

Submission on Variation 3 to the Proposed Waikato District Plan: Enabling Housing
Supply

1 Submitter details

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2 Introduction and Background

2.1 Mr Upton and Ms Miller ("the submitters") would like to thank the Waikato District Council ("WDC") for the opportunity to make a submission to Variation 3 to the Proposed Waikato District Plan ("PWDP").

2.2 The submitters own property on Saulbrey Road at Ngaruawahia that abuts the existing urban/rural boundary of the town. The submitters property is zoned Rural in the Operative Waikato District Plan. In the Decisions Version of the PWDP, the town's southern boundary has been extended by zoning all properties on the north of the submitters' property Residential (except a very small part of the submitters' property that was changed from residential to rural zoning). The submitters have lodged an appeal against those decisions.

3 Specific provisions of Variation 3 relevant to this submission

3.1 This submission relates to the spatial extent of the Medium Density Residential Zone 2 (MRZ2) zoning in Ngaruawahia proposed by Variation 3, and as a consequence the extent of residential zoning shown on the planning maps for Ngaruawahia in the Decisions Version of the PWDP.

4 Relief sought

4.1 The submitters support the application of the MRZ2 zone to the extent proposed in Ngaruawahia as shown on the Planning Maps. The submitters support is conditional upon the extent of greenfields residential zoning at the existing urban/rural boundary of Ngaruawahia (as per the Decisions Version of the PWDP) being reviewed in light of the greater density of housing in central Ngaruawahia that will be enabled by the application of the MRZ2 zone to the extent proposed in Variation 3.

5 Reasons for relief sought

5.1 There is a clear need to review the provision of greenfields zoning in Ngaruawahia given that the MRZ2 zoning changes proposed under Variation 3 (which due to the IPI process set out in the relevant legislation) are much more certain to occur than the extent of greenfields residential zoning at the urban/rural boundary, which is still to be influenced by the outcome of appeals to the PWDP and the impact of the now operative National Policy Statement for Highly Productive Land¹.

¹ In the submitters view, the NPS-HPL has a profound negative effect on the ability of Council to proceed with any greenfields urban zoning on highly productive land (as defined in the NPS-HPL) that was not included in the As-Notified version of the PWDP.

- 5.2 Council has scope to undertake such a review through the Variation 3 process given that there is a clear causal nexus between the perceived need for the extent of greenfields zoning accepted in the Decisions Version of the PWDP and the plan enabled densities that Variation 3 will generate, especially in light of the rationale that underpinned the greenfields zoning in the as-notified PWDP and subsequent approvals by the commissioners in the PWDP Decisions version. Alternatively, if necessary, the extent of greenfields residential zoning can be addressed by a further Variation, to be processed in parallel with Variation 3, to reflect the strong linkage between the additional housing to be provided through Variation 3 and the need or otherwise for additional greenfields residential zonings.
- 5.3 Further, the Hearing Panel constituted to hear and make recommendations to Waikato District Council on submissions to Variation 3 as an Intensification Planning Instrument has the ability² to make recommendations related to any matter identified by the panel or any other person during the hearing, whether or not the matter is within the scope of the submissions made on Variation 3.
- 5.4 In the case of the submitters' property at Saalbrey Road, the analysis of the reporting planner and the PWDP commissioners relied in large part on the contribution that applying residential zoning to properties on the submitters' boundary would make to achieving plan-enabled residential capacity in Ngaruawahia as set out in Future Proof. While the contribution of the greenfields zoning affecting the submitters and neighbouring properties was at best marginal, that contribution seemed to carry weight in the final wash up as to the extent of greenfields residential zoning approved by the commissioners. Now that greater residential capacity is proposed for the centre of Ngaruawahia, the case for extending greenfields zoning is reduced.
- 5.5 Finally, Council has recently announced the provision of up to 200 affordable houses on a greenfields development site within Ngaruawahia. The provision of this housing, in combination with the plan enabled capacity that will be generated by the application of the MRZ2 zone in Ngaruawahia in the manner proposed by Variation 3, provides further justification to review the extent of greenfields residential zoning in the town.

6 Further information and opportunity to discuss our submission

- 6.1 The submitters wish to be heard in support of this submission.
- 6.2 Should WDC require clarification of the points outlined in this submission, or additional information, please contact Phil Lang on 021 870 660 or phil@plang.co.nz in the first instance.
- 6.3 The submitters would welcome the opportunity to discuss the content of this submission with WDC staff in more detail.
- 6.4 The submitters wish to be heard in support of this submission.

G.R. Ewell

27 October 2022

Date _____

pp S Upton and B Miller

² per RMA 1st Schedule, Clause 99