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Would you like to present your submission in person at a hearing?

 Yes I do NOT wish to speak in support of my submission and ask that the following submission be fully considered.

Additional requirements for hearing: See attached supporting documentation

## Attached Documents

File
Perry Group submission on Waikato District Plan_Rev3_FINAL
WDC proposed district plan - submission form
Proposed District Plan Notified July 2018



**Proposed Waikato District Plan**  
Submission form

ECM Project: DPRPh5-03
ECM # .....
Submission # .....
Customer # .....
Property # .....

RMA Form 5

To submit electronically please go to: [www.waikatodistrict.govt.nz/pdp](http://www.waikatodistrict.govt.nz/pdp)

**Closing date for submissions: 5pm on Tuesday 9 October 2018**

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

First name*: Aaron	Last name*: Collier
Organisation: Aurecon	
On behalf of: Perry Developments Limited	
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Please tick your preferred method of contact*	
<input checked="" type="checkbox"/> Email <input type="checkbox"/> Postal	
Correspondence to*	
<input type="checkbox"/> Submitter <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Both	
Trade competition and adverse effects:*	
<input type="checkbox"/> I could <input checked="" type="checkbox"/> I could not gain an advantage in trade competition through this submission.	
<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 checked="" type="checkbox"/> Yes  <input type="checkbox"/> I do NOT wish to speak in support of my submission and ask that this submission be fully considered.	
If others make a similar submission I will consider presenting a joint case with them at the hearing (do not tick if you would not consider a joint case).	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

<b>Please complete the following for every submission point:</b>
<b>Provision number</b> (e.g. 22.4.1.2 P2(a)):
Physical address of the property concerned (if relevant to your submission):
<b>Do you:</b> <input type="checkbox"/> Support <input type="checkbox"/> Oppose <input type="checkbox"/> Neutral

<b>The decision I would like is:</b>

<b>My reasons for the above are:</b>

Please return this form **no later than 5pm on 9 October 2018** 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)

<p><b>PRIVACY ACT NOTE:</b> Please note that all information provided in your submission will be used to progress the process for this proposed district plan, and may be made publicly available.</p>
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**SUBMISSION ON PROPOSED DISTRICT PLAN  
UNDER CLAUSE 6 OF THE FIRST SCHEDULE OF THE  
RESOURCE MANAGEMENT ACT 1991**

**TO:** Waikato District Council

**SUBMISSION ON:** Proposed Waikato District Plan

**SUBMITTER:** Perry Group Limited  
c/o Aurecon  
PO Box 2292  
Tauranga  
Attn: Aaron Collier

**Scope of Submission**

1. The specific provisions of the Proposed District Plan to which this submission relates are generally the Residential Zone, Rural Zone, Commercial and aggregate extraction overlay provisions of the Proposed Plan. Perry Group Limited (Perry Group) are developers and land owners in the area identified as residential at Horotiu Bridge Road, Washer Road, Kernott Road and State Highway.
2. Perry Group started life in 1954 by Brian Perry with one man and an excavator. Since that time, Simon Perry has continued that business and has diversified into one of the most successful privately-owned enterprises in the Waikato involved primarily in agricultural, manufacturing, importing and distribution, food and export, natural resources, and the property industry sectors.
3. This commercial success has enabled Perry Group to support the community and in 1976 a Charitable Trust was established with a personal donation of \$100,000 from Brian Perry and his wife Peggy. Four decades later, the Trust continues to develop strong partnerships with like-minded organizations to deliver on its purpose of 'Making a meaningful difference towards a vibrant Waikato Region' and its vision of 'Building Stronger Communities'. These philanthropic values endure through organisations and projects such as:
  - Te Awa River Ride Trust: Delivering a shared cycle/walkway along the banks of the Waikato River from Ngaruawahia to Hora Hora with the inclusion of Perry Bridge to the north of the Te Awa Lakes site;
  - Perry Outdoor Education Trust which equips low decile secondary schools to facilitate the delivery of outdoor education experiences and has seen over 2,300 students taken on camp and 'Growing good citizens' since 2003;
  - Strong support of the arts in general, and of public art in particular with involvement in the Riff Raff sculpture in Hamilton's city centre and Passing Red near the Waikato Stadium, making a real contribution to Hamilton's creative profile.
4. Perry Group's land is affected by the Proposed Plan zoning and the accompanying objectives, policies and rules of the Plan.

5. Perry Group's land at Horotiu is subject to the Hamilton-Auckland Corridor Plan. The Corridor Plan is an emerging sub-regional plan being developed jointly by Central and Local government and iwi. The Corridor Plan is focused on the untapped growth potential of the 17 communities that lie between Papakura and Cambridge on the two parallel 'trunk' road and rail networks which includes Horotiu. The Corridor Plan is in the early stages of development but based on the information available to date, housing and business development will play a key role in the revitalisation of townships along the corridor (including Horotiu) which is generally consistent with the Proposed Plan's pattern of zoning. Development of the corridor results in positive 'Live, Work and Play' outcomes and efficiently incorporates existing rail, river, walkway and road connections.

#### **Nature of submission**

6. The nature of Perry Group's submission is that Perry Group support the Proposed District Plan in part. In particular Perry Group support the residential zoning of land at Horotiu and the Council's comprehensive approach to this zoning. Perry Group seek a number of changes to the provisions of the Plan to better promote the sustainable management of natural and physical resources under the RMA.
7. Perry Group could not gain an advantage in trade competition through this submission.

#### **Reasons for submission**

8. The reasons for this submission are:
  - a) That the Proposed District Plan provisions, subject to the amendments sought below in this submission will:
    - i) Promote the sustainable management of resources;
    - ii) Achieve the purpose of the Resource Management Act 1991 ("the RMA");
    - iii) Not be contrary to Part 2 and other provisions of the RMA;
    - iv) Meet the reasonably foreseeable needs of future generations by enabling growth and further land for residential development at Horotiu and the wider District;
    - v) Will enable the social, economic and cultural well-being of the Horotiu community;
    - vi) Represent the most appropriate means of exercising the Waikato District Council's ("Council") functions, having regard to the efficiency and effectiveness of other available means. Some of the changes proposed are therefore not more appropriate in terms of section 32 and other provisions of the RMA.
  - b) Perry Group consider that:
    - i) Development on or near the Waikato River should be reflective of the environmental, visual and physical amenity of our regions greatest asset and its cultural significance;
    - ii) Recreational uses should be promoted along the river to enhance peoples' lifestyles, cultural appreciation and the value of the natural assets within the region;
    - iii) New or increased industrial uses on or next to the River are generally not appropriate unless they align with the Corridor Plan;

- iv) Horotiu is changing into a more urbanised village and so needs sufficient local centre amenities to service its population such as shops, and other services;
  - v) Residential and industrial can live suitably together to create a live, work, play, lifestyle for Horotiu;
  - vi) Cycling and walking should be promoted for a healthy and active lifestyle;
  - vii) Economic benefits exist through the promotion and development of tourism and recreation in the corridor;
  - viii) Rural residential zoning is not an efficient use of land;
  - ix) The Plan contains provisions to enable higher density residential outcomes which is beneficial;
  - x) Residential zoning at Horotiu is supported by links to Horotiu Village, the Horotiu Primary School and opportunities to align with the Te Awa Lakes Special Housing Area which is on adjacent land;
  - xi) Horotiu can act as a gateway for a recreation hub that includes the Te Awa River Ride to Ngaruawahia, then onto Hakarimata Reserve and beyond;
  - xii) There is the opportunity to strengthen connections from Horotiu back other surrounding areas by Cycleway, river and potentially train.
- c) In particular, but without limiting the generality of the above, Perry Group seek the following amendments to the Proposed Plan as notified:

9. Amend Policy 4.1.3 as follows:

4.1.3 Policy - Location of development

- (a) Subdivision and development of a residential, commercial and industrial nature is to occur within **or near** towns and villages where infrastructure and services can be efficiently and economically provided.
- (b) ~~Locate~~ **Give preference to** urban growth areas ~~only~~ where they are consistent with the Future Proof Strategy Planning for Growth 2017, **any amended Future Proof documents, the Corridor Plan, and any central government directives on land use.**

10. Add additional policy 4.1.6(c):

- “(c) **Encourage linkages and connections between commercial, industrial, and residential activities.**”

11. Add additional policy 4.1.8(b):

- “(c) **Encourage greater connectivity and integration between commercial, industrial, and residential activities.**”

12. Amend Policy 4.1.16 as follows:

4.1.16 Policy – Horotiu

- (a) Horotiu is developed to ensure:
- i) Future residential areas are connected to **or near** the existing village;
  - (ii) Future residential development ~~does not~~ **minimises** impact on the existing local road network;
  - (iii) **Future residential development acknowledges the benefits of Horotiu's proximity to Hamilton City;**
  - (iii) **Effects on amenity from the strategic transport infrastructure are appropriately mitigated** ~~Reverse sensitivity effects from the strategic transport infrastructure networks are avoided or minimised~~
  - (iv) The strategic industrial node is protected by having an acoustic overlay on neighbouring sensitive land uses **while recognising the importance of current and future residential activities;**
  - (v) Future roads, parks, pedestrian and cycle networks are developed in accordance with the Horotiu section of the Ngaaruawaahia, Hopuhopu, Taupiri, Horotiu, Te Kowhai & Glen Massey Structure Plan.

13. Amend Policy 4.2.18 as follows.

- (a) ~~Ensure~~ **Enable** multi-unit residential subdivision **and mixed use** development to be designed in a way that:
- (i) provides a **wide** range of housing types;
  - (ii) Addresses and integrates with adjacent residential development, town centres and public open space **while recognising the importance of multi-unit developments role in addressing housing supply;**
  - (iii) Addresses and responds to the constraints of the site, including typography, natural features and heritage values;
  - (iv) Supports an integrated transport network, including walking and cycling connections to public open space network;
  - ~~(v) Maintains the amenity values of neighbouring sites.~~
- (b) Encourage developments that promote the outcomes of the Waikato District Council's multi-unit development urban design guidelines (Appendix 3.4), in particular section 3 (site and context analysis), section 4 (movement, access and parking), section 5 (neighbourhood character), section 6 (street and public realm interface), and section 8 (communal open spaces and landscape treatment), in particular by:
- (i) Responding to the immediate urban and built form;
  - (ii) Designing and locating development to support connection to the surrounding context and local amenities;

- (iii) Promoting the safe movement of pedestrians and vehicles on-site;
- (iv) Ensuring design is contextually appropriate ~~and promotes local characteristics to contribute to community identity;~~
- (v) Designs that respond to and promote the public interface by the provision of:
  - A. Streets, **communities** and public places;
  - B. Pedestrian safety and amenity;
  - C. Side setbacks; and
  - D. Variation in roof form.
- (vi) Ensuring a communal outdoor living court is provided where private individual outdoor living courts are limited.

14. Amend Policy 4.7.6 as follows:

**4.7.6 Policy – Co-ordination between servicing and development and subdivision**

**Increasingly, infrastructure is put in pursuant to private development agreements and other arrangements, and it should not depend on Council funding or Long-Term Plan arrangements.**

- (a) ~~Ensure~~ **Encourage** development and subdivision:
  - (i) ~~Is To be~~ located in areas where infrastructural capacity has been planned and funded;
  - (ii) ~~Is To be~~ located in areas subject to an approved structure plan and provide sufficient infrastructure capacity to meet the demand identified in the structure plan;
  - (iii) **To** achieves the lot yield anticipated in an approved structure plan; and
- (iv) **To** includes infrastructure provision for both the strategic infrastructure network and local infrastructure connections;

**while acknowledging that there may be exceptions to the above, for example in the case of a new housing development with infrastructure being provided and paid for in whole or in part by central government or private or public-private funding.**

15. Amend Policy 4.7.11 as follows:

4.7.11 Policy – Reverse sensitivity

**Reverse sensitivity effects can be mitigated in many circumstances (for example, through consent conditions or land covenants).**

- (a) Development and subdivision design minimizes reverse sensitivity effects arising from current uses on adjacent sites, adjacent activities, or the wider environment; and

- (b) Avoid, ~~minimise~~ **or appropriately mitigate** potential reverse sensitivity effects of locating new dwellings in the vicinity of an intensive farming, extraction industry or industrial activity.
16. Amend Rule 16.1.3 RD1 for Multi-Unit Development by deletion of the minimum net site area per unit of 300m<sup>2</sup>, such that the non-compliance with this standard is instead assessed as a matter of restricted discretion. The reason for this submission is that the requirement per unit should be based on specific design considerations for a Multi-Unit Development rather than a nominal area. The matter should be assessed as part of Council's restricted discretion for a Restricted Discretionary Activity application.
17. Amend Rule 16.1.3 RD1 for Multi-Unit Development by deletion of minimum living court areas and dimensions, such that the provisions provide for non-compliance with this standard to be assessed and considered as a matter of Restricted Discretion. The reason for this submission is that living court areas should be based on specific design considerations for a Multi-Unit Development rather than a nominal area. The matter should be assessed as part of Council's Restricted Discretion for a Restricted Discretionary Activity application.
18. To reflect submission points 5 and 6 above, make consequential amendment to Rule 16.1.4 D3 to read:

*'Any Multi-unit development that does not comply with Rule 16.1.3 RD1 **except for Rules 16.3.3 RD1(c) and (h).**'*

The reason for this change is that the amendment retains these matters as a specific matter of restrict discretion under RD1.

19. Amend Rule 16.1.3 RD1(b) to correct the cross-referencing as follows:

~~16.3.8~~ **16.3.6**  
~~16.3.9~~ **16.3.7**  
~~16.3.10~~ **16.3.8**

The reason for this change is that the correction is required to reflect correct cross referencing.

20. Amend 16.4.1 RD1 (a)(i) by providing for a minimum lot size of 400m<sup>2</sup>. The Waikato District needs to recognise that greater residential density will better meet housing needs in the District (which is adjacent to two metropolitan Councils with significant housing shortages) and help avoid sprawl. Rule 16.4.1 RD1 (a)(i) should be amended to read:

**"(i) Proposed lots must have a minimum net site area of 400m<sup>2</sup>, except where the proposed lot is an access allotment or utility allotment or reserve to vest;"**

21. Amend 16.4.1 RD1 (b) by setting fewer grounds for Council discretion. Council should not have discretion over subdivision layout, lot shape, or lot size variation, nor be concerned about future building details at subdivision stage. Rule 16.4.1 RD1 (b) should be amended as follows:

(b) Council's discretion shall be restricted to the following matters:

(i) Subdivision layout;

~~(ii) Shape of lots and variation in lot sizes;~~

- (iii) Ability of **lots** to accommodate a practical **building platform** including geotechnical stability for building;
- ~~(iii) Likely location of future buildings and their potential effects on the environment;~~
- (v) Avoidance or mitigation of natural hazards;
- ~~(vi) Amenity values and streetscape landscaping;~~
- (vii) Consistency with the matters contained within Appendix 3.1 (Residential Subdivision Guidelines);
- (viii) Vehicle and pedestrian networks;
- (ix) Consistency with any relevant structure plan or master plan including the provision of neighbourhood parks, reserves and neighbourhood centres; and
- (x) Provision of infrastructure.

22. Amend Rule 16.4.4 Subdivision (Multi-Unit Development) to delete the existing lot size of 300m<sup>2</sup>. The reason for this submission is that the rule is confusing and poorly drafted. Subdivision should be guided by the land use consent process and there should be no minimum lot size for Multi-Unit development subdivision where a land use consent has been proposed under Rule 16.1.3. In addition, there should also be no minimum lot size applicable to the underlying site as this is subject to a separate land use consent process (which is design led).

23. Amend 16.1.3 RD1 to specify that any application for a resource consent for a Multi-Unit development made under Rule 16.1.3 *Restricted Discretionary Activities* shall not be notified or served on affected persons. The reason for this submission is that the proposed amendment provides certainty and efficiency in terms of process. Councils matters of restricted discretion and compliance with land use effects under 16.2 adequately address matters of adverse effects at external boundaries.

24. Amend 16.3.3.I (Height) (P1) to provide for a maximum building height of 10m for Multi-Unit Development as follows:

*.....'The exception shall be Multi-unit development where the height of any building must not exceed 10m.'*

The reason for this submission is that a building height of 7.5m is insufficient to effectively and efficiently provide for Multi-Unit development.

25. Amend 16.4.4 RD1 (b) (vii) by removing reference to the use of design “guidelines” as a “criteria” and instead replacing these provisions with a further provision under 16.1.3 RD1 (“I”) (as a matter of restricted discretion for land use) as follows:

*“A design report shall be submitted by a suitably qualified and experienced professional which assesses the Multi Unit Development in accordance with the NZ Urban Design Protocol”.*

The reason for this submission is that the consideration of consistency with design guidance should more appropriately be considered as a matter at the time of the land use consent, in accordance with Rule 16.1.3 RD1 (a) in the right-hand column of the table, (rather than at subdivision stage). Requiring consistency with design “guidelines” as a “criteria” is inappropriate as the guidelines provide “guidance” only and may restrict the consideration of

changes to design and innovation. We see no reason why the guidelines cannot remain in the plan for reference, however the criteria should instead reflect (in terms of a level of detail provided) those requirements in the NZ Urban Design Protocol.

26. Delete Rule 23.4.2 RD1(a)(i). The reason for this submission is that Council should be concerned with amenity values, not with minimum lot sizes in the Country Living Zone;

27. Amend Planning Map Horotiu 26.1 by incorporating the following:

a) Amending that area on Pt Lot 5 DPS 5176, Lots 1-3 DPS 5176 and Lt Allot 105 Horotiu Parish currently zoned as Residential by rezoning it to Business as shown on the attached plan and marked Area A;

b) Amending that area on Allotment 106 Horotiu Parish and Section 2 SO 486608 currently zoned Rural by rezoning the land Residential as shown on the attached plan in blue;

The reason for our submission is that these changes to the extent of the zoning:

a) Reflect the need for commercial land required to service the adjacent residential areas which also provides a buffer between the Residential Zone and adjacent industrial land;

b) The land we seek to re-zone on Allotment 106 Horotiu Parish and Section 2 SO 486608 is identified as Rural in the Proposed Plan as notified and is isolated and fragmented from the remainder of the zone. The most appropriate zoning of this land is residential.

28. The District Plan should contain a specific policy basis for Horotiu which promotes the relationship of Horotiu with the river and its cultural and recreational values. These should be acknowledged in the Proposed Plan.

We seek that the following be incorporated:

*“Development on or near the Waikato River should be reflective of the visual and physical qualities of the river and its cultural importance.”*

*“Recreational uses and activities which promote the rich history and recognize the cultural importance of the river edge are promoted.”*

The reason for our submission is that that Plan as notified does not contain such an acknowledgement and we seek that additional policies be incorporated to acknowledge this accordingly.

29. Neither the Rural Zone, nor the Aggregate Extraction overlay provisions consider the future and ongoing use of mineral extraction and processing sites that have been closed and rehabilitated. Such sites provide significant opportunities for recreation activities, wetlands and reserve areas.

30. We seek that a further policy/explanatory statement be included in the Proposed Plan as follows:

*“There are a number previously developed mineral extraction and processing sites in the District, some of which have the potential to meet the communities needs for recreation, conservation and reserve needs”.*

**Decision Sought**

- 31. The decision sought from the Council is that the Proposed District Plan be approved, with:
  - a) necessary amendments to address the concerns and additional amendments set out above;
  - b) such further other relief or other consequential amendments as considered appropriate and necessary to address the concerns set out above.
  
- 32. We wish to be heard in support of our submission. If others make a similar submission, we are prepared to consider presenting a joint case with them at any hearing.



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**AARON COLLIER**

**Date:** 9 October 2018

**Address for Service:**

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Attn: Aaron Collier

