



**Proposed Waikato District Plan  
Enabling Housing Supply Variation 3  
to the Proposed Waikato District Plan  
Submission form**

ECM Project: PDP2022V003-03
ECM # .....
Submission # <b>099</b> .....
Customer # .....
Property # .....

RMA Form 5

**Closing date for submissions: 5pm on Friday 28 October 2022**

**Submitter details:** (please note that the (\*) are required fields and must be completed)

Name of submitter*:	
Contact person for communications*:	
Agent (if applicable):	
Postal address*:	
Suburb:	Town/City*:
Country:	Postal code*:
Daytime phone:	Mobile:
Email address for submitter*: Email address for agent (if applicable):	
Please tick your preferred method of contact* <input type="checkbox"/> Email <input type="checkbox"/> Postal	Correspondence to* <input type="checkbox"/> Submitter <input type="checkbox"/> Agent <input type="checkbox"/> Both
Trade competition and adverse effects:* <input type="checkbox"/> I could <input type="checkbox"/> I could not gain an advantage in trade competition through this submission.  Only if you ticked "I could" above, please answer this question: I am/am not 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.  <b>Note:</b> If you are a person who could gain an advantage in trade competition through the submission, your right to make a submission may be limited by clause 6(4) of Part I of Schedule I of the Resource Management Act 1991	
Would you like to present your submission in person at a hearing? <input type="checkbox"/> Yes <input type="checkbox"/> No  If others make a similar submission I will consider presenting a joint case with them at the hearing. <input type="checkbox"/> Yes <input type="checkbox"/> No	

Please complete a line for every submission point, adding as many additional lines as you need:

<p>The specific provisions of the proposal that my submission relates to e.g provision number, map or natural hazard area</p>	<p>Do you:</p> <ul style="list-style-type: none"> <li>• Support?</li> <li>• Oppose?</li> <li>• Amend?</li> </ul>	<p>What decision are you seeking from Council?</p> <p>What action would you like:</p> <ul style="list-style-type: none"> <li>• Retain?</li> <li>• Amend?</li> <li>• Add?</li> <li>• Delete?</li> </ul>	<p>Reasons</p>
<p>e.g. SUB-RI Subdivision - general</p>	<p>e.g Support</p>	<p>e.g Retain rule SUB-RI</p>	<p>e.g Subdivision should be allowed for .....</p>

Please return this form **no later than 5pm on Friday 28 October 2022** to:  
 Waikato District Council, 15 Galileo Street, Private Bag 544, Ngaruawahia 3742, or e-mail: [districtplan@waidc.govt.nz](mailto:districtplan@waidc.govt.nz)

Signed: ..... Date: .....  
 (A signature is not required if you make your submission by electronic means)

**PRIVACY ACT NOTE:** Please note that all information provided in your submission will be used to progress the process for this variation, and may be made publicly available.

**61 Old Taupiri Limited, Swordfish Projects Limited, 26 Jackson Limited, 99 Ngaruawahia Limited and Next Construction Limited (the Owners) – Submission on Waikato District Council Variation 3**

**1 Summary:**

- 1.1 The Owners seek that all General Residential Zones have the Medium Density Residential Standards (“MDRS”) applied as anticipated by the Resource Management (Enabling Housing Supply Act and Other Matters) Amendment Act 2021 (“Amendment Act”).
- 1.2 In the alternative, if the MDRS is not applied to the General Residential Zone, all properties within the General Residential Zone and listed below in Table 1 are rezoned to Medium Density Residential 2 Zone.
- 1.3 As a further alternative, if the MDRS are 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.
- 1.4 The Owners also seek that properties (99A Ngaruawahia Road and 18 Rangimarie Road) that have partial General Residential Zone 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.
- 1.5 The properties (99A Ngaruawahia Road, Ngaruawahia and 18 Rangimarie Road, Ngaruawahia) that have been zoned Medium Density Residential Zone 2 are supported to remain with this zoning, allowing the MDRS to apply to these properties.

**2 Table 1 - interests:**

Owner	Property	Variation 3 zoning	Support/oppose	Outcome sought
61 Old Taupiri Limited	61 Old Taupiri Road, Ngaruawahia	General Residential Zone	Oppose	MDRS to apply
Swordfish Projects Limited	15 Galbraith Street, Ngaruawahia	Medium Density Residential Zone 2	Support	Medium Density Residential 2 to remain
26 Jackson Limited	29/33 Galbraith Street, Ngaruawahia	Medium Density Residential Zone 2	Support	Medium Density Residential 2 to remain
	26 Jackson Street, Ngaruawahia	General Residential Zone	Oppose	MDRS to apply
99 Ngaruawahia Limited	99 Ngaruawahia Road, Ngaruawahia	General Residential Zone	Oppose	MDRS to apply

99 Ngaruawahia Limited also has an interest in	99A Ngaruawahia Road, Ngaruawahia	Part General Residential Zone and part Rural	Oppose	General Residential Zone to apply to the whole property and MDRS to apply
	18 Rangimarie Road, Ngaruawahia	Part General Residential Zone and part Rural	Oppose	General Residential Zone to apply to the whole property and MDRS to apply

2.1 Next Construction is the development management entity and has a relationship with the companies above and is also submitting on Variation 3.

### 3 Reasons

#### General Residential Zone to MDRS

3.1 The Amendment Act is drafted and envisioned to apply to all current and future residential zones.<sup>1</sup> Treating “Urban Fringe” as a qualifying matter is inappropriate in the General Residential Zone, and the MDRS should be applied to all residential zones for the following reasons:

#### *Not giving effect to the MDRS*

- a) Having the MDRS applied to all residential zones will mean the Council is compliant with the Amendment Act.
- b) Having less land accessible is contrary to Policy 1(a) of the NPS-UD, the more density, the more options on type, price, and locations.
- c) The comparison in the Section 32 Report – Volume 2 – Qualifying matters (“Report”) to not apply the MDRS has been overly generous. For example, the MDRS/Medium Density Residential Zone 2 can have 3 units completed as a permitted activity. A comparison is given to the General Residential Zone that the General Residential Zone can have 1 dwelling + a minor dwelling with the comment:

*“Could achieve 2 dwellings as opposed to 3, but the minor dwelling cannot be subdivided from the primary dwelling”.*<sup>2</sup>

This leads to the conclusion that 2 dwellings can be achieved.<sup>3</sup> This is not an accurate assessment of the General Residential Zone as:

- a. The minor dwelling cannot be subdivided;

<sup>1</sup>Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021, s 77G and definition of “relevant residential zone” s 2 Resource Management Act 1991.

<sup>2</sup> Section 32 Report, Volume 2, p 86.

<sup>3</sup> Section 32 Report, Volume 2, p 86-87.

- b. Without an individual title; banks are reluctant to allow mortgages over minor dwellings;
- c. The Proposed District Plan states that a “Minor residential unit” is permitted if:
  - i. the site is 600m<sup>2</sup>; and
  - ii. has a floor area that does not exceed 70m<sup>2</sup>; and
  - iii. cannot be subdivided.

If these requirements are not met, it is a discretionary activity. It is not accurate to suggest that the General Residential Zone allows for 2 dwellings. It allows for one dwelling. While the Report states that “it is not impossible to achieve increased levels of development in that zone (general residential)”<sup>4</sup>, it is not **enabling** development as anticipated by the Amendment Act.

### *Walkable Catchment*

- d) The concept of a walkable catchment intended by the NPS-UD<sup>5</sup> to allow for 6 story buildings to be located within a walkable catchment from: an existing and planned rapid transit stop; the edge of a city centre zone; and/or the edge of a metropolitan centre zone. The walkable catchment is not a tool to be used to limit the application of the MDRS in residential zones.
- e) Development using the MDRS cannot be hung on the idea that a resident should be able to walk to all amenities, as the Report suggests. While walking provides for less traffic, the General Residential zone is generally still accessible to dairies, petrol stations, parks, schools etc (as opposed to rural lifestyle or rural zones) and this is a quality of a residential zone.

### *Infrastructure*

- f) The boundary between the General Residential Zone and the Medium Density Residential Zone 2 is not “an exact science”.<sup>6</sup> There is no difference in infrastructure requirements; the boundary is purely based on the walkable catchment. Thus the changes sought will provide more options for landowners without requiring significant additional infrastructure spend.
- g) Infrastructure capacity issues sit within areas closer to the town centre, not generally within the General Residential Zone. These larger sites in the General Residential Zones allow for better infrastructure planning and accommodating of infrastructure planning, as opposed to the sites that have been afforded the Medium Density Residential Zone 2 zoning.
- h) The MDRS is suitable for the General Residential Zone areas as any new infrastructure can be designed to cope with medium density.

### *Affordability*

- i) The General Residential Zone restrictions should not be imposed as these limit the dwelling types that should be available for developers to assist in achieving housing outcomes.

---

<sup>4</sup> Section 32 Report, Volume 2, p 87.

<sup>5</sup> National Policy Statement Urban Development, policy 3.

<sup>6</sup> Section 32 Report, Volume 2, p 84.

- j) Allowing more development and higher density will help to provide more affordable dwelling options to meet market demand.

#### *Amenity*

- k) The General Residential Zone in Ngaruawahia is still close enough to existing services and amenities to be a part of a well-functioning urban environment with MDRS.
- l) Applying increased residential density in areas does not necessarily mean a developer would not have accompanying urban form attributes (i.e., diversity, design, destination accessibility)<sup>7</sup>. The market dictates the wants and needs of the town, and the end product needs to be able to be sold and appealing to the community. To assume that there would be no diversity, design, destination, or accessibility in a development is senseless when the zone is already anticipating residential development.
- m) The sites in the General Residential Zone for the properties listed above are generally larger sites, meaning that residential amenity is not an issue. That is because the development as a whole will offer expected dwelling types and densities for new home owners (for example, a purchaser could be buying into a two story dwelling that will be located next to another two or three story dwelling).

#### *Reverse Sensitivity*

- n) Allowing medium density residential development in the General Residential Zone located on the fringes of the towns does not increase the risk of reverse sensitivity effects with the rural zone and the primary production activities that take place,<sup>8</sup> as a lot of the surrounding zoning in the Proposed District Plan is Rural lifestyle zone. Further, reverse sensitivity does not necessarily depend on the number of dwellings and is often controlled by way of covenants.
- o) The difference in the development standards is minimal. For example, the setback between from the side and rear boundaries is a matter of 50cm, meaning that the reverse sensitivity from a General Residential Zone to MDRS is no more than minor.

## **4 Summary:**

- 4.1 Applying the MDRS to the General Residential Zone has minimum effects as the General Residential Zones have anticipated residential activities and residential effects. The Amendment Act has been drafted to create density and should be given effect to. Council's approach is inconsistent with the Amendment Act.

#### *In the alternative:*

#### General residential zone to Medium Density Residential Zone 2

---

<sup>7</sup> Section 32 Report, Volume 2, p 85.

<sup>8</sup> Section 32 Report, Volume 2, p 85.

- 4.2 In the alternative, all General Residential Zone properties listed above should be afforded the zoning of Medium Density Residential Zone 2 to allow for more density and to give effect to the Amendment Act.

*In the further alternative:*

Comprehensive Residential Development rules reinstated

- 4.3 Without the MDRS applying, the minimum lot size for the General Residential Zone is 450m<sup>2</sup>. The CRD rules allowed for 300m<sup>2</sup>. Without any standards or rules that allow for smaller lot sizes, there is an inefficient use of residential land, inefficient use of infrastructure and increased costs for development, all for achieving one single standalone house.
- 4.4 The CRD rules were removed during the most recent plan change due to the changes coming from the Amendment Act and the new MDRS. It was not anticipated through the Amendment Act, or the recent plan change, that the lot size was to remain 450m<sup>2</sup>.

Rezone 99A Ngaruawahia Road and 18 Rangimarie Road to be General Residential Zone with the MDRS applied

- 4.5 These two properties are currently partially zoned General Residential Zone and Rural Zone. The rezoning of these properties to General Residential is sought for consistency.

*In the alternative:*

- 4.6 The properties to be rezoned Medium Density Residential Zone 2.

*In the further alternative:*

- 4.7 Have the CRD rules reinstated.