

**Further Submission on the Waitomo District Council Proposed District Plan by  
Kāinga Ora – Homes and Communities**

**Clause 8 of Schedule 1 to the Resource Management Act 1991**

**To:** Alex Bell  
General Manager – Strategy and Environment  
Waitomo District Council  
PO Box 404 Queen Street  
Te Kuiti  
*Submitted via email to: [districtplan@waitomo.govt.nz](mailto:districtplan@waitomo.govt.nz)*

**Name of Further Submitter:** Kāinga Ora – Homes and Communities

1. **Kāinga Ora – Homes and Communities (“Kāinga Ora”)** makes this further submission on the Notified Waitomo Proposed District Plan (“**PDP**”) in support of/in opposition to original submissions on the PDP.
2. Kāinga Ora has an interest in the PDP that is greater than the interest the general public has, being an original submitter on the PDP with respect to its interests as Crown entity responsible for the provision of public housing, and its housing portfolio in Waitomo District.
3. Kāinga Ora makes this further submission in respect of submissions by third parties to the PDP.

**Reasons for further submission**

4. The submissions that Kāinga Ora supports or opposes are set out in the table attached as **Appendix A** to this further submission.
5. The reasons for this further submission are:
  - a) The reasons set out in the Kāinga Ora primary submission on the PDP.

- b) In the case of the Primary Submissions that are opposed:
- i. The Primary Submissions do not promote the sustainable management of natural and physical resources and are otherwise inconsistent with the purpose and principles of the Resource Management Act 1991 (“RMA”);
  - ii. The relief sought in the Primary Submissions is not the most appropriate in terms of section 32 of the RMA;
  - iii. Rejecting the relief sought in the Primary Submissions opposed would more fully serve the statutory purpose than would implementing that relief; and
  - iv. The Primary Submissions are inconsistent with the policy intent of the Kāinga Ora primary submission.
- c) In the case of Primary Submissions that are supported:
- i. The Primary Submissions promote the sustainable management of natural and physical resources and are consistent with the purpose and principles of the RMA and with section 32 of the RMA;
  - ii. The reasons set out in the Primary Submissions; and
  - iii. Allowing the relief sought in the Primary Submissions supported would more fully serve the statutory purpose than would disallowing that relief.
6. Without limiting the generality of the above, the specific relief in respect of each Primary Submission that is supported or opposed is set out in **Appendix A**.
7. Kāinga Ora wishes to be heard in support of its further submission.
8. If others make a similar submission, Kāinga Ora will consider presenting a joint case with them at a hearing.

**DATED 28 July 2023**



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**Brendon Liggett**

**Manager – Development Planning**

**Kāinga Ora – Homes and Communities**

**ADDRESS FOR SERVICE:**

*Kāinga Ora – Homes and Communities, PO Box 74598, Greenlane, Auckland*

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Appendix A – Further Submission Table

Submitter Name	Original Submission Number	Support/ Oppose/ Amend	Provision/ Chapter Topic	Summary of Decision Requested	Kāinga Ora response (support or oppose)	Kāinga Ora reasons	Decision(s) sought (allow or disallow)
Waikato Regional Council	10.61	Amend	23. Natural Hazards	<p>Amend the wording of paragraph 3 on page 2 to:</p> <p><b>“Building Platform Suitability Area C</b> <del>which is the floodplain area in Te Kūiti and Piopio identified on the planning maps for 100-year ARI events (current climatic conditions) with rainfall projected to a 2120 future time horizon based on RCP 8.5. It is also the floodplain area identified in Waitomo Valley Road which is the extent of a 1% AEP flood event with future climate change rainfall projections of RCP 8.5 identified on the planning maps in Te Kuiti and Pio pio.”</del></p> <p>Create another layer specifically for the Waitomo Valley flood modelling, with the following description: <u>“the floodplain identified in the Waitomo Valley by a qualitative assessment.”</u></p> <p>Or alternatively, state at the beginning of paragraph three that Building Platform Suitability Area C is made from two separate datasets, one for the Waitomo Floodplain and one for Te Kuiti and Piopio.</p>	Support in Part	Kāinga Ora understand that a visual representation of the floodplain identified in the Waitomo Valley is necessary for property owners to easily identify if they are likely to be affected by the floodplain. However Kāinga Ora emphasise the importance of keeping this layer outside of the district plan so that the layer can be updated frequently without the need to undertake a plan change.	Allow with amendments

Waikato Regional Council	10.107	Support with amendments	29. Subdivision – Matters of discretion	Amend matter of discretion (a) to: “Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration, and <u>productive capacity</u> .”	Oppose in Part	Kāinga Ora requests the following changes to this addition to provide better clarity.  Amend matter of discretion (a) to: “Whether the resulting allotments are an efficient use of land in terms of their size, shape and configuration, and <u>productive capacity (aligned to the NPS-HPL) where the site is located within the general rural zone</u> .”	Allow with amendments
Fire and Emergency New Zealand (FENZ)	16.07	Oppose	9. Definition	Amend to Exclude towers and poles associated with emergency service facilities from the definition of ‘structure’  Or  Exclude towers and poles associated with emergency service facilities from the height and height in relation to boundary performance standards in each zone.	Oppose	Kāinga Ora considers that completely excluding towers and poles associated with emergency service facilities from the definition of ‘structure’ is inappropriate and would remove Council’s ability to assess scale and location of these structures within close proximity of neighbouring activities.	Disallow
New Zealand Defence Force (NZDF)	21.01	Amend	9. Definition	Add new definition for ‘reverse sensitivity’ consistent with the definition included in the Waikato Regional Council Regional Policy Statement as follows: Is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the operation or require mitigation of the effects of the established activity.	Oppose	Kāinga Ora oppose the inclusion of a definition for reverse sensitivity. The concept of reverse sensitivity is a difficult concept to define as it depends on the context and therefore it is better to manage reverse sensitivity on a case-by-case basis, as it arises in different forms. <sup>1</sup>  In addition to the above, it is emphasised that separate definitions for reverse sensitivity have been proposed by New Zealand Defence Force, Transpower and KiwiRail, which reiterates the concerns raised by Kāinga Ora.	Disallow

<sup>1</sup> Waikato District Council PDP, Decision report 30: Definitions [76]

Transpower	31.12	Amend	9. Definitions	Add a definition for 'Reverse Sensitivity' as follows: means the potential for an approved, existing or permitted activity to be compromised or constrained, by the more recent establishment or alteration of another activity which may be sensitive to the actual, potential or perceived adverse environmental effects generated by the approved, existing or permitted activity. And Any consequential amendments.	Oppose	<p>Kāinga Ora oppose the inclusion of a definition for reverse sensitivity. The concept of reverse sensitivity is a difficult concept to define as it depends on the context and therefore it is better to manage reverse sensitivity on a case-by-case basis, as it arises in different forms.<sup>2</sup></p> <p>In addition to the above, it is emphasised that separate definitions for reverse sensitivity have been proposed by New Zealand Defence Force, Transpower and KiwiRail which reiterates the concerns raised by Kāinga Ora.</p>	Disallow
Transpower	31.47	Amend	19. Network Utilities	Amend NU-P20 as follows: Enable the operation, maintenance and minor upgrade and repair of the National Grid. In the event of any conflict with any other policies within the plan, NUP20, NU-P21 and NU-P22 take precedence.	Oppose	<p>Kāinga Ora understand the intent behind this submission, however, the District Plan should not state where objectives and policies relating to one matter of national significance take precedence. This should be assessed on a case by case basis.</p>	Disallow
Te Ruunanga o Ngaati Mahuta kit e Hauaauru	35.21	Oppose with amendment	Whole plan	Delete provisions that restrict the number of residential units able to be developed on Māori owned land.	Support	<p>Kāinga Ora support the removal of a maximum number of residential units able to be developed on Māori owned land. An alternative would be to couple the amount of dwellings/buildings to an adequate level of on-site wastewater facilities to service the amount of dwellings proposed. This would be limited to rural land. Kāinga Ora support no density standards within the urban environment in this instance.</p>	Allow

<sup>2</sup> Waikato District Council PDP, Decision report 30: Definitions [76]

KiwiRail	51.11	Support with amendment	9. Definitions	Amend by adding a new definition of reverse sensitivity (modelled on the Waikato RPS) as follows: Is the vulnerability of a lawfully established activity to a new activity or land use. It arises when a lawfully established activity causes potential, actual or perceived adverse environmental effects on the new activity, to a point where the new activity may seek to restrict the development, 243 upgrading, operation and maintenance, or require mitigation of the effects of, the existing activity.	Oppose	<p>Kāinga Ora oppose the inclusion of a definition for reverse sensitivity. The concept of reverse sensitivity is a difficult concept to define as it depends on the context and therefore it is better to manage reverse sensitivity on a case-by-case basis, as it arises in different forms<sup>3</sup></p> <p>In addition to the above, it is emphasised that separate definitions for reverse sensitivity have been proposed by New Zealand Defence Force, Transpower and KiwiRail which reiterates the concerns raised by Kāinga Ora.</p>	Disallow
KiwiRail	51.44	Amend	Zone rules	<p>Support the provisions in the zones listed, such as RLZ -25 Noise insulation for noise sensitive activities, which establish the principle for managing noise effects on noise sensitive receivers adjacent to land transport corridors in the Proposed Plan zone rules; and</p> <p>Amend by adding a new rule to the zones listed a standard applying within 100 metres of the legal boundary of any railway corridor boundary as follows; Within 100m of a railway corridor boundary</p> <p>1. Any habitable room in a new building used for a noise sensitive activity, or an alteration to an existing building that changes its use to a noise sensitive activity: a. is designed, constructed and maintained to achieve indoor noise levels resulting from the railway not exceeding 35 dB LAeq(1h); or b. is a single -</p>	Oppose	<p>Kāinga Ora does not support 'reverse sensitivity' type provisions that may place onerous constraints on residential intensification and development, and/or require mitigation for effects generated by other activities. Effects should be managed 'at source' as far as practicable. There are also existing provisions within the District Plan that (i.e., noise standards amongst other matters) that can manage such effects.</p>	Disallow

<sup>3</sup> Waikato District Council PDP, Decision report 30: Definitions [76]

			<p>storey framed residential building with habitable rooms designed, constructed and maintained in accordance with the construction schedule in Table XX - Minimum construction requirements for external building elements of habitable rooms to achieve an advanced level of acoustic insulation (see attached Appendix A).</p> <p>2. A report is submitted to the council demonstrating compliance with the above prior to the construction or alteration of any building containing an activity sensitive to noise. Note - Railway noise is assumed to be 70 dB LAeq(1 hour) at a distance of 12 metres from the track and must be deemed to reduce at a rate of 3 dB per doubling of distance up to 40 metres and 6 dB per doubling of distance beyond 40 metres. Matters over which discretion is restricted: 1. the extent to which building(s) containing activities sensitive to noise have been located and designed with particular regard to proximity to the rail corridor; 2. the extent of non -compliance with the noise standard and the effects of any non - compliance;</p> <p>3. the extent to which topographical features or location of other buildings or structures will mitigate noise effects; and</p> <p>4. Any noise management implications arising from technical advice from an acoustic rail noise expert and KiwiRail</p>			
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KiwiRail	51.45	Seek amendment	37. Noise	<p>Amend by inserting new standard as follows:</p> <p><b>NOISE</b></p> <p>-SX Indoor railway vibration</p> <p>1. Any new buildings or alterations to existing buildings containing an activity sensitive to noise, closer than 60 metres from the boundary of a railway network:</p> <p>a. is designed, constructed and maintained to achieve rail vibration levels not exceeding 0.3 mm/s vw,95 or</p> <p>b. is a single storey framed residential building with:</p> <p>i. a constant level floor slab on a full-surface vibration isolation bearing with natural frequency not exceeding 10 Hz, installed in accordance with the supplier's instructions and recommendations: and</p> <p>ii. vibration isolation separating the sides of the floor slab from the ground; and</p> <p>iii. no rigid connections between the building and the ground.</p> <p>2. A report is submitted to the council demonstrating compliance with the above prior to the construction or alteration of any building containing an activity sensitive to vibration.</p> <p>Matters of discretion are restricted to:</p> <p>1. Whether the activity sensitive to vibration could be located further from the railway network.</p> <p>2. The extent to which the vibration criteria are achieved and the effects of any non-compliance.</p>	Oppose	<p>Kāinga Ora does not support 'reverse sensitivity' type provisions that may place onerous constraints on residential intensification and development, and/or require mitigation for effects generated by other activities. Effects should be managed 'at source' as far as practicable. There are also existing provisions within the District Plan that (i.e., noise standards amongst other matters) that can manage such effects.</p>	Disallow
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				3. The character of, and degree of, amenity provided by the existing environment and proposed activity. 4. The outcome of any consultation with KiwiRail.			
KiwiRail	51.46	Seek amendment	37. Noise	<p>Amend each zone listed by adding new standard as follows:</p> <p>1. The requirements of ('XXX' being the railway noise acoustic insulation standard wherever it appears in the Plan) must be achieved at the same time as the ventilation requirements of the New Zealand Building Code. An alternative means of ventilation must be provided within any habitable room unless an acoustic design certificate signed by a suitably qualified acoustic engineer is provided that states the design of any habitable room as proposed will comply with the acoustic insulation standard with windows open.</p> <p>2. Ventilation systems where installed must: a. provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18°C and 25°C; b. not generate more than 35 dB LAeq(30s) when measured 1 metre away from any grille or diffuser; and c. provide an adjustable airflow rate of up to at least 6 air changes per hour.</p>	Oppose	Kāinga Ora does not support 'reverse sensitivity' type provisions that may place onerous constraints on residential intensification and development, and/or require mitigation for effects generated by other activities. Effects should be managed 'at source' as far as practicable. There are also existing provisions within the District Plan that (i.e., noise standards amongst other matters) that can manage such effects.	Disallow
KiwiRail	51.49	Amendment	Multiple	<p>Amend to add a new performance standard as follows:</p> <p><u>Minimum setback from railway corridor boundaries</u></p> <p>Where:</p> <p><u>No building or structure may be located within 5m of any site boundary with the rail corridor.</u></p>	Oppose	Kāinga Ora does not support 'reverse sensitivity' type provisions that may place onerous constraints on residential intensification and development, and/or require mitigation for effects generated by other activities. Effects should be managed 'at source' as far as practicable. There are also existing provisions	Disallow

			<p><u>Activity status when compliance not achieved:</u></p> <p><u>RDIS</u></p> <p>New rule:</p> <p>Buildings or structures not meeting Rule XXX - RX Activity Status Restricted Discretionary</p> <p>Where:</p> <p>The building or structure is setback less than 5m from the rail corridor boundary.</p> <p>Where the activity is RDIS, the matters over which discretion is restricted are:</p> <ol style="list-style-type: none"> <li>a. The size, nature and location of the structure on the site; and</li> <li>b. The extent to which the safety and efficiency of current and future rail operations will be adversely affected; and</li> <li>c. Whether the structure would compromise the design, construction or functioning of the future transport system; and</li> <li>d. Whether any land use activities enabled or established by the structure would be incompatible with rail operations or the transport system or create reverse sensitivity issues; and</li> <li>e. The outcome of consultation with KiwiRail.</li> </ol>		<p>within the District Plan that (i.e., noise standards amongst other matters) that can manage such effects.</p>	
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