



te kaunihera ā-rohe o
matamata-piako
district council



Matamata-Piako District Plan

Proposed Private Plan Change 56

Lockerbie Estate, Morrinsville –

Proposed Residential and

Medium Density Residential Zone / Precinct

and supporting Development Area Plan

Section 42A Hearing Report

Report on Submissions and Further Submissions

13 July 2022

Ref: s42A Report 13 07 22

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Glossary of terms

Applicant (Requestor)	Lockerbie Estate Ltd and Lockerbie Estate No 3 Ltd
BBO	Bloxam, Burnett and Olliver
Council	Matamata-Piako District Council (submitter)
DIS	Discretionary (Activity)
District Plan	Operative Matamata-Piako District Plan
FRPA	Future Residential Policy Area Overlay
HGMPA	Hauraki Gulf Marine Park Act 2000
LDAP	Lockerbie Development Area Plan
MPDC	Matamata-Piako District Council (territorial authority)
MRZ	Medium Density Residential Zone
NC	Non-Complying (Activity)
NES-CS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-FW	National Environmental Standards for Freshwater 2020
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-UD	National Policy Statement on Urban Development 2020
PC 47	MPDC Plan Change 47, part operative 2017
PDA	Private Developer Agreement
Plan Change Request	Request for Plan Change 56, BBO, September 2021
Planning Standards	National Planning Standards 2019
PPC 56	Private Plan Change 56 (Lockerbie), Morrinsville
PREC1	Lockerbie Precinct
RDIS	Restricted-Discretionary (Activity)
RMA	Resource Management Act 1991
RPS	Waikato Regional Policy Statement 2016
WRC	Waikato Regional Council
WRP	Waikato Regional Plan 2007

1. Introduction

This report relates to PPC 56 and has been prepared for MPDC by Consultant Planner Marius Rademeyer under Section 42A RMA for consideration by the Hearing Panel appointed to hear and determine the private plan change request. The report provides information on the plan change request, assesses the matters raised in submissions, and recommends changes to the provisions as notified.

The report relies in part on the Plan Change Request, and the Applicant's evidence listed below:

- Kathryn Drew (Planning)
- GD Jones (Applicant);
- Norm Hill (Cultural);
- Dean Morris (Engineering);
- Michael Hall (Roading and Transport);
- Morné Hugo (Urban Design);
- Oliver May (Landscape);
- Richard Montgomery (Ecological); and
- Tim Heath (Economics).

In addition, the report relies on expert advice sought by MPDC relating to transport, urban design, three-waters and infrastructure funding. Copies of the advice received by MPDC are attached to this report as Appendices A - D and are listed below:

- Appendix A - Three-Waters (Santha Agas);
- Appendix B - Infrastructure Funding (Susanne Kampshof);
- Appendix C - Alastair Black and Vinish Prakash (Transportation); and
- Appendix D - Wayne Bredemeijer (Urban Design).

The information and evidence provided by the Applicant and the expert advice received by MPDC have informed the recommendations in this report. The report identifies where this advice is relied on.

In the lead up to this hearing, MPDC's reporting team has engaged extensively with the Applicant's experts as a result of which agreement has been reached on a number of changes to the notified version of the plan change, as set out in the evidence of Kathryn Drew. The result is that there is now agreement between the Applicant's and MPDC's experts, except for relatively minor urban design related recommendations.

I largely agree with Kathryn Drew's planning evidence and recommendations, with the exception of a few minor matters that I will outline in my report. For the avoidance of duplication I will not repeat matters addressed in Kathryn Drew's evidence that I agree with. My report will focus on my assessment and recommendations in regard to individual submission points, minor areas of disagreement with the Applicant's evidence, provide additional clarification, and recommend further changes to the plan change provisions.

In addition to MPDC's expert reports listed previously, there are two further attachments to my report, namely:

- **Appendix E - Submission Assessment and Recommendation Tables.**

This attachment comprises a series of tables under different topic headings where I summarise and assess the submissions received and make recommendations for the Panel's consideration.

- **Appendix F - Recommended Plan Provisions.**

This attachment comprises the plan provisions as notified, with tracked changes recommended by the Applicant (blue text) and further changes recommended by MPDC (green text). A "clean" version of Appendix F will be available at the hearing for the purposes of the Panel's deliberations and decision-making.

No formal pre-hearing meetings concerning submissions covered in this report have been undertaken pursuant to Clause 8AA of the First Schedule of the RMA. However, voluntary discussions between the Applicant and Council have taken place as a result of which the bulk (if not all) of the matters raised by the Council in submissions can be resolved through changes to the proposed plan provisions as detailed in the Applicant's evidence and summarised in this report.

In addition, I have been advised that the Applicant is currently engaging with neighbouring farm owners and submitters, Ben and Justine Cameron, in an attempt to resolve the matters raised in their submissions. At the time of finalising my report formal resolution has not yet been reached. I understand that the Applicant intends to update parties on the outcome of the engagement at the hearing, if not earlier.

2. Overview, location and site description

Kathryn Drew outlines the site of and the background to the plan change request in Paragraph 3 of her evidence. She describes the plan change site which is in the Rural Zone (Future Residential Policy Area Overlay) and its relationship with the Lockerbie subdivision to the south which is in the Residential Zone and is currently being developed in stages by the Applicant.

She provides a description of the site's location. To expand on her description, the site adjoins the existing Lockerbie Subdivision and established residential uses to the south. Taukoro Road forms the northern boundary with farm land and lifestyle properties further to the north on the opposite side of Taukoro Road. Morrinsville-Tahuna Road forms the western boundary. Properties further to the west on the opposite side of Morrinsville-Tahuna Road are within the Rural-Residential Zone. The eastern boundary adjoins farm land (the Cameron Farm).

She outlines the objective of the plan change which is to rezone the site for residential development as signalled by MPDC Plan Change 47 (part operative September 2017) that reviewed the zoning provisions for the District's three main towns and placed the site in a future residential overlay, in anticipation of the need for additional residential land in Morrinsville. Other objectives are to provide the required infrastructure to serve the development that will be enabled by the plan change, provide for higher residential density and a choice of housing options, and open space to serve the needs of the future residents.

I agree with her description.

As further background, I note that the Applicant has resource consent for the staged development of the 40ha Residential zoned portion of the original Lockerbie farm, adjoining the plan change area to the south (see Figure 1).

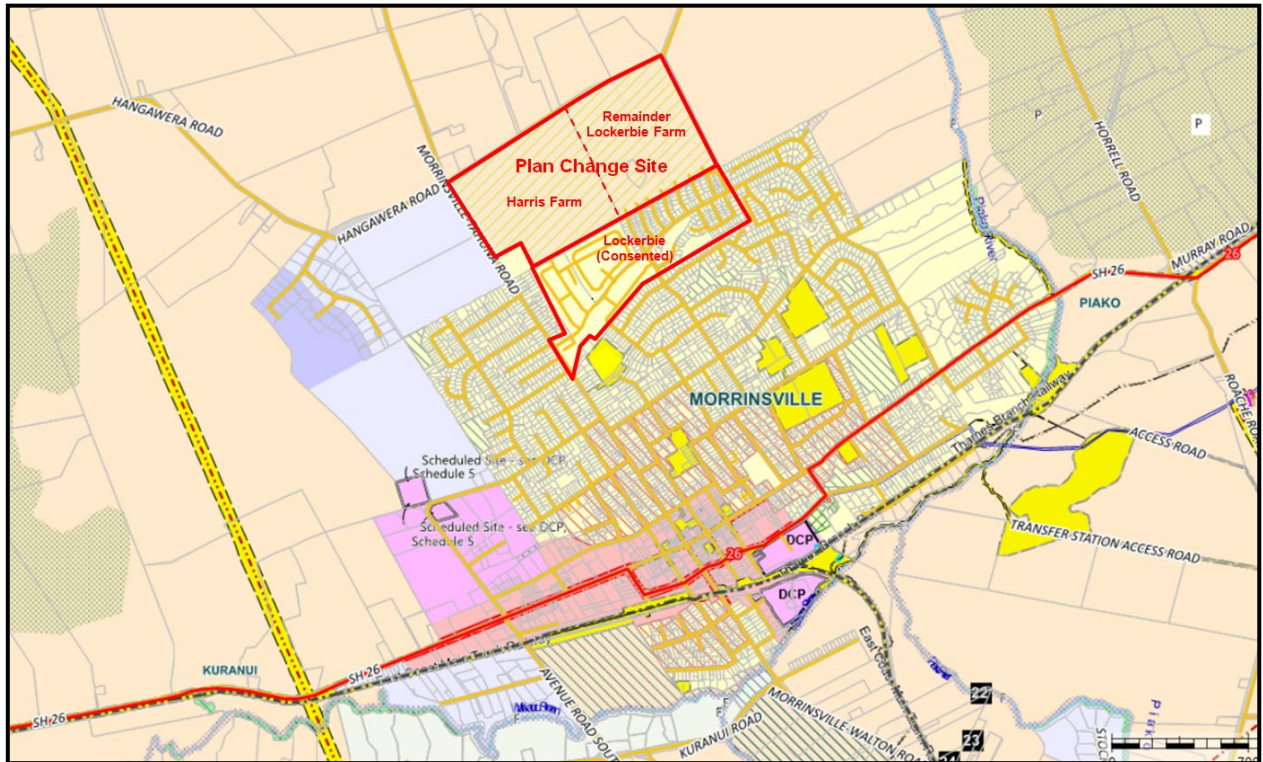


Figure 1: Location Plan

The consents granted comprise some 329 future dwellings, a retirement village (163 units¹), childcare centre, cafe and public reserves. Development in this area is now well advanced with the infrastructure for Stages 1, 2, and 3A1 and the bulk earthworks for the whole of Stage 3 nearing completion. Construction of the first new dwellings in Stage 1 and in the first stage of the retirement village is also currently underway.

For ease of reference, I outline the legal description of the Plan Change Site in Table 1 below:

Table 1: Legal Description

Address	Legal Description	Record of Title	Ownership	Area (ha)
182 Morrinsville-Tahuna Rd	Pt Lot 2 DP 7445	SA1036/162	Lockerbie Estate No.3 Ltd	40.5472
76 Taukoro Rd	Lot 7002 DP 549793	RT 976109	Lockerbie Estate Ltd	36.6476
Lockerbie Street	Lot 6001 DP 549793	RT 976105	Matamata-Piako District Council	0.9235
Total				78.1183

¹ MPDC is currently processing a resource consent application to increase the number of retirement units from 163 to 186.

I note that there are two relevant interests registered on the Record of Title of Part Lot 2 DP 7445. The first of these is a building line restriction dating from 1951 prohibiting the erection of buildings or hoardings within 25 links (5.025m) of the Ngatea-Waharoa Main Highway (now Morrinsville-Tahuna Road). The second is a Gazette Notice vesting a narrow (339m²) strip of land along Morrinsville-Tahuna Road in the Piako County Council (now MPDC). Neither of the instruments will prevent the implementation of PPC 56.

Lot 7002 DP 549793 is a remnant of the former Lockerbie farm created as a balance lot in 2021 when the Lockerbie Stage 1A Subdivision (Consent # 101.2019.11988) was completed. There are two relevant instruments registered on the Record of Title for this lot. The first are easements to drain and convey water, and right of way in favour of MPDC. The easements provide temporary access and rights to convey stormwater to the reserve that vests in MPDC (see below). The easements will become redundant if the development enabled by PPC 56 is implemented and can then be cancelled at the time of future subdivision consent. The second is a consent notice requiring the Applicant to implement and maintain the landscaping and fencing of the stormwater reserve (see below) in accordance with an approved planting plan and maintenance programme.

Lot 6001 DP 549793 vests in MPDC as Local Purpose (Stormwater) Reserve subject to the Reserves Act 1977. The lot was created under the conditions of the Lockerbie Stage 1A Subdivision (Consent #101.2019.11988) to provide for the development of a wetland to detain stormwater from part of the Stage 1 Subdivision (and later development if PPC 56 is approved and implemented).

3. Plan Change Request

Paragraph 5 of Kathryn Drew's evidence provides a description of the plan change request.

She outlines that the proposal is to rezone the site from Rural to a mixture of Residential and Medium-Density Residential zoning with:

- An outer buffer of Residential zoned land at the interface between the existing Residential and Rural Zones; around:
- An inner area zoned Medium Density Residential.

I note that, of the total plan change area of 78.1 ha, 61.5 ha are proposed to be rezoned for medium-density residential use, with 16.6 ha rezoned for residential use. Across the area, 14 ha of land are proposed to be set aside for reserves, predominantly for stormwater and connectivity purposes.

Kathryn Drew explains that the District Plan does not currently have a Medium Density Residential Zone but provides for increasing densities through the Residential Zone's infill provisions. To provide for increased density, the Plan Change Request proposes to amend the current framework by introducing a new Medium Density Residential Zone ("MRZ") with corresponding objectives, policies and rules.

Her evidence explains how the plan change request aligns with the Planning Standards through the use of:

- The Lockerbie Precinct (PREC1), an overlay central to the MRZ and in close proximity to the open space network, where a higher residential density is enabled in order to provide for a wider choice of housing options; and:

- The Lockerbie Development Area Plan (LDAP), similar to a structure plan that will “lock in” the spatial framework for the future development of the plan change area.

She explains the proposed provisions including the activity status rules, development and subdivision standards, and other consequential changes to the District Plan.

I agree with her description.

4. RMA process details

Table 2 below sets out the process timelines relating to PPC 56:

Table 2: RMA Process Details

Action	Date
PPC 56 accepted by	8 December 2021
Public notification of PPC 56 for submissions	20 January 2022
Close of submissions	24 February 2022
Public notification of summary of submissions	24 March 2022
Close of further submissions	7 April 2022
Hearing Panel appointed	25 May 2022
Applicant's briefs of evidence circulated	4 July 2022
S42A Hearing report circulated	13 July 2022
Submitters' expert evidence circulated	20 July 2022
Legal submissions from all parties (except Applicant) circulated	22 July 2022
Rebuttal/ reply expert evidence by the Applicant circulated	25 July 2022
Plan change hearing	28 - 29 July 2022

In summary, PPC 56 was accepted by MPDC under clause 25 of Schedule 1 RMA on 8 December 2021 and was notified for submissions on 20 January 2022. Submissions closed on 24 February 2022, with the summary of submissions notified on 24 March 2022 for further submissions. Further submissions closed on 7 April 2022. The Hearing Panel was appointed by MPDC on 25 May 2022 after which the Panel made its directions with the hearing scheduled to commence on 28 July 2022 and continuing on 29 July 2022 if required.

5. Submissions

In response to notification, MPDC received submissions from 37 parties. In addition, MPDC received four further submissions, from three parties.

Copies of the submissions and further submissions can be viewed electronically at the following link:

<https://www.mpd.govt.nz/component/content/article/121-district-plan/district-plan-review/3785-private-plan-change-56-lockerbie-morrinsville>

The parties who have made submissions and further submissions and their position on PPC 56 are shown in Table 3.

Table 3: List of Submitters/ Further Submitters

#	Name	ID	Position	Decision	Heard	Joint case
1	Dianne McKinnon	53605	N/S	Decline/amend	No	Yes
2	VOID - DUPLICATE OF SUBMISSION 1					
3	Emma Hyde	53618	N/S	Decline	Yes	Yes
4	Paige Tanner	53619	N/S	Accept/ amend	No	No
5	Alicia Crozier	53621	N/S	Decline	No	No
6	Dayne Horne, Marco Boats	53622	N/S	Accept/ amend	No	No
7	Peter Burrell	53630	N/S	Decline/ amend	No	N/S
8	Wayne North	53631	N/S	Decline	No	No
9	Dennis Shine	53640	N/S	Decline	Yes	Yes
10	Michael Hagarty	53655	Support	Accept	No	Yes
11	Deborah May	53662	N/S	Decline	No	Yes
12	Karen Chandler	53760	N/S	Decline	No	No
13	David King, VHF Group	53806	N/S	Accept/ amend	No	Yes
14	Jo Robb	53817	N/S	Decline	No	No
15	Diane Simmons	53841	Support	Accept/ amend	No	No
16	Fran Adamski	53880	N/S	Accept/ amend	No	Yes
17	Hamilton Wright	53904	Oppose	Decline	No	No
18	Daniel Compton	53921	Support	Accept/ amend	No	No
19	Steve Southall	53969	N/S	Accept/ amend	No	No
20	Michelle Lemay	53974	Support	Accept/ amend	No	No
21	Robert Lowe	53975	N/S	Decline	Yes	Yes
22	Roland and Marjorie Latto	54117	N/S	Decline	No	Yes
23	The Ministry of Education	54155	Neutral	Accept/ amend	Yes	Yes
24	Ron & Robyn Johnston	54235	N/S	Accept/ amend	No	No
25	Cassandra Mankelov-Hancock	54239	N/S	Accept/ amend	No	No
26	Morrinsville Chamber of Commerce	54241	Support	Accept	No	No
27	Mandy Crockett	54259	N/S	Decline	No	No
28	Chris Pritchard	54265	N/S	Accept/ amend	No	No
29	David & Cheryl Holland	54266	Oppose	Decline	No	No
30	MPDC as submitter	54268	Support	Accept/ amend	Yes	N/S
31	Ben & Justine Cameron	54271	N/S	Decline	Yes	Yes
32	Bike Waikato	54273	N/S	Accept/ amend	Yes	No
33	Val Riches	54284	N/S	Accept/ amend	No	N/S
34	Janet Gray	-	N/S	Accept/ amend	Yes	No
35	Anthony Gray	-	Support	Accept/ amend	Yes	Yes
36	Sunridge Park Ltd	-	N/S	Accept/ amend	Yes	Yes
37	W.E & G.J Bonnar Ltd	-	N/S	Accept/ amend	No	No
38	Gord Stewart (late submission)	-	Oppose	Decline	No	No
FS1	Shane Mellow	55009	Support submissions requiring on-	Accept the submissions supported	N/S	N/S

FS2	Shane Mellow	55010	site rain water tanks Support submission requiring homes to have solar power generation	Accept the submission supported	No	No
FS3	Gord Stewart		Support #38	Allow #38	No	No
FS4	Karen Semmens	5545	Support all submissions requesting improvements to the plan change, especially the submissions opposing the proposed density		No	N/S
<p>Notes: N/S = Submitter's position not specifically stated. FS = Further Submitter</p>						

The submission from Gord Stewart was received late. The Hearing Panel has delegations under s37 of the RMA to consider whether to accept the late submission. I address this further under my recommendations in Section 12.

The submitters include residents of, and businesses in, Morrinsville, neighbouring farmers, Morrinsville Chamber of Commerce, the Council, Ministry of Education, Bike Waikato, Waikato VHF Group Inc (representing amateur radio operators), and Sunridge Park Ltd (a fellow land developer). The majority of submitters want the plan change to be approved subject to amendments.

The submissions include 177 submission points that can broadly be grouped under the six topics shown in Table 4 below:

Table 4: Submission Topics

Topic	Number of Submission Points
1. Three-waters	27
2. Morrinsville town, density, housing typology and affordability	23
3. Transportation and parking	21
4. Adequacy of retail and support services	23
5. Miscellaneous (reverse-sensitivity, productive capacity of soils, and amateur radio activities)	5
6. Submissions specific to plan change provisions	78
Total number of submission points	177

A detailed analysis of, and recommendations on the submission points (classed under the six topics identified in Table 4) are attached as Appendix E.

The analysis and recommendations rely on the expert advice received by MPDC on transportation, three-waters, urban design, and infrastructure funding as set out in Appendices A - D.

A summary of the advice received from the experts is included in the preamble to the relevant heading topics, within the tables attached as Appendix E.

In addition the recommendations rely on:

- The Applicant's expert reports and evidence in regard to matters relating to cultural, landscape, ecological and economics, that are not disputed by MPDC; and:
- The findings of the Applicant's experts in regard to archaeology, soil contamination and geotechnical suitability that have informed the plan change and are not addressed in expert evidence and not challenged by submitters or MPDC.

In summary, it is recommended that:

- The submission points requesting compulsory on-site rainwater storage tanks and water metering, be accepted;
- The submission points requesting changes to the provisions to improve clarity in the wording, consistency with the Planning Standards and correction of minor typographical errors, be accepted;
- Amendments to the LDAP be made in response to submissions on the effects of the increase in density, access to open space, and treatment of the rural/ residential interface; and:
- The submission from the Ministry of Education be accepted in part with educational facilities given RDIS status in the MRZ and PREC1, but without the requested changes to the objective and policies.

Submissions opposing PPC 56 on the grounds of lack of capacity in the town's infrastructure networks, inappropriate development density and housing typology, traffic effects, financial impact on ratepayers, fragmentation of high quality soils, reverse-sensitivity, and provision for amateur radio activities are countered by MPDC's expert assessments or alternatively are able to be appropriately managed through the proposed plan provisions, and are not supported.

Submissions concerning effects on the character of Morrinsville, housing affordability, town centre parking, cycle networks (beyond the plan change area), and the adequacy of the town's retail and support services, are outside the scope of the plan change and are not supported.

My assessment aligns with that of Kathryn Drew as tabulated under Paragraph 12 "Comments on matters raised in submissions" of her evidence.

6. Amended plan provisions

The recommendations on submissions as summarised above and detailed more fully in Appendix E will result in a number of changes to the plan provisions and the LDAP as originally notified for submissions.

Most of the changes have been agreed between the Applicant and MPDC and are already reflected in the changes recommended by the Applicant (Attachment 1 to Kathryn Drew's evidence) and tabulated under Paragraph 11 "Amendments to Plan Change Provisions" of her evidence.

In summary, the agreed changes comprise:

- Amendments to lock the key urban design principles, as shown on the "Lockerbie Pedestrian Network Plan" (Appendix F, Figure 3 within Rule 9.4.4), into the LDAP. The purpose of the amendments is to ensure that the mechanism is in place to enforce implementation of the identified key urban design principles at the time of development and subdivision.
- Amendments to the LDAP and the Lockerbie Pedestrian Network Plan by relocating the proposed stormwater reserve at the north-eastern plan change boundary, to adjoin Taukoro Road. The purpose of the amendments is to improve the rural/ residential interface through the provision of a more graduated transition between the Rural and Residential Zones.
- The introduction of new provisions to require compulsory installation of rainwater storage tanks for the supply of non-potable water for outdoor use at all residential units and a consequential change to the MPDC Development Manual (which is required to be complied with under the District Plan) to provide appropriate standards for rainwater storage tanks.
- New rules to provide for educational facilities under RDIS status.
- Amendments to the wording of a number of provisions for clarity and consistency with the Planning Standards. Of note, the changes include:
 - An increase in permitted building coverage from 50% to 55% and retention of 60% coverage for terraced housing but only when adjoining a reserve of more than 20m width. The purpose of the change is to align the coverage provisions with the definition of "coverage" under the Planning Standards (which includes building overhangs) and to provide for additional coverage for terraced housing where the amenity effects are offset by proximity to open space.
 - An amendment to the fencing rules to better manage effects where retaining walls are to be erected in combination with fences. The purpose of the change is to "lock in" an acceptable treatment for retaining walls and fences that are of a scale that can affect the amenity of neighbouring properties and the public realm.

In addition, I have recommended the following changes as shown in Appendix F:

- A change to the District Plan provisions for the Residential Zone (see Rule 3.1.9 in Appendix F) whereby the fence/ retaining wall provisions in the MRZ, will also apply to the Lockerbie Residential Zone. This change is recommended on the advice of Wayne Bredemeijer and is explained in his evidence (Appendix D). The change will ensure consistency in the way that fences and retaining walls are managed across both the Residential Zone and the MRZ within the PPC 56 area.
- Changing the "development principles" in Rule 6.3.13(i) of the Applicant's recommendations (Attachment 1 to Kathryn Drew's evidence), to "Matters of Discretion" as reflected in Rule 6.3.13(v) of my recommended changes (Appendix F). The reason for the proposed change is that it clarifies the way in which the principles are to be applied in the assessment of future resource consents under PPC 56. I have also included Wayne Bredemeijer's recommendation to reference the need for street activation of the future neighbourhood park, in my recommended "Matters of Discretion" Rule 6.3.13(v).
- Additions to the Applicant's recommended changes in the form of cross-referencing and re-wording within a number of rules, to improve clarity. These changes do not alter the

intent of the provisions as recommended by the Applicant. They are added merely for clarification of the somewhat complex rule-set.

- Changes to Kathryn Drew's recommendations (Attachment 1 to her evidence) to rectify an error namely that educational facilities are identified as DIS Activities, instead of RDIS as recommended in her evidence.

7. Assessment of effects

Section 7 of the Plan Change Request includes a detailed assessment of the environmental effects of the plan change and is referred to in Paragraph 10 of Kathryn Drew's evidence where she concludes that:

- The effects are consistent with those anticipated when the site was signalled for future residential development through PC 47; and:
- They can be managed appropriately through the proposed plan provisions.

In addition, she notes a number of positive effects that will result from the development enabled by PPC 56.

I agree with Kathryn Drew's assessment.

8. Statutory Framework

Paragraph 4 of Kathryn Drew's evidence outlines the statutory framework within which the plan change request must be considered (i.e. sections 31, 32, 74, 75, Part 2 and Schedule 1 of the RMA).

I agree with her description and have nothing further to add in this regard.

9. Relevant Policy Statements and Plans

Kathryn Drew identifies and assesses the relevant policy statements and plans in Paragraphs 7 and 8 of her evidence.

Relevant Statutory Documents

Her assessment has considered the following statutory documents and reaches the conclusions below, which I agree with:

- **NPS-UD:** PPC 56 aligns with and gives effect to the NPS-UD objectives and policies.
- **NPS-FM and NES-FW:** PPC 56 satisfies relevant Policy 2 and Policy 7. I note that the NES-FW deals with the functions of regional councils. Any activities associated with the implementation of the plan change that are subject to NES-FW will need to be considered by the WRC.
- **RPS:** PPC 56 gives effect to the outcomes sought by the RPS.

In addition to Kathryn Drew's assessment, I note that Morrinsville falls within the Hauraki Gulf catchment and as such the provisions of the HGMPA apply to PPC 56.

I include below my assessment of PPC 56 under the HGMPA:

The purpose of the Act is set out below:

3 Purpose

The purpose of this Act is to—

- a) *integrate the management of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:*
- b) *establish the Hauraki Gulf Marine Park:*
- c) *establish objectives for the management of the Hauraki Gulf, its islands, and catchments:*
- d) *recognise the historic, traditional, cultural, and spiritual relationship of the tangata whenua with the Hauraki Gulf and its islands:*
- e) *establish the Hauraki Gulf Forum.*

Section 9 requires territorial authorities to ensure that that any part of a district plan that applies to the Hauraki Gulf, its islands, and catchments, does not conflict with sections 7 and 8 which state:

7 Recognition of national significance of Hauraki Gulf

- (1) *The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.*
- (2) *The life-supporting capacity of the environment of the Gulf and its islands includes the capacity—*
 - a) *to provide for—*
 - (i) *the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and*
 - (ii) *the social, economic, recreational, and cultural well-being of people and communities:*
 - b) *to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:*
 - c) *to maintain the soil, air, water, and ecosystems of the Gulf.*

8 Management of Hauraki Gulf

To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—

- a) *the protection of and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:*
- b) *the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments:*
- c) *the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:*
- d) *the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:*
- e) *the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand:*
- f) *the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand.*

The only elements associated with PPC 56 that could conceivably impinge on the national significance status of the Hauraki Gulf or on the objectives of the management of its catchments are:

- Potential sediment entrainment of the drainage network during construction; and
- Potential contaminants discharged to land or surface water associated with stormwater generated from the site.

Sediment entrainment and the discharge of contaminants will be managed to acceptable standards through the conditions of the WRC land disturbance and stormwater discharge consents.

Therefore, I consider that the development that will be enabled if PPC 56 is approved will be able to be implemented in a manner that will not conflict with the outcomes sought by Sections 7 and 8 the HGMPA.

Relevant Non-Statutory Documents

I have reviewed Kathryn Drew's assessment of PPC 56 under the relevant non-statutory documents. I agree that she has identified the relevant provisions. I also agree with her conclusion that PPC 56 aligns with the outcomes sought in these planning instruments and that the MPDC Town Strategies 2013 - 2033 have been superseded by PC 47.

10. Section 32/ 32AA

I have reviewed Kathryn Drew's section 32 assessment in Appendix C of the Plan Change Request, her section 32AA further assessment in Attachment 3 of her evidence, and the conclusions that she comes to in Paragraph 9 of her evidence.

I agree with Kathryn Drew's evaluation which comprises an overall assessment of:

- The issue that has prompted the plan change (to address established housing demand in Morrinsville at appropriate densities to cater for future growth and changing housing needs).
- Options to achieve the plan change objective (reaching the conclusion that the preferred option is rezoning of the site).
- Alternative zoning mechanisms (reaching the conclusion that a mix of Residential and Medium Density Residential Zoning with provision for a Precinct is the preferred option).
- The extent to which the proposed MRZ objectives (MRZ-01 - MRZ-07) are the most appropriate way to achieve the purpose of the RMA.
- The extent to which the following proposed provisions are the most appropriate way to achieve the PPC 56 objectives.
 - Height in relation to boundary;
 - Yards;
 - Building coverage and permeable area;
 - Public/ private interface.

The s32 analysis in Appendix C of Kathryn Drew's evidence refers to differences between the proposed MRZ standards in PPC 56 (permitted height, height in relation to boundary, and coverage) and the Medium Density Residential Standards (MDRS) that Tier-1 Council's are required to adopt under the Resource Management (Enabling Housing Supply and Other

Matters) Amendment Act 2021. She states that there may be a need in the future for MPDC to amend the MRZ to align with the MDRS. In response, I note that MPDC is a Tier-3 territorial authority and based on projected growth is unlikely to attain Tier-1 status that will mandate alignment with the MDRS.

In addition, I point out that PPC 56 proposes permitted building coverage of 55% (or 60% where the development adjoins large open spaces), as opposed to the MDRS standard of 50%. I consider that the higher permitted coverage for the MRZ is justified given the proximity to large areas of open space (14 ha within the 78 ha plan change site). I note that the MDRS is a minimum standard that does not preclude more lenient standards where justified.

I summarise below the proposed changes to the plan provisions since notification for which a further evaluation is required under s32AA:

Changes with no additional effects

- (i) Amendments to the LDAP to “lock in” key urban design principles.
- (ii) Amendments to the wording of a number of provisions to provide clarity and consistency.

These changes are refinements to the provisions as notified and will not result in effects not already assessed when the original s32 evaluation was prepared.

I note that the change to the density standard is to align with the method used under the Planning Standards to calculate density rather than to increase the permitted density over and above that assessed when the original s32 evaluation was prepared.

Changes with additional effects

- (i) Relocation of the north-eastern stormwater pond. The predominant effect of this change is to improve compatibility of land uses at the rural/residential interface and reduce the risk of reverse-sensitivity effects on adjoining lawfully established farming activities to the north.
- (ii) The introduction of new provisions to require onsite rainwater storage tanks and water metering that will support sustainable water use.
- (iii) Amendment of the fencing standards to include retaining walls which were not considered at the time that the original s32 evaluation was prepared. The effects of these changes are to protect the amenity of the private and public realm.
- (iv) A new rule to provide for educational facilities under RDIS status. The effect of this change is to facilitate a streamlined consenting process for the development of future educational facilities within the MRZ and PREC1.

Table 5 below provides a summary of the assessment under s32AA of the four changes above, that could result in effects not already assessed when the original s32 evaluation was undertaken:

Table 5: s32AA Summary Evaluation of Recommended Changes to PPC 56

#	Amended provision	Achieves the purpose of the RMA?	Achieves PPC 56 objectives?	Costs/ benefits
i	Relocation of the north-eastern stormwater pond.	Yes, improves the amenity and quality of the environment and further mitigates potential reverse-sensitivity effects.	Yes, improves integration into the receiving environment to support MRZ-04.	Cost neutral, with environmental benefits.
ii	Rainwater storage/ water metering	Yes, assists in safeguarding the life-supporting capacity of water.	Yes, will ensure more efficient use of water to align with MRZ-07.	The environmental benefits outweigh the relatively minor cost.
iii	Retaining walls	Yes, improves the amenity and quality of the environment.	Yes, protects on-site amenity and good urban design consistent with MRZ-02.	Low cost to cost neutral, with environmental benefits.
iv	Educational facilities	Yes, provision for educational facilities is necessary to ensure the social, economic and cultural wellbeing of the community.	Yes, supports MRZ-07 by providing an appropriate discretionary activity status to ensure that, when assessing consent applications for educational facilities, MPDC can give adequate consideration to compatibility with residential amenity.	Reduces the consenting cost compared to NC status as notified, and streamlines the provision of educational facilities which has social, economic and cultural benefits.

Having regard to the s32/ s32AA assessment in Kathryn Drew's evidence and my summary in Table 5 above, it is my view that the changes to the notified version of PPC 56 as proposed by MPDC are appropriate and will better achieve the purpose of the RMA, provide better support to the PPC 56 objectives, and will result in benefits that outweigh the costs.

11. Part 2 RMA

Paragraph 4 of Kathryn Drew's assessment sets out the relevant Part 2 RMA matters and assesses the Plan Change Request under the relevant provisions.

I agree with her assessment summarised below:

- The plan change achieves the overall purpose of the RMA in that the site is identified in the District Plan (through its Future Residential Policy Area Overlay) for future residential development. The Plan Change Request includes all of the land shown in the FRPA thereby maximising the opportunity to manage the use, development and protection of the natural land resources in a holistic way, through a comprehensive and all-inclusive LDAP.
- The application provides for the social, economic and cultural well-being of people and communities through the provision of approximately 1,200 additional dwellings meeting both the short and medium term demands for housing, including a range of housing choices provided through the MRZ and PREC1 with additional typology choices not currently available in Morrinsville.
- The adverse effects of the development that will be enabled through PPC 56, can be avoided, remedied or mitigated and are acceptable.
- The proposed planning provisions will ensure that the infrastructure needs of the development enabled by the plan change are provided in a timely and integrated manner.
- In regard to the matters of national importance, Sections 6(e), 7(a) and 8 apply to the Plan Change Request and have been satisfied through consultation with iwi.
- In regard to the "other matters", Sections 7(b), (c) and (f) apply and can be satisfied through:
 - The use of the LDAP to plan the site comprehensively at an appropriate density thereby ensuring the efficient use and development of the land resource;
 - Provision of communal landscaped open space and appropriate development standards that will maintain and enhance the amenity values and the quality of the environment.

12. Conclusion and recommendation

I consider that PPC 56 will provide for the projected additional housing needs to sustain the growth of Morrinsville into the future, as signalled in the District Planning Maps by means of the site's placement under the Future Residential Policy Area Overlay. The increase in population will act as a catalyst (through increased demand) to improve local retail, educational, and medical facilities.

The plan change site is well located to enable the development to be integrated with the town's infrastructure and transportation networks. The proposed provisions will enable the site to be developed in a compact, comprehensive way that integrates well with the natural features of the terrain.

The proposal provides for good urban design outcomes with safe connectivity across all modes of transport and easy access to communal open space of a high amenity that will be available for use by all the residents of Morrinsville.

External infrastructure to serve the development can be provided through planned upgrades of MPDC's networks, with mechanisms in place to ensure that the costs can be funded in an equitable manner that will not place a burden on existing ratepayers. The internal infrastructure will be installed at the sole cost of the Applicant, under MPDC's supervision to ensure that the applicable standards are met and that the assets are fit for purpose before vesting in MPDC.

The Section 32/32AA analysis has shown that:

- The proposed plan change is the most appropriate way to achieve the purpose of the RMA; and:
- The proposed plan provisions are the most appropriate to achieve the plan objectives, taking into account the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the plan change.

Pursuant to Clause 10 of the First Schedule to the RMA and relying in part (as outlined in the preceding report) on the advice of MPDC's and the Applicant's experts:

- I recommend that PPC 56 be approved subject to the amendments shown in Appendix F and consequential administrative changes (if necessary) to integrate the plan change into the Operative District Plan.
- I set out in Appendix E, my specific recommendations for each submission and further submission point.

Pursuant to Section 37 of the RMA I recommend that the late submission from Gord Stewart (Submitter #38) be accepted because the submission does not raise any new matters that are additional to other submissions.

In summary, my reasons for supporting the approval of PPC 56 with the amendments shown in Appendix F are:

- PPC 56 with the recommended changes achieves the sustainable management purpose of the RMA.
- PPC 56 with the recommended changes will give effect to the outcomes sought in the NPS-UD, the RPS and the District Plan.
- The effects of the development that will be enabled by PPC 56 can be avoided, remedied, or mitigated to be acceptable, by means of implementing the attached amendments to the plan change provisions.
- The implementation of PPC 56 will have positive effects on Morrinsville, by enabling the sustainable growth of the town into the future.
- Expansion of the town's population enabled by PPC 56 will act as a catalyst to improve the local offering of retail, educational, and medical facilities and will provide for economic growth and employment within the town.

Marius Rademeyer
13 July 2022