

**RESOURCE MANAGEMENT ACT 1991**

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

**Clause 6 of First Schedule, Resource Management Act 1991**

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. This is a submission on Variation 3 (Enabling Housing Supply), to the Proposed Waikato District Plan (**PDP**), (**the Variation**).
2. The Submitters are the owners of 157 Potter Road, Tuakau (**the Property**).
3. The Submitters could not gain an advantage in trade competition through this submission and in any event are directly affected by an effect of the subject matter of the submission that (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
4. The Property is zoned general rural and used for rural productive activities. The Property is bounded by the Main Trunk Line to the North, the Pōkeno residential area immediately to the east, Potter Road to the south and other rural land to the west.
5. The purpose of the Variation includes to enable more houses and higher density housing to be built in the Medium Residential Zones in the towns of Huntly, Ngāruawāhia, Pōkeno and Tuakau. The Variation proposes to:
  - (a) Retain the General Residential Zone adjacent to the Property in Pōkeno to address qualifying matters.
  - (b) Rezone other parts of the district to the Medium Density Residential Zone 2, and from the Rural Zone to the General Residential Zone.
  - (c) Amend the objectives, policies and rules of the Medium Density Residential Zone 2 to provide for three, three storey

residential units as a permitted activity if all the standards are met.

6. The Submitters recognise that Waikato District Council has been directed by central government under the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 but that the Council is aiming to do this in a managed way; one that respects the environment and the features of the district that are important to the community.
7. The Submitters both **support and oppose** aspects of the Variation:
  - (a) The proposal to not allow further intensification by retaining the General Residential Zone in Pōkeno to address qualifying matters is **supported**.
  - (b) To the extent that increased housing density enabled by the the Variation would generate adverse stormwater effects on downstream catchments, the Variation is **opposed**.
  - (c) To the extent that the Variation goes beyond the central Government directions to promulgate plan changes to incorporate the MDRS and give effect to the NPS-UD and would enable more intense development, then the Changes are **opposed**.
8. The reasons for the submission are that to the extent that the Changes enable more intense development beyond that required to give effect to central government direction or would generate adverse stormwater effects, then the Plan Changes:
  - (a) Are contrary to the sustainable management of natural and physical resources, do not amount to or promote the efficient use and development of resources, and are otherwise contrary to the purpose and principles in Part 2 of the Resource Management Act 1991 (**the Act**).
  - (b) Are inconsistent with objectives, policies and other provisions in the PDP and other relevant planning instruments.
  - (c) Do not warrant approval in terms of section 32 of the Act.
  - (d) Are unnecessary and counterproductive to the sustainable management of the Pōkeno area.
  - (e) Will generate significant adverse effects on the environment, in particular in terms of adverse stormwater effects and effects on rural productivity in adjacent rural area.
9. In particular, but without limiting the generality of the above:
  - (a) The area to the west of the Property is being developed for residential purposes and discharges urban stormwater from a

large catchment to the Property.

- (b) Although existing discharges were consented by the Waikato Regional Council on the basis of attenuation to predevelopment peak flows, the discharges have altered the hydrological conditions on the Submitters' property, including the volume, frequency and duration of discharges, the extent of inundation on her property, and the amount of sediment and water quality and that this has resulted in loss of productive land, downstream erosion and damage to farm infrastructure.
- (c) The cumulative effects of more intense urban development and increased impervious surface area in the district, which will be enabled by the Variation, will generate adverse stormwater and run-off effects (both on the Appellants' property and more generally across the district).
- (d) If the Variation is approved then the stormwater management provisions throughout the PDP ought to be amended to ensure that such adverse stormwater effects on properties downstream of proposed development are appropriately, avoided remedied or mitigated.
- (e) Specifically, the stormwater provisions of the PDP ought to be amended to address the adverse stormwater effects of more intense development in terms of altered natural flow paths, and altered the hydrological conditions, including the volume, frequency and duration of discharges, the extent of inundation on downstream properties.
- (f) The the PDP should take a consistent approach to stormwater management across the entire plan and that the stormwater management provisions in all chapters should be amended accordingly. The Submitters note that there are provisions governing stormwater management in urban areas throughout the PDP including in the Definitions, Strategic Direction, Water Wastewater and Stormwater, All Infrastructure, Natural Hazards and Climate Change, Subdivision, Earthworks and all Residential

Zones chapters of the PDP.

10. The Submitters seek that if the Variation is approved then:
- (a) The proposal not to allow further intensification of residential land at Pōkeno to address qualifying matters is retained; and
  - (b) The Variation be amended to address the concerns in this submission relating to the adverse stormwater effects of more intense urban development. In particular, the Submitters seek that the stormwater management provisions in the PDP address the adverse stormwater effects of more intense development in terms of altered natural flow paths, and altered the hydrological conditions, including the volume, frequency and duration of discharges and the extent of inundation on downstream properties.
  - (c) Consequential amendments to other parts of the PDP to address the matters outlined above.
11. The Submitters wishes to be heard in support of their submission. If other parties make a similar submission, the Submitters would consider presenting a joint case with them at any hearing.

**DATED** 28 October 2022



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**JL Beresford**

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

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