionary activity in the GRZ.</p> <p>Greater intensity should not be permitted in development on the HVL Land. During hearings on the Proposed Plan a bespoke set of precinct provisions were developed to control residential development on the HVL Land, including avoiding and minimising reverse sensitivity effects through the layout of future lots. Notwithstanding Hynds' concerns as to the appropriateness of the precinct provisions, which will be tested through its Appeal, allowing more intensive development within areas on the HVL Land that are currently zoned GRZ undermines the precinct provisions that apply. The evidence supplied in support of residential development on the HVL Land during the hearings for the Proposed Plan did not anticipate the level of development enabled by the MDRS and, therefore, the potential effects of the application of the MDRS have not been adequately assessed.</p>	Disallow

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					The HVL Land is subject to a precinct, all provisions relating to development on that land should be contained in that precinct.	
Kainga Ora	Attn: Bredon Liggett PO Box 74598, Greenlane, Auckland 1051.  E: developmentplanning@kaingaora.govt.nz	106	106.2	Oppose	<p>The submission seeks that the MRZ2 and Medium Density Residential Zone 1 are replaced by the Medium Density Residential Zone (MRZ).</p> <p>It is not appropriate to apply the medium density housing provisions to all areas of residential land, particularly where the new development is located on the urban fringe and, therefore, could have significant negative landscape, transport, infrastructure and reverse sensitivity effects.</p> <p>Urban fringe areas need to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p>	Disallow
			106.8	Oppose	<p>The submission seeks the deletion of the Urban Fringe Qualifying Matter, and the rezoning of all areas zoned GRZ as MRZ2.</p> <p>Hynds supports the existing extent of the GRZ, and considers that the Urban Fringe Qualifying Matter should be retained in its current form at Pookeno, or another qualifying matter of same or similar effect, as it appropriately limits development which could have significant visual, transport, infrastructure and reverse sensitivity effects. The Urban Fringe Qualifying Matter is also an efficient mechanism as it recognises that land outside the walkable catchment needs to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p> <p>Most importantly, the GRZ as notified and the Urban Fringe Qualifying Matter should not be removed from the HVL Land, as applying the MDRS to this land has the potential to generate the following significant adverse effects:</p> <ul style="list-style-type: none"> <li>• landscape and visual effects from intensive, 3 level development on the hillslopes above Pookeno (including land above RL 100). These hillslopes form an important backdrop to the Pookeno settlement;</li> <li>• transport effects given the intensive nature of development enabled by the MDRS;</li> <li>• infrastructure effects given the intensive nature of the development enabled by the MDRS; and</li> <li>• reverse sensitivity effects, given the application of the MDRS will enable large numbers of people to live in close proximity to the existing industrial activities in the strategic industrial growth node. Many of these residents will have elevated, direct views of the industrial activities on a daily basis. This is more than likely to generate complaints which may in turn limit the activities and development undertaken on the industrial land.</li> </ul> <p>Hynds considers that the Urban Fringe Qualifying Matter, or another qualifying matter of same or similar effect, is necessary in Pookeno:</p> <ul style="list-style-type: none"> <li>• to accommodate the requirement in the NPS-UD to provide sufficient business land suitable for low density uses. Hynds' position is that sufficient business land at Pookeno can only be provided through application of the Urban Fringe Qualifying Matter, or a qualifying matter of</li> </ul>	Disallow

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					<p>same or similar effect, so as to ensure that the business land provided can be used effectively and efficiently (without suffering from reverse sensitivity effects); and</p> <ul style="list-style-type: none"> <li>because higher density, as provided for by the MDRS or Policy 3, would be inappropriate in proximity to the Hynds Factory Site.</li> </ul> <p>The potential for development of the HVL Land to generate reverse sensitivity effects on the Heavy Industrial land at Pookeno was confirmed by the Hearings Panel in its decisions on the Proposed Plan.</p>	
			106.10	<b>Oppose</b>	<p>Hynds opposes the amendments to the zoning of land at Pookeno that is proposed in Appendix 2 of the submission. The submission proposes rezoning the HVL Land as MRZ. Hynds has three primary concerns with the proposed rezoning:</p> <ol style="list-style-type: none"> <li>it will create reverse sensitivity effects on Hynds' heavy industrial operations;</li> <li>it would be inappropriate and cause adverse environmental effects that need to be considered as part of the section 32 assessment; and</li> <li>it does not represent the most appropriate way of exercising the Council's functions, having regard to the efficiency and effectiveness of the proposed plan provisions.</li> </ol> <p>Hynds is very concerned with the proposed zoning of the HVL Land where it may enable medium density residential development that in turn has the potential to affect Hynds' ability to carry out its day-to-day business activities on the Hynds Factory Site. Any medium density residential development, in particular on the Pookeno side of the ridgeline (of the 88 Bluff Road land) will create reverse sensitivity effects on Hynds business operations due to effects of Hynds activities (on the Heavy Industrial zoned land).</p>	Disallow
			106.22	<b>Oppose</b>	<p>The submission seeks removal of minimum lot sizes for subdivision. Minimum lot size should be retained so as to ensure that all new residential development is both functional and provides reasonable amenity. This is necessary to ensure a well-functioning urban environment.</p>	Disallow
			106.23	<b>Oppose</b>	<p>The submission seeks removal of minimum lot sizes for subdivision. Minimum lot size should be retained so as to ensure that all new residential development is both functional and provides reasonable amenity. This is necessary to ensure a well-functioning urban environment.</p>	Disallow
			106.25	<b>Oppose</b>	<p>The submission seeks amendments to the extent of the GRZ in Pookeno such that the GRZ is only applied in areas that are not defined as urban environments, and those areas are instead zoned as MRZ2 (as modified by other points of the submission).</p> <p>It is not appropriate to apply the medium density housing provisions to all areas of residential development, particularly where the new development is located on the urban fringe and, therefore, could have significant negative landscape, transport, infrastructure and reverse sensitivity effects.</p> <p>Urban fringe areas need to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p>	Disallow



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					<p>Most importantly, the MDRS should not be applied to the HVL Land as this level of development has the potential to generate the following significant adverse effects:</p> <ul style="list-style-type: none"> <li>• landscape and visual effects from intensive, 3 level development on the hillslopes above Pookeno (including land above RL 100). These hillslopes form an important backdrop to the Pookeno settlement;</li> <li>• transport effects given the intensive nature of development enabled by the MDRS;</li> <li>• infrastructure effects given the intensive nature of the development enabled by the MDRS; and</li> <li>• reverse sensitivity effects given the application of the MDRS will enable large numbers of people to live in close proximity to the existing industrial activities in the strategic industrial growth node. Many of these residents will have elevated, direct views of the industrial activities on a daily basis. This is more than likely to generate complaints which may in turn limit the activities and development undertaken on the industrial land.</li> </ul> <p>The evidence supplied in support of the HVL development during the hearings for the Proposed Plan did not anticipate the level of development enabled by the MDRS and, therefore, the potential effects of the application of the MDRS has not be adequately assessed.</p> <p>Similarly, the submission by Kainga Ora or HVL to Variation 3 does not provide a fulsome assessment of the effect of applying the MDRS to the HVL Land. Nor does the submission provide a section 32 analysis to support the application of the MDRS to the HVL Land.</p>	
			106.27	<b>Oppose</b>	<p>The submission seeks amendments to the MRZ2 provisions (which the submission seeks to be combined with the Medium Density Residential Zone 1) and removal of the Urban Fringe Qualifying Matter.</p> <p>Hynds does not consider that it is appropriate to apply the medium density housing provisions to all areas of residential development, particularly where the new development is located on the urban fringe and, therefore, could have significant negative landscape, transport, infrastructure and reverse sensitivity effects.</p> <p>Urban fringe areas need to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p> <p>Most importantly, the MDRS should not be applied to the HVL Land as this level of development has the potential to generate the following significant adverse effects:</p> <ul style="list-style-type: none"> <li>• landscape and visual effects from intensive, 3 level development on the hillslopes above Pookeno (including land above RL 100). These hillslopes form an important backdrop to the Pookeno settlement;</li> <li>• transport effects given the intensive nature of development enabled by the MDRS;</li> <li>• infrastructure effects given the intensive nature of the development enabled by the MDRS; and</li> </ul>	Disallow

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					<ul style="list-style-type: none"> <li>reverse sensitivity effects, given the application of the MDRS will enable large numbers of people to live in close proximity to the existing industrial activities in the strategic industrial growth node. Many of these residents will have elevated, direct views of the industrial activities on a daily basis. This is more than likely to generate complaints which may in turn limit the activities and development undertaken on the industrial land.</li> </ul> <p>The evidence supplied in support of the HVL development during the hearings for the Proposed Plan did not anticipate the level of development enabled by the MDRS and, therefore, the potential effects of the application of the MDRS has not be adequately assessed.</p> <p>Similarly, neither the submission by Kainga Ora or HVL to Variation 3 does not provide a fulsome assessment of the effect of applying the MDRS to the HVL Land. Nor does the submission provide a section 32 analysis to support the application of the MDRS to the HVL Land.</p>	
			106.28	<b>Oppose</b>	<p>The submission seeks amendments to the MRZ2 provisions (which the submission seeks to be combined with the Medium Density Residential Zone 1) so that reverse sensitivity effects must only be avoided “where practical”.</p> <p>Hynds does not support this amendment on the basis that there are instances where reverse sensitivity effects should be avoided, including on regionally significant heavy industrial activities. Avoidance is also necessary to give effect to the WRPS.</p> <p>The potential for the HVL development to generate reverse sensitivity effects on the Heavy Industrial land at Pookeno was confirmed by the Hearings Panel on the Proposed Plan.</p>	Disallow
Retirement Villages Association	<p>C/- Chapman Tripp Attn: Luke Hinchey Level 34 PwC Tower, 15 Customs St West PO Box 2206</p> <p><b>E:</b> luke.hinchey@chapmantripp.com / marika.williams@chapmantripp.com</p>	107	107.3	<b>Oppose</b>	<p>The submission seeks a review of the application of the MDRS to Pookeno, and the Urban Fringe Qualifying Matter.</p> <p>Hynds considers that the Urban Fringe Qualifying Matter should be retained in its current form at Pookeno, or another qualifying matter of the same or similar effect, as it appropriately limits development which could have significant visual, transport, infrastructure and reverse sensitivity effects. The Urban Fringe Qualifying Matter is also an efficient mechanism as it recognises that land outside the walkable catchment needs to be treated differently to land inside the walkable catchment in order to create a well-functioning urban environment.</p> <p>Most importantly, the Urban Fringe Qualifying Matter should not be removed from the HVL Land as applying the MDRS to this land has the potential to generate the following significant adverse effects:</p> <ul style="list-style-type: none"> <li>landscape and visual effects from intensive, 3 level development on the hillslopes above Pookeno (including land above RL 100). These hillslopes form an important backdrop to the Pookeno settlement;</li> <li>transport effects given the intensive nature of development enabled by the MDRS;</li> <li>infrastructure effects given the intensive nature of the development enabled by the MDRS;</li> </ul>	Disallow

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					<ul style="list-style-type: none"> <li>• reverse sensitivity effects, given the application of the MDRS will enable large numbers of people to live in close proximity to the existing industrial activities in the strategic industrial growth node. Many of these residents will have elevated, direct views of the industrial activities on a daily basis. This is more than likely to generate complaints which may in turn limit the activities and development undertaken on the industrial land.</li> </ul> <p>Hynds considers that the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, is necessary in Pookeno:</p> <ul style="list-style-type: none"> <li>• to accommodate the requirement in the NPS-UD to provide sufficient business land suitable for low density uses. Hynds' position is that sufficient business land at Pookeno can only be provided through application of the Urban Fringe Qualifying Matter, or a qualifying matter of the same or similar effect, so as to ensure that the business land provided can be used effectively and efficiently (without suffering from reverse sensitivity effects); and</li> <li>• because higher density, as provided for by the MDRS or Policy 3, would be inappropriate in proximity to the Hynds Factory Site.</li> </ul> <p>The potential for development of the HVL Land to generate reverse sensitivity effects on the Heavy Industrial land at Pookeno was confirmed by the Hearings Panel in its decisions on the Proposed Plan.</p>	