

## RESOURCE MANAGEMENT ACT 1991

### FURTHER SUBMISSION (No. 2) ON VARIATION 3 (ENABLING HOUSING SUPPLY) TO THE PROPOSED WAIKATO DISTRICT PLAN

#### Clause 8 of the First Schedule

TO: Waikato District Council  
By Email: [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

SUBMITTERS: **Anna Noakes and MSBCA Fruhling Trustee's Company Limited (as trustees of the Fruhling Trust)** c/-Beresford Law  
the address for service set out below.

1. The Submitters made a primary submission, Submission No. 44, on Variation 3 (Enabling Housing Supply) to the Proposed Waikato District Plan (**PDP**) ("**the Variation**").
2. The Submitters lodged a further submission on 14 December 2022. The Submitters now make a second further submissions in opposition to, or in support of, the relief sought in the primary submissions of other submitters as set out in **Attachment 1** in relation to submission that were omitted from the Waikato District Council's summary of submissions requested.
3. Where submissions are supported or opposed, it is to the extent that it is consistent with the relief sought by the Submitters in their primary submission. The specific parts of the submission supported or opposed are addressed, and the specific reasons for the Submitters' position are set out in **Attachment 1**.
4. The general reasons for this further submission are:
  - (a) The Submitters' primary submission seeks amendments to the Variation to address the adverse stormwater effects of intensification (including altered natural flow paths and altered hydrological conditions, including the volume, frequency and duration of discharges, and the extent of inundation) on adjacent rural land and downstream properties. Such stormwater effects have the potential to be affected by the primary submissions of other submitters in **Attachment 1**.

- (b) In the case of submissions opposed, the submissions do not promote the sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Act; and rejecting the relief sought in the submissions would more fully serve the statutory purpose than would implementing that relief.
- (c) In the case of those submissions supported, the submissions promote the sustainable management of natural and physical resources and are consistent with the purpose and principles of the Act; and allowing the relief sought would more fully serve the statutory purpose than would disallowing that relief.
5. The Submitters wish to be heard in support of this further submission.
6. If other parties make similar submissions, the Submitters would consider presenting a joint case with them at any hearing.

**DATED** 24 January 2023



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**JL Beresford**

Counsel for **Anna Noakes and MSBCA Fruhling Trustee's Company Ltd**  
**(as trustees of the Fruhling Trust)**

**Address for service of the Submitters:** Beresford Law, Level 6, 20 Waterloo Quadrant, Auckland, 1010. PO Box 1088, Shortland Street Auckland.  
Attention: Joanna Beresford. Phone +64 9 307 1277. Mobile: +64 21 114 1277. Email: [joanna@beresfordlaw.co.nz](mailto:joanna@beresfordlaw.co.nz)

**Attachment 1: Further submission details**

<b>Further Submission Details</b>					
<b>Details of original submission that further submission is being made on</b>				<b>Details of further submission</b>	
<b>Original submitter</b>	<b>Submission number</b>	<b>Original submitter position</b>	<b>Relief sought as stated in the summary of submissions</b>	<b>Support or oppose</b>	<b>Reasons for support or opposition</b>
Pokeno West and West Pokeno Limited	116.1	Amend	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 Pokeno, 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.	Oppose	The proposed zoning pattern in Variation 3 as notified will encourage more intense development to concentrate towards town centres enabling more efficient use of infrastructure, a choice of housing typologies and contribute to the development of well functioning urban environments and assist in reducing the adverse stormwater effects of urbanisation on downstream properties and adjacent rural land.
Pokeno West and West Pokeno Limited	116.2	Oppose	Delete the Urban Fringe qualifying matter, which fails to meet the relevant statutory requirements and is inappropriate.	Oppose	The urban fringe qualifying matter, meets the relevant statutory requirements, will encourage more intense development to concentrate towards town centres enabling more efficient use of infrastructure, a choice of housing typologies and contribute to the development of well-functioning urban environments, and assist in reducing the adverse stormwater effects of urbanisation on downstream properties and adjacent rural land.
Pokeno West and West Pokeno Limited	116.3	Amend	Delete the relevant standards from the GRZ that are being replaced by the MDRS.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development.
Pokeno West and West Pokeno Limited	116.4	Amend	Add a new rule that any infringement of the MDRS is a restricted discretionary activity. Add matters of discretion based on the equivalent of those from the MDRZ2 proposed in V3.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development

					should be retained.
Pokeno West and Pokeno Limited	116.5	Amend	Add a new rule in the GRZ that one to three units are permitted subject to compliance with the MDRS.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
Pokeno West and Pokeno Limited	116.6	Amend	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.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
Pokeno West and Pokeno Limited	116.7	Amend	Add matters of discretion for four or more units based on the equivalent of those from the MDRZ2 proposed in V3 or the notified Multi-Unit Housing discretions of the Proposed District Plan.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
Pokeno West and Pokeno Limited	116.8	Amend	Add a rule that for four or more units that any infringement of a MDRS rule is a restricted discretionary activity.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.
Pokeno West and Pokeno Limited	116.9	Amend	Add new subdivision rules for one to three units and four or more units based on the requirements of the MDRS and RM-EHA with the matters of discretion being equivalent to those in the MDRZ2.	Oppose	To the extent permitted by the Enabling Housing Supply Amendment Act, rules and standards that enable the WDC to manage the adverse effects of urban development should be retained.