

Lockerbie Estate Limited

Lockerbie Plan Change, Morrinsville

Request for Plan Change 56




September 2021





Document control

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Client	Lockerbie Estate Ltd
Client representative	GD Jones – Lockerbie Estate Ltd
BBO details	Bloxam Burnett & Olliver (BBO) 143 Durham Street, Tauranga
BBO representative	Kathryn Drew – Regional Leader Bay of Plenty/Senior Planner
BBO rep. contact details	0272510009 kdrew@bbo.co.nz
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Appendices

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Appendix C – Section 32 Assessment

Appendix D – Infrastructure Report prepared by Maven Associates

Appendix E – Integrated Transportation Assessment prepared by CKL

Appendix F – Urban Design Assessment prepared by Boffa Miskell

Appendix G – Landscape and Visual Effects Assessment prepared by Boffa Miskell

Appendix H - Ecological Assessments prepared by Freshwater Solutions

Appendix I - Geotechnical Investigation Reports prepared by CMW Geosciences

Appendix J – Land Contamination Reports prepared by 4Sight Consultants

**Appendix K – Archaeological and Historical Effects Assessment Reports prepared by W Gumbley Ltd
Archaeologists and CFG Heritage**

Appendix L – Morrinsville Residential Growth Assessment prepared by Property Economics

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1. Introduction

This report supports an application to the Matamata Piako District Council (MPDC) for a Private Plan Change to the Operative Matamata Piako District Plan (MPDP or the District Plan) pursuant to Schedule 1 of the Resource Management Act 1991 (RMA). The application is being made on behalf of Lockerbie Estate Ltd and Lockerbie Estate No.3 Ltd (Lockerbie).

This plan change will be Plan Change 56 (PPC 56) to the MPDP and is a private plan change to request the rezoning of an area of land located on the northern extent of Morrinsville. More specifically, PPC 56 seeks to rezone an approximately 78ha site, which is currently zoned Rural in the MPDP, to Residential and Medium Density Residential with a supporting Development Area Plan. This land use change has already been signalled by Council with the site being subject to a Future Residential Policy Area (FRPA) overlay, which in turn has identified that residential development is intended at this location, subject to a plan change process and confirmation of site suitability for that land use outcome.

This report provides the assessment and supporting technical reporting to confirm the site's suitability for the residential land use, along with the relevant future planning framework sought to apply that will enable residential development of the site.

This report is structured in the following manner:

- Section 2 describes the existing site and locality;
- Section 3 describes the background and purpose of the proposed plan change;
- Section 4 summarises the s32 analysis undertaken of the proposed plan change;
- Section 5 details the precise new and amended provisions proposed to the MPDP;
- Section 6 details the relevant statutory assessment framework applying to a private plan change;
- Section 7 contains an assessment of the environmental effects of the plan change;
- Section 8 details engagement had regarding the plan change;
- Sections 9, 10 and 11 assess the proposed plan change in terms of consistency with higher order documents, the tangata whenua legislative context and other relevant non-statutory matters;
- Section 12 assesses the plan change in terms of notification requirements;
- Section 13 details a Part 2 of the RMA (purpose and principles) assessment; and
- Section 14 presents a conclusion of the plan change application.

Relevant background that is necessary to understanding the site and planned development contexts, as well as understanding the nature and number of technical appendices, is provided below.

1.1 Relevant background

Lockerbie has acquired 119.2ha of land at the northern edge of Morrinsville for the purposes of residential development. This development being progressed by Lockerbie as a whole has been termed and marketed as Lockerbie Estate. The entire estate area, and the area requiring a plan change, is delineated in **Figure 1** on the following page.

Within Lockerbie Estate, south of the proposed plan change site is zoned Residential, whilst the plan change area itself is zoned Rural and is subject to a FRPA overlay. The area requiring a plan change to facilitate residential development is made up of three Certificates of Title totalling 78.1ha in size. Two of these titles account for 77.2ha of the land and are owned by Lockerbie. The third title is a Local Purpose Reserve owned by MPDC and set aside for stormwater management. The three titles are individually identified in **Figure 2** on the following page.





Figure 1: Location of the site, highlighting the plan change site (light blue) within the Lockerbie Estate (dark blue outline).



Figure 2: The three Titles which make up the plan change site. The wider Lockerbie Estate is bounded in dark blue.



In 2019 all the developable land, within what is now the Lockerbie Estate, was purchased by Lockerbie including Lot 7002 DP 549793 (referred hereon as ‘the east block’). Master planning, subdivision and technical reporting for the Lockerbie Estate development outcome commenced. Development with the existing residential zoned portion of Lockerbie Estates is being consented and carried out in a staged manner, in general accordance with **Figure 3** below.



Figure 3: Current staging plan for Lockerbie Estate.

Technical reports were prepared across 2019 and 2020 as part of obtaining resource consents from both MPDC and Waikato Regional Council (WRC) to facilitate development of the land owned by Lockerbie, including the ‘east block’.

In June 2021, the Part Lot 2 DP 7445, (herein called the ‘west block’) was purchased by Lockerbie with the intent of incorporating this area into the wider Lockerbie Estate development and PPC 56.

It is for this reason that technical reports, contained in the appendices that support this application, vary in terms of scope and date with some relating solely to the PPC 56 land, some relating to the existing Lockerbie development and the east block and some relating solely to the west block. For clarity, the technical reports which support this application are listed in **Table 1**.



Table No. 1

Supporting Technical Reports			
Topic (Author)	Title and date	Appendix No.	East/West block coverage
Engineering/Infrastructure (Maven Associates)	Infrastructure Report – Lockerbie Estate Ltd Plan Change Area, 11 th November 2021	Appendix D	Both blocks
Transport (CKL)	Integrated Transportation Assessment – Lockerbie Estate Ltd – 162 Studholme Street, Morrinsville, New Zealand, 11 th November 2021	Appendix E	Both blocks
Urban Design Assessment (Boffa Miskell)	Lockerbie Estate Subdivision: Private Plan Change Urban Design Assessment, 25 August 2021, Revision 1	Appendix F	Both blocks
Landscape and Visual Effects (Boffa Miskell)	Lockerbie Plan Change – Landscape and Visual Effects Assessment, 6 September 2021	Appendix G	Both blocks
Ecology (Freshwater Solutions)	162 Studholme Street Ecological Assessment, 22 nd November 2019	Appendix H	East block
	182 Studholme Street Plan Change Ecological Assessment, 28 th July 2021	Appendix H	West block
Geotechnical (CMW Geosciences)	Lockerbie Farm Development - Studholme Street, Morrinsville – Geotechnical Investigation Report, 7 th May 2019	Appendix I	East block
	Dave’s Farm, Lockerbie Estate, Morrinsville-Tahuna Road, Morrinsville – Geotechnical Investigation Report, 16 th July 2021	Appendix I	West block
Land Contamination (4Sight Consultants)	Preliminary Site Investigation – 162 Studholme Street, Morrinsville, August 2019	Appendix J	East block
	Combined Preliminary and Detailed Site Investigation – 182 Morrinsville-Tahuna Road, Morrinsville, November 2021	Appendix J	West block
Archaeology (W Gumbley Ltd)	Archaeological and historical assessment of effects, July 2019	Appendix K	East block
Archaeology (CFG Heritage)	Lockerbie Estate, 182 Morrinsville-Tahuna Road, 21 st July 2021	Appendix K	West block
Economic Impacts (Property Economics)	Morrinsville Residential Growth Assessment	Appendix L	Both blocks
Cultural Values Assessment	Cultural Values Report prepared by Norman Hill on behalf of Ngāti Hauā	Appendix M	Both blocks

Note: Each of these technical reports may have plans that differ to those in Appendix B. The plans in Appendix B are the most accurate and should be relied on when reviewing the above reports.

It should also be noted that resource consents from WRC and MPDC in respect of earthworks, stormwater diversion and discharge, and disturbance and diversion of watercourses have been granted to facilitate development of Lockerbie Stages 1-3 and development at the east block of the plan change area. These are discussed in more detail at section 3 of this report.



2. Description of the Site and Locality

2.1 Locality, character and zoning

The site of the proposed plan change is rural land at the northern edge of Morrinsville, at the interface between Residential and Rural zones and land uses. The site is located 1.8km north of the intersection of Thames Street and Studholme Street (which becomes Morrinsville-Tahuna Road), Thames Street being the main street of Morrinsville. The site is located south-west of the intersection of the Morrinsville-Tahuna Road and Taukoro Road. The location of the site is highlighted in light blue in **Figure 1** above.

The site is within the rohe of Ngāti Hauā, an iwi group descended from the Tainui waka. The site is exclusively within the Matamata-Piako District.

North, east and north-west of the site following Taukoro, Hangawera and the Morrinsville-Tahuna roads out of Morrinsville is rural, or rural lifestyle, in character and use. Directly west of the site, on the western side of Morrinsville-Tahuna Road, is land in currently in rural use however is zoned for Rural-Residential purposes.

Long-standing residential land use is located to the south of the site, which is where the urban area of Morrinsville is located. Immediately south of the site is land owned by Lockerbie, which is currently being developed for residential purposes, being Stages 1-3 of Lockerbie Estate. The exception to this is at the south-west corner of the site, where the Rhoda Read Continuing Care residential care facility is located and is held in separate ownership to that of the Applicant. Residential dwellings are sited on either side of Studholme Street, near the southern boundary of the growth cell.

The character and landscape of the site and its environs can be described as rural and open-spaced, with undulating topography close to flat in places however with knolls and hillocks also present within the landscape, at the periphery of the residential boundary of the northern edge of Morrinsville.

In terms of District Plan zoning within the locality, the plan change site is zoned Rural. It is also subject to a 'Future Residential Policy Area' overlay, signalling intent of this rural land by MPDC to accommodate residential development. North, east and north-west of the growth cell is similarly zoned Rural (however is not subject to Future Residential Policy Area overlay), whilst to the south the land is zoned Residential. Immediately west of the site (across Morrinsville-Tahuna Road), the land is zoned Rural-Residential 1¹.

There are no other planning overlays affecting the site. This indicates a lack of distinctive values, risks or other factors present at the site requiring specific management regardless of underlying zoning.

The zoning of land within the locality is illustrated in **Figure 4**.

¹ Being the less dense of the rural residential zones within the District



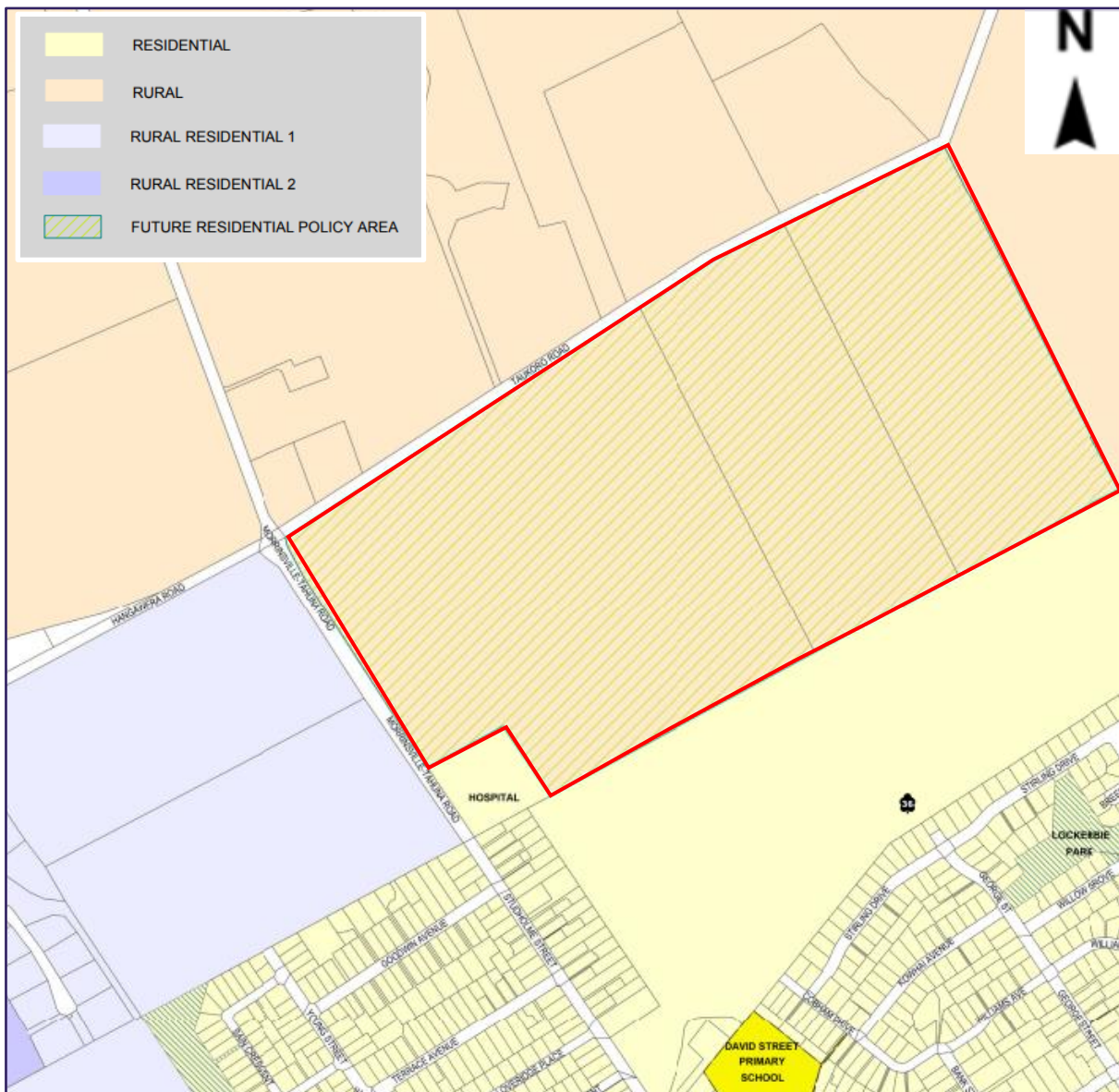


Figure 4: District Plan zoning of the plan change site (bounded in red) and surrounding area. Sourced from Map 26 within the MPDP.

2.2 Site

The plan change site comprises two large farmland properties at the northern edge of Morrinsville. The two properties are adjacent to each other, more or less square in shape, located south-west of the intersection of the Morrinsville-Tahuna Road and Taukoro Road. They are 36.65ha and 40.55ha in size, providing a total site area of 77.2ha. A third property, being a Local Purpose Reserve (Stormwater) owned by MPDC and measuring 9235m² in size.

These three parcels, which make up the Plan change site, are shown in **Figure 2** above, with the two properties owned by Lockerbie highlighted yellow. The legal description and details of each of the properties are set out in **Table 2**.

Table No. 2

Properties subject to the plan change				
Physical Address	Legal Description	Title Identifier	Area	Owners
76 Taukoro Road, Morrinsville ²	Lot 7002 DP 549793	976109	36.6476ha	Lockerbie Estate Limited
182 Morrinsville-Tahuna Road, Morrinsville	Part Lot 2 DP 7445	SA1036/162	40.5811ha	Lockerbie Estate No. 3 Limited
N/A	Lot 6001 DP 549793	SA642/258	9235m ²	Matamata-Piako District Council

Access to the site is currently available from Morrinsville-Tahuna Road (classified as a Significant Road) and Taukoro Road (local road)³. Streets that have been constructed within earlier stages of the Lockerbie Estate development to the south (in particular, Lockerbie, Harp, Morrin, Werewere, Howie, Manning and Evans Streets) also connect to the site.

2.3 Historic and current land uses

Historical aerial photography dating to the 1940's indicates the site has been used for farming purposes since at least that time. It is currently used for dairy farming purposes and is recorded as such by MPDC.

The current use accommodates a cluster of rural ancillary buildings and specific uses more-or-less centrally sited within the west block. These include feed stockpile areas, shelter structures, effluent ponds, milking shed and entry yard, and silage stands. The farm dwelling is distinctly separate to this cluster of buildings, located approximately 200m to the west and sited some 23m inland of the west lot's western boundary. Both the cluster of buildings and farm dwelling have direct access to Morrinsville-Tahuna Road.

Surrounding the cluster of rural buildings and dwelling are paddocks utilised in grazing dairy cows, served by a farm race to provide access across the farm. The race has direct access to Taukoro Road, as well as access via the cluster of buildings to Morrinsville-Tahuna Road.

2.4 Topography

The cluster of rural buildings is located at the high point of the site. The form of the land is close to flat in parts, otherwise is gently undulating with an overall slope downwards from north to south from Taukoro Road into Morrinsville. West of the cluster of buildings, there is a very gentle slope down to the Morrinsville-Tahuna Road, whilst east of the cluster of buildings the land is undulating and overall, very gently sloping down towards the Piako River some 1.35km away.

2.5 Ecology and landcover

An assessment of ecology, in respect of the plan change site, has been prepared by Freshwater Solutions. This is split into two reports, one addressing the east block and the residential land within Lockerbie Estate south of the plan change site (November 2019), the other addressing the west block (July 2021). These reports are attached at **Appendix H** to this report. The following description of ecological and landcover features of the site is a summary drawing on the findings of these assessments.

² Also described in some of the supporting technical reporting as 162 Studholme Street, which it was originally part of.

³ Section 9.1.1 of the MPDP



In terms of terrestrial vegetation and landcover, the site is largely dominated by pasture grasses. Shrubs and trees are sparse in relation to the land area and are interspersed across both blocks. Lineal tree shelterbelts (dominated by *Cassuarina* sp. – she-oak) are a common feature between paddocks or groups of paddocks across the farm. Indigenous and exotic terrestrial vegetation species were observed at the site.

In terms of fauna, the following observations have been made of the existing site:

- Avifauna: Three indigenous (including one endemic) bird species were recorded as being present at the site and its environs. These species being Pūkeko, Tūi, and Swamp Harrier. House Sparrow (introduced) was also observed at the site.
- Herpetofauna: No lizards were surveyed at the property. The site does not appear to contain habitat suitable to the native copper skink.
- There is minimal suitable bat habitat on the site.
- Aquatic fauna: No fish were observed within the watercourses at the site whilst surveying. It is assessed that only shortfin eel and the exotic pest fish *Gambusia* are likely to access the reaches of tributaries within the plan change site, owing to the degraded water quality and habitat, and ephemeral nature of the upper catchment environments.

No ecological or landcover/landscape features of the site are protected by overlays within the MPDP.

2.6 Watercourses, catchments, overland flowpaths and flooding

The following description of watercourses, water catchments, overland flow paths and flooding risks at the site draws upon the Engineering and Ecological technical reports contained at **Appendices D** and **H** respectively.

There are four watercourses within the site. Three of these are completely or substantially natural in occurrence, whilst one is wholly an artificial farm drain. The streams are labelled S1, S2, S3 and S4 within **Figures 5 and 6** on the following page⁴.

The stream characterises are described as follows:

- S1 is a completely natural stream located largely south of the plan change area, within the Residential-zoned portion of Lockerbie Estate. The stream is 666m long, comprised of 280m of perennial, 31m of ephemeral, and 355m of flow path stream bed.
- S2 is located centrally within the site, and splits into discernible tributaries in its upper reaches, with several sections being of artificial origin. It has a total length of 1077m, comprised of 310m of perennial, 300m of ephemeral, 364m of artificial, and 103m of flow path stream bed. S3 is located in to the north-west of the plan change site, and has small artificial tributaries to its mid and upper reaches. It has a total length of 1189m, comprised of 106m of perennial, 157m of ephemeral, 98m of flow path, and 828m of artificial or modified stream bed.
- S4 is in the north-east of the plan change site, and is 157m in length, solely artificial.

The watercourses referred to above reflect the surficial character of drainage and overland flow paths within the entire site. The watercourses are fed by catchments with sizes as follows:

- S1: 23.43ha
- S2: 42.29ha
- S3: 15.18ha
- S4: 11.48ha

⁴ Sourced from Freshwater Solutions reports 2019 and 2021, at Appendix F.



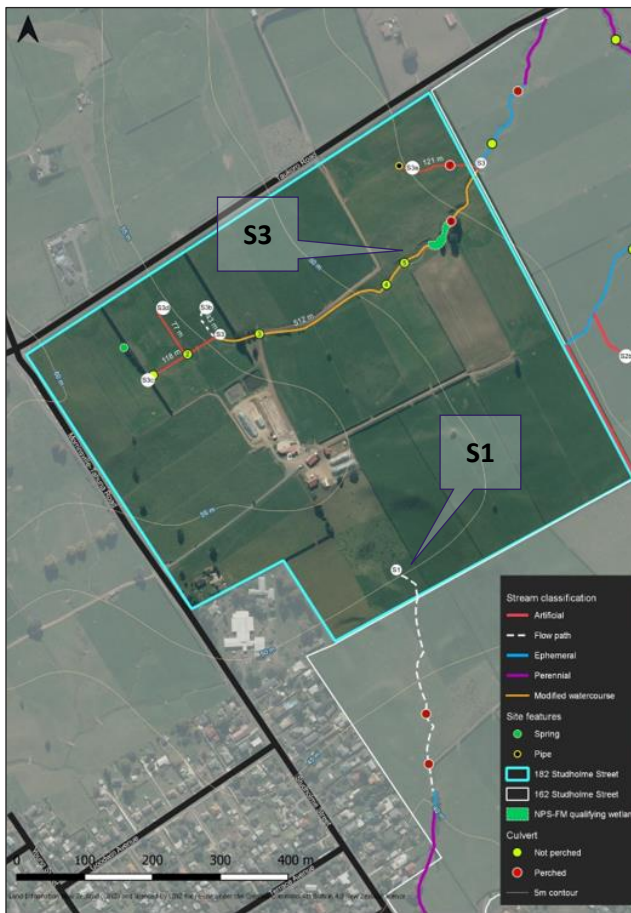


Figure 5: Watercourses within the west block.

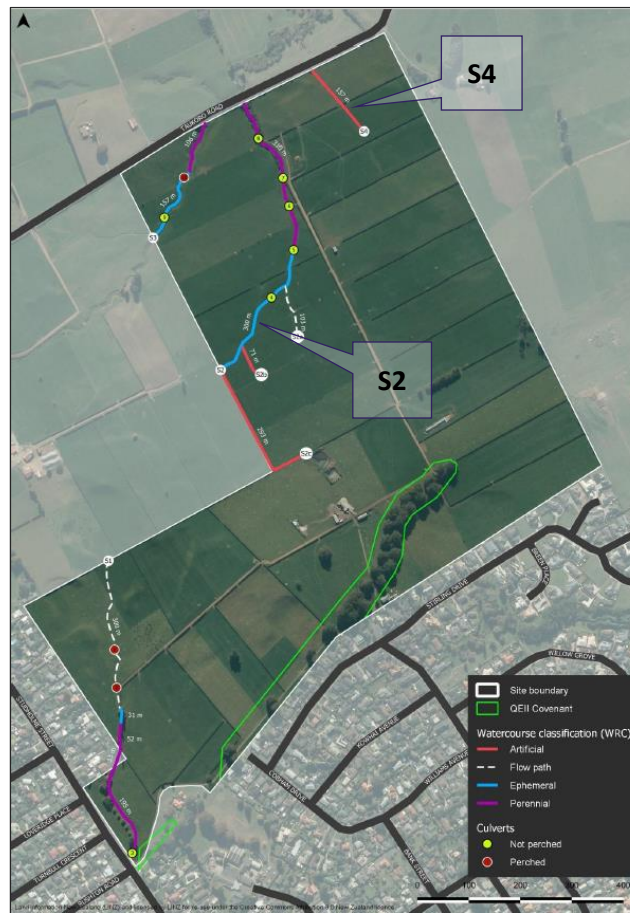


Figure 6: Watercourses within the east block.

Except for S1, all watercourses flow north to a tributary of the Maungahaumia Stream which in turn is a tributary of the Piako River. None of the watercourses or their riparian margins are protected or covered by any MPDP overlays.

The site is not subject to mapped flooding hazards or flood risk-related overlays within the MPDP. Maven Associates have completed flood modelling of the 100-year Annual Return Interval rainfall event which demonstrates that existing flooding extent during such events is restricted to low-lying areas within the riparian margins of the identified watercourses.

2.7 Wetlands

There is one wetland⁵ identified within the site. This is located in-stream within S3, with the extent shown within **Figure 6** above. The approximate area of this wetland is 565m². The wetland species are mainly exotic grasses, is highly degraded and affected by regular grazing of livestock. The Freshwater Solutions assessment⁶ of this wetland outlines that *“the wetland has been induced by culverts upstream and downstream of the area, is highly degraded and is affected by regular grazing.”*

⁵ Meeting the definition of wetland pursuant to the National Policy Statement for Freshwater Management 2020.

⁶ Section 5.3 of 182 Studholme Street Plan Change Ecological Assessment, 28th July 2021, contained in Appendix F.



2.8 Soils and contamination

The description below draws upon the findings of the Geotechnical Investigation Reports dated 7 May 2019 (in respect of the eastern block and other land within the Lockerbie Estate further south) and the report dated 16 July 2021 (in respect of the western block), both prepared by CMW Geosciences and attached at **Appendix I**.

The soils present within the site are Orthic Granular soils⁷, within the Walton Subgroup⁸. An extremely small portion at the southern boundary of the western lot of the plan change site is described as being within the Peria Formation within published geological information; geotechnical investigations at the site revealed however only Recent Alluvium over the Walton Subgroup soils being present to necessary depths to accommodate the proposed development.

The majority of the site has a Land Use Capability value of 2, on the scale of 1-8 from most versatile to least⁹. The exception to this is an area of approximately 12.4ha to the south-east corner of the site, which has a Land Use Capability value of 3. Values of 2 and 3 correspond to moderate-high value for primary production. The precise Land Use Capability classification for the two soil classifications present at the site are 2e4 and 3e3.

A Preliminary Site Investigation (PSI) in respect of contamination potential at the east block, whilst a combined Preliminary and Detailed Site Investigation in respect of the west block, have been completed by 4Sight Consultants. Both reports are attached at **Appendix J**. The report for the east block confirms that no part of that site constitutes a 'piece of land' under the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NЕСS). The report for the west block and associated soil sampling identifies that the site has been subject to a HAIL activity, and is subject to the NЕСS provisions (as a 'piece of land'), as the concentrations of lead around the house site are at a sufficient quantity that they could be a risk to human health and/or the environment. Asbestos material was also identified around the house site too.

In practice this means that only a small portion of the west block requires remediation, associated with the removal of the house, to safely accommodate the intended use (residential). The management and removal of the lead contaminated soils will be undertaken in accordance with a combined Remediation Action Plan and Contaminated Site Management Plan that will outline the remediation strategies, how the contaminated soils shall be managed to minimise potential human health risks and will also include procedures for managing unexpected discoveries. This Plan will form part of a future consent sought under the NЕСS for these remediation activities. Removal of asbestos containing materials will be undertaken in accordance with the Health and Safety at Work (Asbestos) Regulations (MBIE, 2016) and the Approved Code of Practice for the Management, Removal of Asbestos (Worksafe New Zealand, 2016). Following remediation works a Site Validation Report will detail the remediation undertaken, the results of the validation sampling and will confirm that the site is suitable for the proposed residential use.

⁷ Manaaki Whenua Landcare Research – Soils Portal.

⁸ Page 4, CMW Geosciences Geotechnical Investigation Report, reference HAM2018-0139AB Rev 0.

⁹ Land Resource Information Systems Portal; MPDC Geospatial Portal.



2.9 Archaeology and heritage

Two expert assessments have been carried out in respect of archaeology. An archaeological and historical assessment of effects has been prepared in respect of the east block by W Gumbley Ltd Archaeologists, dated July 2019. An archaeological assessment in respect of the west block has been prepared by CFG Heritage, dated 21 July 2021. These are attached at **Appendix K**.

Both reports confirm a lack of archaeological material or features to indicate the presence of archaeological sites or features of heritage value at the plan change site.

As stated earlier in this report, the site is within the rohe of Ngāti Hauā, an iwi group descended from the Tainui waka. This iwi has historical tangata whenua status over the site, and are kaitiaki of the area and its taonga. The proposed plan change site is not a statutory acknowledgement area or otherwise known waahi tapu site to Ngāti Hauā, however is important as whenua and taonga within their rohe. Ngāti Hauā have also confirmed that they support the plan change (see **Appendix M** for a copy of the Cultural Values Assessment).



3. Proposed Plan Change

3.1 Background

The land which makes up the plan change site has been purchased across 2019-2021 to facilitate the construction of a down-to-earth community delivering high quality housing, supported by a number of amenities and facilities that includes a park/trail network, a café, a playground, a childcare centre, a retail centre, and a retirement village¹⁰. The retirement village, retail centre, café, playground and childcare centre are proposed within Stages 1-3 of Lockerbie Estate, being Residential Zone land not subject to this plan change application.

This vision of development is borne out of the fact the site is the only greenfield area to the periphery of Morrinsville signalled for comprehensive residential development by way of the FRPA overlay, combined with market demand for further housing within Morrinsville, and the sites proximity to Hamilton. This overlay, and indication of location of future residential development, has been in place since part of Plan Change 47 – Plan Your Town being made operative in September 2017.

Other relevant background information includes the following resource consents which have been obtained in respect of earthworks, stormwater disposal and watercourse diversions to facilitate development within various stages of Lockerbie Estate, as set out in **Table 3**.

Table No. 3

Resource Consents already obtained				
Consenting Authority	Consent Reference	Consent Description	Date Granted	Expiry
MPDC	RC 102.2019.11931.2	Earthworks and contaminated land disturbance within Stage 1 of Lockerbie Estate	Originally granted in November 2019 with an amendment granted March 2020	-
	RC 102.2020.12168	Earthworks including a borrow pit to contour land for the development of Stages 1B and 2 of Lockerbie Estate	November 2020	-
	RC 102.2021.1228	Earthworks including a borrow pit to contour land for the development of Stage 3 of Lockerbie Estate	March 2021	-
WRC	AUTH141393.01.01	To undertake earthworks across Stages 1-3 and the east block	August 2020	30 April 2030
	AUTH141393.02.01	To divert and discharge stormwater across the same area	August 2020	1 August 2055
	AUTH141393.03.01	To disturb and divert watercourses across the same area	August 2020	1 August 2030

As can be seen from Table 3, the east block is already subject to WRC consents that provide for bulk earthworks, stormwater discharges and watercourse diversions. Similar consents will be required from WRC for the west block prior to development of that land.

¹⁰ <https://www.lockerbie.co.nz/>



3.2 Purpose of the proposal, necessity for amended planning provisions

The overarching purpose of PPC 56 is to give effect to the signalled residential intent of the land in question, as soon as practicable, in an integrated, efficient, high-quality, environmentally and culturally appropriate manner.

The need for further residential land within Morrinsville, as budgeted for by the Future Residential Policy Area overlay, is reinforced by the Morrinsville Residential Growth Assessment prepared by Property Economics to assist in progressing this plan change (attached at **Appendix L**). This report identifies that at least 960 dwellings are needed to meet expected growth in Morrinsville through to 2038. Aside from this there is increasing attraction to the Morrinsville market coming from the under-pressure nearby Hamilton market, and as a result of commutability to Hamilton along with increasing employment opportunities in Hamilton's eastern suburbs (Ruakura inland port superhub). Growth is currently occurring at a rate higher than recent predictions that adjusted to lower yields owing to migration impacts of Covid-19 upon New Zealand.

As such, a considerable planning intervention to facilitate the delivery of a large number of dwellings is appropriate and warranted.

The site is a proportionately large area signalled within the District Plan to accommodate future residential development. At 77.2ha, this is an increase of approximately 13.5% of the existing urban area of Morrinsville. A total of 1526 dwellings are intended to be yielded from the development of Lockerbie Estate (approximately 1200 of which are within the plan change area), and regulatory provisions are sought to simplify the consenting framework for the construction of dwellings and provide an appropriate degree of flexibility of density so as to remain compatible with the existing character of Morrinsville whilst ensuring efficient use of land and meeting changing housing needs.

The options for facilitating delivery of dwellings on a reasonably large scale are either:

1. Obtain resource consent(s) for the development;
2. Obtain a private plan change to facilitate the development; or
3. Wait for the review of the District Plan by MPDC to seek at that time to amend the district plan to facilitate the development.

These options are analysed in accordance with s32 of the RMA at section 4 of this report below and at **Appendix C**.

Owing to the large size of the site, the clear signalling within the District Plan for future residential use, and the long-term, permanent nature of residential-led development and activities proposed and demanded within Morrinsville (as demonstrated by Lockerbie selling all of their available sections), a plan change as opposed to a resource consent is prudent and appropriate.

With respect to the question of a private plan change or waiting to utilise the statutory review of District Plans, the zoning and development control provisions within the MPDC District Plan were reviewed relatively recently across 2016-2017, with Plan Change 47 introducing the FRPA overlay across the site. This plan change was made operative in 2017. It may not therefore be until 2027, at the earliest, that a further review of the residential zone provisions of the District Plan would commence, being the opportunity to extend residential zoning to the plan change site. This would incur significant holding and opportunity costs, therefore a private plan change is considered the optimal and necessary method for achieving the objective of the proposal as efficiently and as quickly as possible.



Furthermore, with the pending resource management system reform, we are aware that there is a reluctance by Council's to spend money and time on preparing plan changes or District Plan updates, that may become redundant in 2-5 years' time.

3.3 Scope of the plan change

It has been identified that there are two key parts to PPC 56. The first is being the rezoning of the site to provide for residential development and the second being how to increase density and certainty around consenting requirements through the resulting zoning framework. Considering the above, it is therefore proposed by this application to re-zone the site from Rural to a mixture of Residential and Medium Density Residential.

The precise zoning arrangements are demonstrated on the Lockerbie Estate Ltd Zoning Plan. The Zoning Plan included at **Appendix B** and replicated as **Figure 7** below.



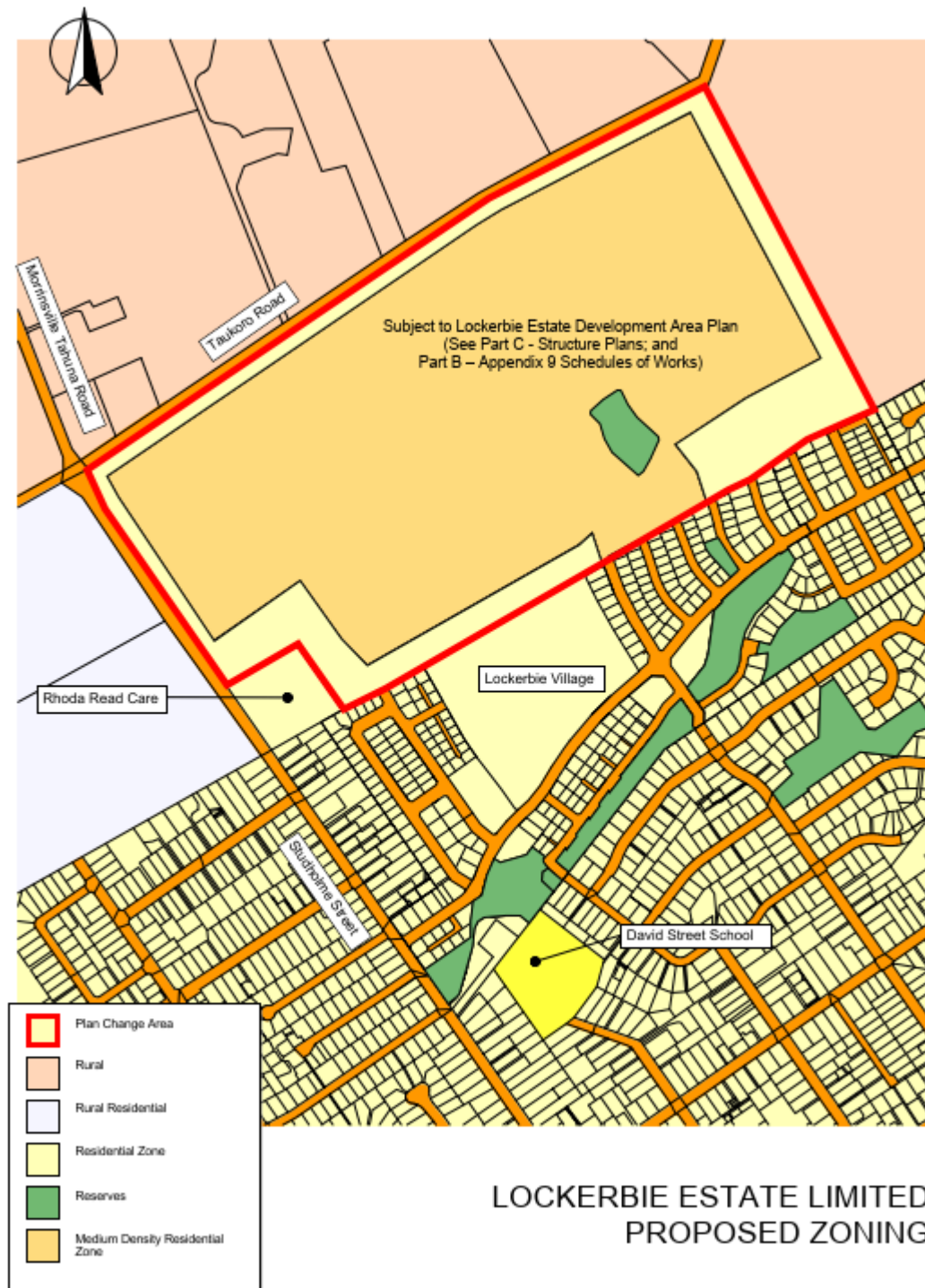


Figure 7: Zoning Plan

Key to note is that MPDP has a Residential Zone but does not currently have a Medium Density Residential Zone (MRZ) or associated plan provisions. Increased density is therefore currently obtained through the MPDP residential infill provisions¹¹ that require land use consent approvals to reduce the minimum lot size from 450m² to 325m². PPC 56 amends this framework by creating a MRZ. The new zoning mechanism allows the opportunity to consider and develop objectives, policies and rules specifically for the new zone.

There is also a statutory requirement on all Councils to adopt the new National Planning Standards (NPS). The new NPS provide for a MRZ and therefore the zoning outcome is in accordance with these standards.

¹¹ Rule 4.13 of the Matamata Piako District Plan



The MRZ is signalled as being *“areas used predominantly for residential activities with moderate concentration and bulk of buildings, such as detached, semi-detached and terraced housing, low-rise apartments, and other compatible activities.”*¹²

Similarly, the NPS provide for the development of overlays to those zones in the form of precincts. Precincts spatially define and manage an area where additional place-based provisions apply to modify or refine aspects of the policy approach or outcomes anticipated in the underlying zone. In this instance the Lockerbie Precinct is proposed that provides differing performance standards for development within the Lockerbie Precinct.

The NPS also enables the creation of Development Areas. Development Areas replace Structure Plans to spatially identify and manage areas where previous Structure Plans would have been used to determine future land use or development. The proposed Lockerbie Development Area Plan (LDAP) accordingly provides for key requirements (i.e. reserves, roading, infrastructure) that apply to the site and which can be removed from the District Plan when the associated development of that area is completed. The LDAP is included in **Appendix B** and replicated as **Figure 8**.

The zoning approach and LDAP has been designed to provide a variety of built form and housing choice, based on the site’s characteristics, with flexibility in mind to accommodate a wide range of potential housing typologies demanded by the market, as informed by emerging trends within urban areas elsewhere in New Zealand. This includes single-dwelling sites, duplexes (two dwellings attached by a common party wall), and terraced dwellings and units (three or more dwellings within a residential building). The LDAP (as set out in Appendix 9 of the MPDP) also signals key infrastructure requirements/connections and their triggers, what needs to be addressed in a Development Agreement, the location of future reserve networks and the supporting pedestrian network.

To facilitate such development, zones and precincts consistent with the NPS are proposed within the LDAP for the site as follows:

- Residential Zone to the periphery of the plan change site. This is to ensure character compatibility of future development at the interface of the site with the existing urban character of Morrinsville, and similarly at the urban/rural divide that occurs across the District.
- A new Medium Density Residential Zone (MRZ) and associated performance standards to central areas of the site. This zone is intended to predominantly accommodate single dwellings and duplexes.
- A new Precinct (the Lockerbie Precinct) and associated performance standards overlying part of the MRZ. This precinct is intended to accommodate single dwellings, duplexes and terraced housing.

The LDAP also provides for (as shown in **Figure 9**):

- Large tracts of reserve space for amenity and stormwater purposes around watercourses S2 and S3;
- Alignment of the roading network adjacent to reserves, where applicable, to enable activation of those spaces;
- A neighbourhood reserve within the centre of the site, with a size of 2,500m²;
- Various pedestrian linkages between the reserves and to break up block lengths;
- A new transportation connection to Morrinsville-Tahuna Road (or Studholme Street) just north of the Rhoda Read Care facility;
- Two new transport connections to Taukoro Road;
- Two transport connections to the land to the east, to future proof the potential for this land to be rezoned for residential development; and
- A shared cycle/pedestrian network that connects to existing pedestrian networks and provides a circular arrangement within the site.

¹² Table 13 of the National Planning Standards (November 2019) – Zone names and descriptions



An evaluation of the proposed re-zoning approach in accordance with s32 of the RMA follows.

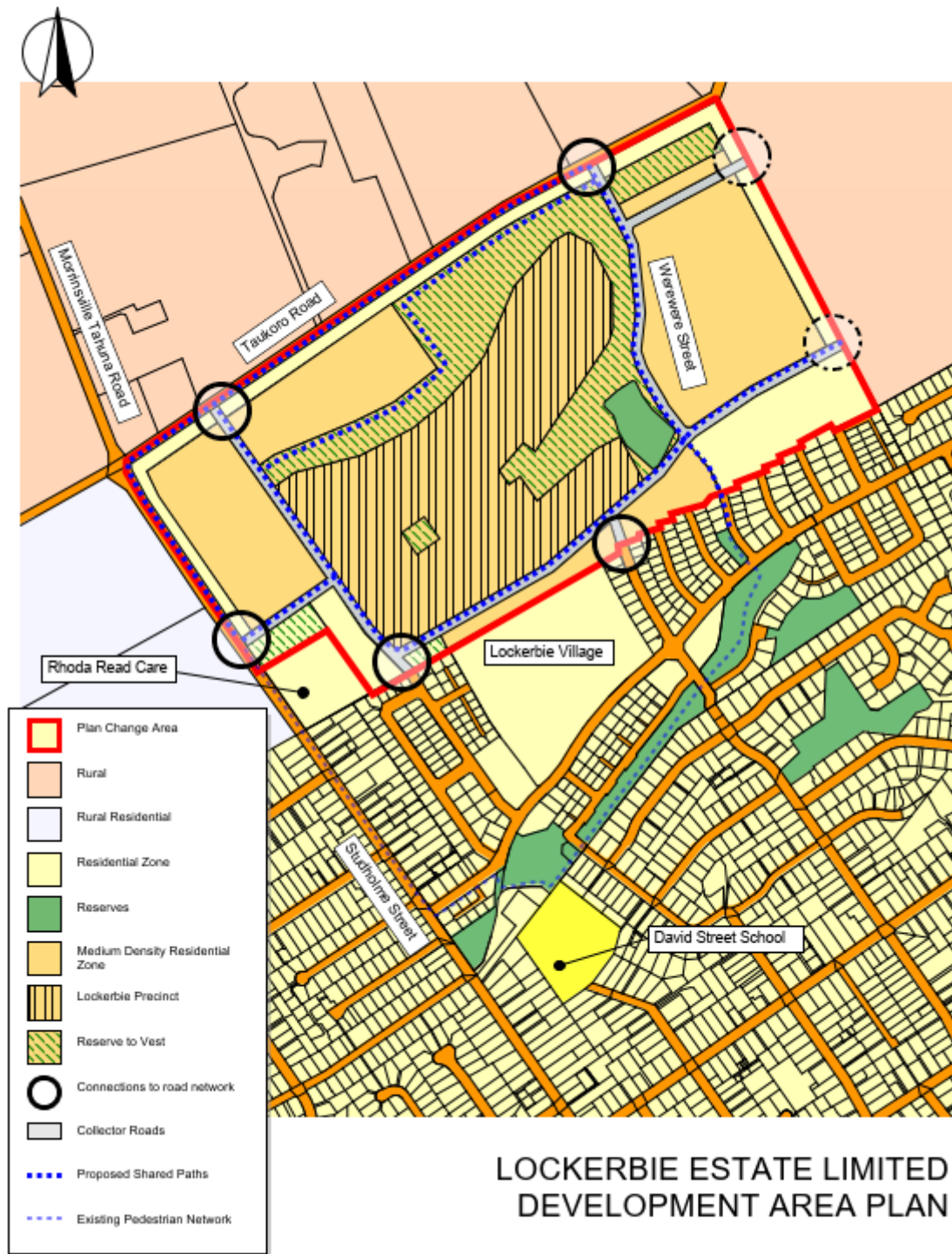


Figure 8: Development Area Plan



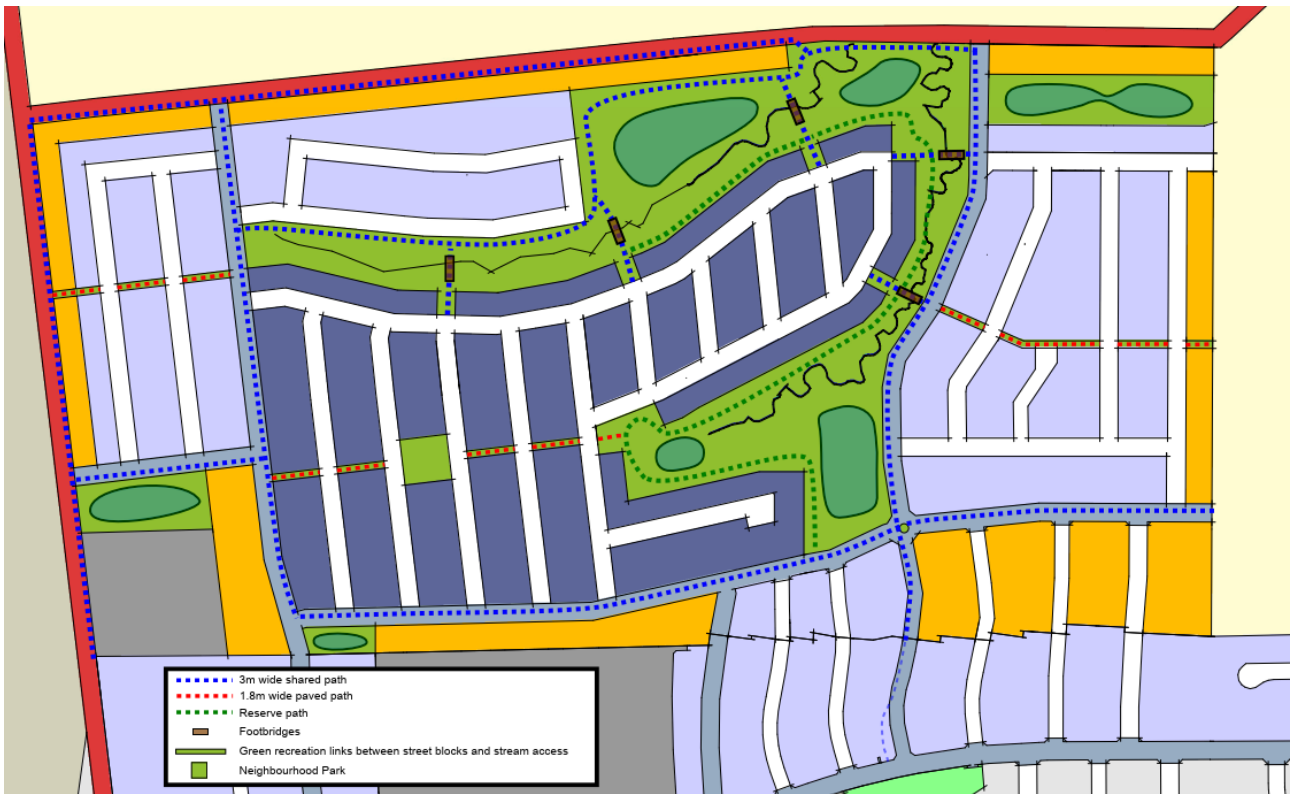


Figure 9: Lockerbie Pedestrian Network Plan

3.4 Other Consents and Authorisations Required

The following additional authorisations will be required to release the full development potential of the plan change site. Key to this is that consents from WRC are required. Those consents cover activities such as earthworks and stormwater discharges and specifically relate to the west block. As set out in section 3.1 and Table 3 above, various regional consents have already been granted for the wider Lockerbie development including the east block.

Secondary to this, the MPDC is currently seeking a water take consent from WRC to take groundwater from a bore in Stage 3 of the Lockerbie development. It is understood that this water take will provide additional water volume for Morrinsville, as a resilience measure, and will also service the needs of the plan change site. If granted, we understand MPDC is looking to build and have operational a new water treatment plant near the bore by early 2023. That consent is being led by MPDC and Lockerbie have no control over the outcomes but are cognisant that its consenting path and trajectory has the ability to affect the approval of the plan change and its delivery of lots. From a timing perspective, Lockerbie is looking at delivering some lots in the east block in the latter half of the 2022/2023 construction season.

All forms of subdivision within the MPDP require a resource consent. Further to this, some of the activities likely to be undertaken on the site will require a land use consent under the planning framework proposed in this plan change. For example, duplexes and all forms of terraced housing within the MRZ. Those consents will be assessed under the framework developed as part of this plan change.

As noted in section 2.8 consent under the NESCS will also be required. That consent will be a restricted discretionary activity under Regulation 10 of the NESCS because the DSI confirms that soil contamination across a portion of the site (around the existing house site) exceeds the applicable standards in Regulation 7. Due to the low level of contamination, that consent is not required to be obtained now, nor is the remediation required now to substantiate this plan change process.

4. Section 32 Evaluation

Section 32 of the RMA is a key component of the policy development process for all District Plan matters, including private plan changes. It requires examination of the extent to which the objectives of a proposal being evaluated are the most appropriate way to achieve the purpose of the RMA. It further requires examination of whether the provisions of a proposal are the most appropriate way to achieve the objectives by way of options assessment and consideration of costs and benefits, before settling on the preferred option. This report records the s32 evaluation that has been carried out to date, but it recognises that it is an iterative process that will continue through the plan change lodgement, submission and hearing process.

4.1 Issues with current situation

The first step of the evaluation is to identify the issue that a proposed planning intervention is intending to address, which must be grounded in inefficiency or inappropriateness in achieving the purpose of the RMA. Section 3 above has outlined the background, purpose and necessity of the plan change.

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management incorporates management of use and development of land in a way or rate which enables people and communities to provide for their social, economic and cultural wellbeing. This is to be promoted whilst sustaining the potential of natural and physical resources to meet the foreseeable needs of future generations, safeguarding life-supporting capacity of critical environmental components, and avoiding, remedying or mitigating adverse effects on the environment.

There is an established demand for further residential dwellings within Morrinsville, based on the land budgeting exercise which resulted in the FRPA overlay being applied to the site, evidenced by the conclusions of the Property Economics report at **Appendix L** and through Lockerbie's first-hand knowledge of market uptake¹³. The existing zoning of the PPC 56 site precludes future residential development, to the densities sought in a residential environment. Failure to meet this demand is an inefficient use of land contrary to its identified future use. The lack of suitable zoning detracts from the social and economic wellbeing of the growing community seeking to establish in the area (including in terms of housing availability and affordability, owing to delays and regulatory burden with the current zoning), and the existing community who stand to benefit socially and economically from this planned growth. Failure to meet this demand would also relinquish an opportunity to provide for cultural and environmental/ecological wellbeing. Terrestrial and aquatic ecological restoration and improvements of the site are expressly made possible in conjunction with residential development elsewhere at the site, with associated enhancement of mauri of taonga to tangata whenua of the site.

Development of this site (which is the only FRPA in Morrinsville) does not pose a risk of compromising the ability of natural resources in the area to provide for future generations and has generous scope for mitigation of any adverse effects on the environment.

The site is contiguous to residential-zoned land; residential zoning to the plan change site would provide a logical and convenient location for the extension of urban services.

For these reasons, it is considered there is a credible issue in terms of dwelling supply requiring to be addressed within Morrinsville, with a plan change to residential zoning (or similar such zoning) being the appropriate way to achieve the purpose of the RMA. This extends existing residential zoning to the site as well as introducing a new MRZ provision and a Lockerbie Precinct, to provide a more flexible and responsive zoning to cater to the actual future growth experienced and changing housing needs.

¹³ Lockerbie has sold Stage 1 and pre-sold all of Stages 2 and 3.



4.2 Alternatives considered

Reasonably practicable alternative options for achieving both the objectives of the proposed plan change, and the provisions proposed to achieve the objectives, have been considered as required by s32(1) and 32(2) of the RMA. This analysis is provided within **Appendix C** of this report and summarised below.

Having come to the conclusion, in section 4.1 above, that the existing Rural zoning is no longer appropriate, several alternative options were considered to address the issue, as follows:

- Option 1 – Retain the status quo or do nothing;
- Option 2 – Retain the status quo and progress non-complying resource consent applications;
- Option 3 – Rezone the site to enable residential development including;
 - Rezone the whole site Residential
 - Rezone the whole site MRZ
 - Apply a split zoning approach across the site
- Option 4 – Wait for the next Matamata Piako District Plan review and make submissions to seek the rezoning of the land to enable residential development.

The alternatives then identify the preferred options for zoning and explore whether provisions/methods are needed. These options are:

- Retain existing provisions, methods etc;
- New suite of provisions specific only to the Lockerbie Development Area Plan area; or
- Modify/provide bespoke provisions, methods etc and retain existing provisions where these can achieve the objectives.

As noted above, an assessment of the options and alternatives has been undertaken, including the cost and benefits of each, in **Appendix C**.

4.2.1 Analysis

The status quo is the least appropriate option. It is inefficient to delay the land's zoning when there is a clear housing need and a willing developer able to deliver residential lots and housing and associated infrastructure. Lockerbie has demonstrated that there is a need for housing in Morrinsville having already sold all of their residential zoned land, even before construction activities have been completed and titles have issued. The land sought to be rezoned and also been signalled by MPDC, through PC 47, as being earmarked for future residential development with the FRPA overlay, and more importantly is the only such land in Morrinsville. There is no strategic need for the release of the land to be delayed. On the contrary there are strategic benefits in providing additional land, particularly to meet an evident need and changing housing typologies. In this regard, the proposed rezoning presents no conflict with the MPDP or the Waikato Regional Policy Statement (RPS).

Option 2 is also not an appropriate option. It would require MPDC to authorise consents, as non-complying activities, for residential land use outcomes on rural zoned land that would, apart from the FRPA overlay, be inconsistent with their objectives and policies for rural zoned land and the density reasonably expected for such land. There is a high risk that such applications may also be unsuccessful and the level of detail likely to be required to provide MPDC with certainty would be substantial. At some point, a plan change would still be needed to tidy up the zone to match what may have been delivered on the ground too.

The issue with Option 4 is that there is no certainty as to when MPDC may do a further rolling-review of its District Plan that would enable the land to be rezoned. With MPDC only recently completing PC 47 in 2017, it could be a further 5-10 years before a further review of its residential land needs is undertaken. This issue



is further exacerbated by the uncertainty around the RMA reform and the implications of that reform on the future planning framework that would apply to the District.

Option 2 and Option 4 potentially could deliver the same outcome as Option 3, but they are inferior in terms of efficiency of process and do not provide the same long-term certainty to the landowners and other stakeholders. With a plan change, the intended land use outcomes can be properly and spatially defined and tested for acceptance by the community in a comprehensive manner. A plan change also allows for District Plan rules to be designed to capture and address the detailed environmental effects, at the appropriate stage when sufficient design has been undertaken.

On this basis, Options 1, 2 and 4 have been rejected as being efficient or effective means to meet housing demand, with Option 3 being determined to be the most appropriate planning method to address the issues associated with the limitations associated with the existing zoning framework. Rezoning of the land properly enables and supports residential land use to occur in the immediate future, that is not currently catered for adequately within the existing zoning of the properties. Insertion of a Development Area Plan into the District Plan allows for infrastructure requirements to be considered in light of the larger development area to ensure that the land can be appropriately serviced, and the rezoning for residential purposes will assist in the provision of additional dwellings and a range of housing options. Rezoning of the land also allows appropriate provisions to be developed and implemented to ensure that development is of a high quality and provides a high level of liveability.

The analysis moves into the application of an appropriate zone to apply to the plan change.

The lower density residential option (i.e. General Residential) option could be appropriate, but its major weakness would be the inefficient use of the land development potential, (development density and variety of housing typologies) and it would result in additional resource consent requirements to increase development density and variety of housing typologies, which is a current issue in the Lockerbie development. The higher density option (Residential Intensification Zone) is also partially appropriate, but its weakness would be the less effective achievement of market-supportable housing types.

There is however a need to ensure that the site provides a diversity of housing types, sizes and shapes and a need to address the rural interface and interface with existing streets and the existing Lockerbie development. For this reason, PPC 56 applies a mixed zoning approach, whereby there is a Residential Zone with bespoke provisions around the plan change area margins, and then applies a MRZ in the core. This approach maximises development and land efficiency and provides most flexibility for a variety of housing options to occur. This includes the ability to establish housing typologies that deliver on more affordable price points within the market.

Having established that a mixed zoning approach are the most appropriate outcomes, the analysis continued to determine whether changes were required to the MPDP in respect of the plan change area.

No changes were not considered efficient for the following reasons:

- The MPDP does not currently have a MRZ, relying on their infill provisions in the Residential zone to increase density.
- Using the existing Residential zone provisions across the site would still result in a multitude of resource consents being required to increase the density (i.e. through use of the MPDP infill provisions).
- Similarly, the existing Residential zone provisions do not provide for protection in relation to a rural interface or zone boundaries.
- The site is a greenfield development, so there is an opportunity to master plan the development outcome through the use of a Development Area Plan.



The preferred option is to provide a new MRZ (and Lockerbie precinct) and associated objectives, policies and rules along with bespoke changes to the Residential Zone provisions and the provision the LDAP. The new standards and changes are proposed to secure high quality subdivision and development outcomes and appropriate onsite amenity for residents. Key elements and features are shown on the LDAP.

4.2.2 Preferred option

Having regard to the significant benefits over costs associated with the options assessed above, it is proposed approximately 61.5 ha of the total PPC area (78.1 ha) be zoned MRZ, with 16.6 ha proposed to be rezoned Residential. Across these zones approximately 14 ha is to be set aside for reserves, as shown on the LDAP.

As the subject land has been earmarked for future residential development, it is not a matter of whether it is appropriate to rezone the land for urban development but rather a matter of timing. The rezoning of the land for residential purposes, with a large area being MRZ, will assist with providing additional housing land supply for Morrinsville. The application of a MRZ enables a more diverse range of development options and therefore providing alternative living and lifestyle choice.

4.3 Evaluation of objectives

Section 32(1)(a) requires an evaluation of whether each objective is the most appropriate way to achieve the purpose of the RMA. In light of the *King Salmon* decision, this is considered that this is primarily achieved through an assessment of the proposed objectives in terms of the higher order national and regional plans. The higher order plans are discussed in section 9 of this report. The following discussion complements that assessment and discusses more specifically the actual objectives which are proposed.

The starting point for this assessment is consequently the purpose of the RMA, being sustainable management of natural and physical resources. The purpose of the RMA is only achieved when the s5(a) to (c) matters have been adequately provided for within a District Plan.

The objectives of PPC 56 are set out and evaluated in **Appendix C**. They have been evaluated in terms of the extent that they are the most appropriate means of achieving the purpose of the RMA and also in relation to the objectives of the RPS.

4.4 Evaluation of provisions/methods

To ensure that the evaluation of the proposed plan change is carried out to an appropriate level of detail, the table set out in **Appendix C** provides an assessment of the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the amending proposal (objectives, policies and rules).

In accordance with s32(1)(c), this evaluation is to a level of detail that corresponds to the scale and significance of effects anticipated by the proposed plan. The level of detail is therefore informed by the assessment of effects contained in section 7 of this report. Those effects are in turn informed by the existing environment. They establish a baseline against which to assess effects. As set out in section 7 of this report the baseline is set by the non-fanciful activities that could be established on the site under the existing zoning, including ancillary residential activities. This means that the effects are moderate or minor.

Section 32(1)(b)(ii) also requires that councils assess the efficiency and effectiveness of the policies and methods as the most appropriate way to achieve the objectives. The Ministry for the Environment's guidance explains that "efficiency" is achieved where a policy or method will achieve the objective (the benefit) at the least cost. Least cost can be difficult to quantify, especially in monetary terms, and we have not identified the costs of alternative policies and methods to indicate the least cost option for this s32 evaluation.



An assessment of the key provisions/methods to be inserted by PPC 56 and their associated costs and benefits to assess the efficiency and effectiveness of achieving the proposed objectives (and where relevant existing objectives), including identification of any alternatives, and which was been provided in a manner which corresponds to the scale and significance of the proposal (including environmental, economic, social and cultural effects) has been provided in **Appendix C**.

Development within the site is not contained to only those objectives and methods proposed by this PPC request. It is expected that the provisions will work in tandem with the existing MPDP provisions in other chapters including:

- Performance Standards – all activities
- Development contributions
- Works and network utilities
- Transportation
- Natural hazards

The provisions of these other chapters, such as those identified above, will also ensure that any other potential effects (e.g. site suitability, noise, signage, transportation etc) can be adequately dealt with and responded to at the subdivision and development stages. Such an approach is not unusual or an ineffective and does not undermine the viability of the rezoning. Reliance on existing provisions, in this PPC, is considered to be both efficient and effective.



5. Proposed Amendments to the Matamata Piako District Plan

5.1 Proposed amendments

The following changes to the MPDP are proposed as a result of PPC 56:

- A change to the zoning on planning maps that relate to the site (as per **Figure 7**);
- The addition of the Lockerbie Development Area Plan (as per **Figure 8**) and supporting commentary;
- Addition of new rules directly relating to the residential zoned pockets of the PPC 56 site;
- The addition of a new MRZ and Lockerbie Precinct with associated objectives, policies, rules and definitions into the MPDP; and
- Consequential amendments to other sections of the MPDP.

These amendments are included as **Appendix A** to this report.

These changes are described in more detail in the following sub-sections.

5.1.1 Planning maps

The planning maps required to be changed include the new zoning. More specifically, the change is to Planning Map 26 where the rural zoning and Future Residential Policy Area from the site is replaced with the zoning shown on the Proposed Zoning Plan contained in **Appendix B**.

5.1.2 Development Area Plan

The LDAP has been prepared (**Figure 8**). The LDAP is proposed to be inserted into the District Plan, in Appendix 9: Schedule of Works.

This inclusion provides for:

- A description of the purpose of the LDAP;
- How compliance will be assessed;
- Additional performance standards for subdivision or development;
- The location, timing and function of the reserves and supporting pedestrian networks;
- The key infrastructure requirements and development triggers;
- The generally agreed roading cross-sections for Morrinsville-Tahuna and Taukoro Roads; and
- What needs to be covered in a Development Agreement.

5.1.3 New Medium Density Residential Zone and the Lockerbie Precinct

A new MRZ has been developed along with associated objectives, policies and rule mechanisms. This purpose of this zone is to provide a range of housing types and densities to meet the needs of all communities. The MRZ is considered to be an appropriate outcome for the centre of the site on the basis that the site has been master planned and thus provides for higher density in conjunction with high quality amenity (i.e. location and accessibility to open space).

Activities within the Medium Density Residential Zone

Building on this objective and policy framework the rule framework provides for the following as permitted activities:

- One Residential Unit (MRZ-R(1)) with specific outdoor living and service area requirements;
- Alteration and additions to existing buildings (MRZ-R(2));
- Home businesses (MRZ-R(3)) with specific standards around the size and scale of those businesses;



- Show homes (MRZ-R(4));
- Accessory buildings (MRZ-R(5));
- Demolition of buildings and structures (MRZ-R(6)) with some exceptions;
- Activities on land gazetted as reserve as provided by a Management Plan under the Reserves Act 1977 (MRZ-R(7));
- Outdoor informal recreation and incidental structures (MRZ-R(8)); and
- Earthworks (MRZ-R(9))subject to some specific standards.

If one of the above activities cannot meet one or two of the performance standard for a permitted activity, the activity defaults to being a restricted discretionary activity (MRZ-R(3)). Other restricted discretionary activities include duplex dwellings (MRZ-R(11)). The duplex dwelling also has specific performance standards relating it to be a front site, it having a minimum size of 400m² (or 200m²) per unit, outdoor living requirements, service area requirements, site coverage of 50% and other design considerations. The Urban Design Assessment and supporting housing typology diagrams (See Housing Typology T4 of **Appendix F**) show how these provisions work from a practicality perspective.

Discretionary activities include activities that cannot meet three or more performance standards and activities such as retirement villages (MRZ-R(13)),), places of assembly (MRZ-R(14)), activities on reserve land not provided for as a permitted activity (MRZ-R(15)).

There are also a number of non-complying activities, including education and accommodation facilities, terraced dwellings, depots, light industry, industry, packhouses and cool stores, storage and warehouses, commercial services and offices, service stations, veterinary clinics and any activity not listed in the MRZ (MRZ- R(16-24)).

Activities with the Lockerbie Precinct

The Lockerbie Precinct encourages further density intensification, so enables a number of the MRZ permitted activities and also provides a more permissive consenting framework for duplex dwellings and terraced dwellings (i.e. as a restricted discretionary activity (PREC-R(3) and PREC-R(4)).

Duplex dwellings have the same performance standards as in the MRZ. Terrace housing have specific performance standards relating to it being a front site, it having an average minimum site area of 150m² per unit, minimum permeable surface area requirements of 20% per unit, average site coverage of 60% and other design considerations relating to the built form.

The Urban Design Assessment and supporting housing typology diagrams (See Housing Typology T5 of **Appendix F**) show how these provisions works from a practicality perspective, across a five lot scenario.

Discretionary activities include activities unable to comply with three or more performance standards and retirement villages (PREC-1(6)). Non-complying activities includes activities which are non-complying in the MRZ, or activities that are not specifically listed and discretionary activities that cannot comply with one or more performance standard.

Performance Standards for Activities the Medium Density Residential Zone and Lockerbie Precinct

The overarching performance standards cover matters such as height, height in relation to boundaries, yards, maximum building coverage and interface between public and private space (MRZ R1(1) – MRZ R1(4)). These standards apply to all activities unless specifically identified otherwise. These standards have been developed having regard to the existing Residential Zone standards and associated infill provisions and also by reviewing what other Councils are doing to increase density whilst seeking to maintain amenity values and achieve good urban design outcomes. Some of the key decisions that have been made with these standards are:



- Height of buildings has been maintained at 9m which is consistent with the Residential Zone standard. 9m is considered to be appropriate as it will easily provide for two storey buildings, which is the likely outcome.
- The height in relation to boundary standard differs from that in the Residential Zone being a recession plane that commences at 3m and inclines at 45 degrees. There are also a number of situations where this standard does not apply such as on a common boundary for duplexes, for terraced dwellings and where neighbour approval is provided. These exceptions will enable double storey buildings on slightly more constrained sites.
- The yard setbacks only differ from the Residential Zone standards in relation to the front yard and where there is a rear load lot (i.e. a lot with frontage to two legal accesses). The front yard has been deliberately brought forward to 3m, but with garaging still requiring a 5m setback. On a rear access lot a lesser standard to the legal road boundary is enabled, but again garaging is required to be setback.
- Building coverage has been increased to 50% in the MRZ. At 50% this enables a 162.5m² single level house on a 325m² section, whilst still providing space for outdoor living of at least 50m² and permeable surface area of 20%. The Urban Design Assessment and supporting housing typology diagrams (See Housing Typology T2 of **Appendix F**) demonstrates how this works from a practicality perspective.
- The interface between public and private provisions addresses matters such as garaging width, glazing in the front yard, entrance points, maximum fence heights and outlook space. These provisions ensure passive surveillance of the street (and reserve) environs and ensure that garaging does not dominate a site's frontage.

Assessment Criteria

An assessment criterion for the MRZ has also been developed that requires resource consents to be assessed against matters such as:

- Extent of non-compliance and the impact this has on amenity and character of the site and surrounding area;
- The degree to which on site amenity is retained for residents and the appropriate level of separation, space and amenity between sites;
- The extent to which the scale and nature of the proposal including any specific site features or design mitigates the adverse effects of the activity;
- Traffic, parking and access effects, including the safety and efficiency of the roading network and any effects of not providing carparking;
- The extent to which landscaping and screening is used to mitigate adverse visual effects; and
- Whether adequate capacity exists to maintain acceptable levels of service within available public reticulated three waters services;
- The nature and design of buildings and outdoor spaces to ensure that a high level of residential amenity and high-quality character is provided to residents;
- The extent to which the building design provides for informal surveillance of public spaces by locating doors, windows and other openings associated with living areas so they overlook and interact with public spaces and having entrances facing the transport corridor; and
- The extent to which buildings design and proposed landscaping will add visual interest

Refer to MRZ R2(1)-(3) for the full list of assessment criteria relevant to each activity.



Subdivision in the Medium Density Residential Zone and Lockerbie Precinct

All forms of subdivision in the MPDP require a resource consent. The same applies for the MRZ where the subdivision will be a restricted discretionary activity. To provide for this, additional clauses have been added to the subdivision activity table (Table 6.1).

The standards applying to subdivision are that:

- The minimum lot size is 325m², provided that:
 - Where lots less than 325m² are proposed, they should be no smaller 273m² and a concurrent land use consent for a residential unit must be obtained and a legal mechanism shall be registered on the title for those lots specifying compliance with that resource consent.
 - Where 200m² lots are proposed, a concurrent land use consent for a duplex dwelling must be obtained and a legal mechanism shall be registered on the title for those lots specifying compliance with that resource consent.
- The minimum lot width of front and rear boundaries for 25% of front sites, shall be 13.5m in the Medium Density Residential Zone (excluding the Lockerbie Precinct).

5.1.4 Additional rules for Residential Zone

Three bespoke changes are proposed to the Residential Zone yard rules that relate to the LDAP, being:

- That the side or rear setback to rural zoned land within the Lockerbie Estate Development Plan Area shall be 5m; and
- That front setback from roads within the Lockerbie Estate Development Plan Area shall be 3m for residential buildings and 5m for internal access garages; and
- That the minimum residential lot size is 600m².

The increased setback to the rural zone and the increased minimum lot size is required to address reverse sensitivity effects, whereas the reduced setback from roads within the development ensures that the same road boundary setback applies internally throughout the LDAP (as opposed to having differing setbacks on one side of a road to another based on the underlying zoning). The increased minimum lot size also counters the increased density provided for in the core of the LDAP to provide a diversity of lot sizes and typologies across the plan change area.

5.1.5 Other consequential amendments to the District Plan

The addition of a new zone means that there are a number of other consequential amendments required to the District Plan to refer to the MRZ. These are set out in detail in **Appendix A** and cover matters such as:

- Development suitability i.e. the size and shape of land – see Rule 1.2.2 and Rule 6.2.4 which requires each lot in the MRZ to contain a rectangular area of land for building that is 7.5m x 15m, being 112m².
- Density for the residential zone pocket of the LDAP is increased to one dwelling per 600m² (see Rule 3.1.2).
- Having the same signage, noise, works and network utilities, transportation requirements for the MRZ as the Residential Zone.
- Adding the term Development Area Plan to sections of the plan where Structure Plans are referenced and referring to the Lockerbie Estate Development Area Plan where Structure Plans are listed.
- Addition of new definitions to align with National Planning Standards and to cover new activities such as duplex dwellings and terraced dwellings.



6. Statutory Assessment Framework

6.1 Legal framework for plan change request

District Plans may be amended by any person pursuant to s73(2) of the RMA, in the manner set out within Part 2 or Part 5 of Schedule 1 of the RMA. Part 2 of Schedule 1 governs requests for plan changes that are not initiated by local authorities, often termed private plan changes. Part 5 of the same schedule concerns proposed plan changes by way of a specified streamlined planning process, a process which the proposal is not eligible to utilise. As such, Part 2 of Schedule 1 of the RMA prescribes the legal path to achieving the proposed plan change.

6.2 Part 2, Schedule 1 of the RMA

Clause 22 provides for a request for a plan change to be made to the appropriate local authority in writing. The request is required to explain the purpose and reasons for the proposed plan change and include an evaluation report pursuant to s32 of the RMA. Clause 25 then provides for consideration of the request by the local authority (in this case, a territorial authority being MPDC), with four potential decisions available to it:

1. Adopt the request, in full or in part, as if it were a plan change made by itself;
2. Accept the request and notify the request;
3. Deal with the request as an application for resource consent instead of a plan change; or
4. Reject the request, on certain grounds only.

Clause 29 then dictates that, subject to certain potential modifications at Clauses 29(1A) to (9), the same procedure specified within Part 1, Schedule 1 of the RMA applies to private plan changes (if accepted pursuant to Clause 25). Immediately following acceptance of a plan change is notification and a period in which submissions, and then further submissions, may be received on the proposed plan change. Clause 29(4), and corresponding Clause 10 of Part 1, then direct a decision to be made upon the proposed plan provisions, with reasons to be provided including addressing of any submissions.

6.3 Considerations of a territorial authority

The considerations to be had by a territorial authority in coming to a decision in respect of a proposed plan change are addressed within sections 73-75 of the RMA. These provisions then refer to or draw upon other provisions within the RMA. In summary, a plan shall only be amended by a territorial authority in accordance with the following provisions of the RMA (as relevant to the subject application):

- The provisions of Part 2 (purpose and principles);
- Section 31 (functions of territorial authorities);
- Section 32 (requirements for preparing and publishing evaluation reports);
- Section 73 (Preparation and change of District Plans);
- Section 74 (Matters to be considered by Territorial Authority); and
- Section 75 (Contents of District Plans)

These are elaborated on further below.

6.3.1 Part 2 – Purposes and principles

The consideration framework needs to be applied correctly so that the assessments and information contained in this report are correctly prepared and consequentially used to draw the right conclusions in coming to a decision on the proposed plan change. This starts with correct interpretation and consideration of Part 2 of the RMA. The Supreme Court 2014 decision *Environmental Defence Society Inc. vs the New*



*Zealand King Salmon Co Ltd*¹⁴ provides guidance as to how Part 2 of the RMA applies to plan changes. Prior to the *King Salmon* decision an ‘overall judgement’ approach was taken, whereby it was considered whether a plan change gave effect to Part 2 including assessing it individually against the various matters in sections 6, 7 and 8 of the RMA. *King Salmon* changed the decision-making process for plan changes. It found that there was no need to refer back up the hierarchy of plan provisions to Part 2, because other high-level planning instruments (in that case the New Zealand Coastal Policy Statement) are deemed to have given effect to Part 2 at the national, regional or local level.

However, the Court also noted that there are three exceptions to this general rule:

- a) Invalidity, i.e. the higher order document may be illegal.
- b) Incomplete coverage, i.e. the higher-level document may not fully cover the issue being considered.
- c) Uncertainty of meaning, i.e. the higher-level document is not clear in its application to the issue.

In this case, the relevant higher level planning instruments that are being applied are those set out in section 9 below.

6.3.2 Section 31

Section 31 sets out the functions of territorial authorities under the RMA. In particular, it identifies the functions of a Council at s31(1)(a) as including:

“The establishment, implementation and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district.”

The Council is therefore required to consider the plan change application in accordance with its function of achieving integrated management of land use. The use and development of the land for the purposes outlined in this application is clearly within the scope of the Council’s functions under s31 and integration of effects of the activities with infrastructure and other nearby activities is a key issue addressed by the plan change.

6.3.3 Section 32

Section 32 of the RMA imposes on Council a duty before making a decision on a plan change application to carry out an evaluation. An evaluation under s32 is provided in Section 4 of this report and the supporting **Appendix M**. The relevant parts of Section 32 are:

- (1) *An evaluation report required under this Act must –*
 - (a) *Examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
 - (b) *Examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by*
 - i. *Identifying other reasonably practicable options for achieving the objectives; and*
 - ii. *Assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - iii. *Summarizing the reasons for deciding on the provisions; and*
 - (c) *Contain a level of detail that corresponds to the scale and significance of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the proposal.*
- (2) *An assessment under subsection (1)(b)(ii) must –*

¹⁴ NZSC 38, (2014) NZLR 593



- (a) Identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for –
 - i. Economic growth that are anticipated to be provided or reduced; and
 - ii. Employment that are anticipated to be provided or reduced; and
 - (b) If practicable, quantify the benefits and costs referred to in paragraph (a); and
 - (c) Assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.
- (3) If the proposal (an **amending proposal**) will amend a standard, statement, regulation, plan or change that is already proposed or that already exists (an **existing proposal**), the examination under subsection (1)(b) must relate to –
- (a) The provisions and objectives of the amending proposal; and
 - (b) The objectives of the existing proposal to the extent that those objectives –
 - i. Are relevant to the objectives of the amending proposal; and
 - ii. Would remain if the amending proposal were to take effect
- (6) In this section, -
- objectives** means, -
- (a) For a proposal that contains or states objectives, those objectives:
 - (b) For all other proposals, the purpose of the proposal
- Proposal** means a proposed standard, statement, regulation, plan or change for which an evaluation report must be prepared under this Act
- Provisions** means, -
- (a) For a proposed plan or change, the policies, rules or other methods that implement, or give effect to, the objectives of the proposed plan or change:
 - (b) For all other proposals, the policies, or provisions of the proposal that implement, or give effect to, the objectives of the proposal.

As set out in Sections 3 and 4 of this report this plan change is an ‘amending proposal’ in accordance with s32(3). The evaluation contained in section 2 does not stand alone. In terms of assessing the appropriateness of the objectives in achieving the purpose of the RMA, considering reasonably practicable options for achieving the objectives and assessing the efficiency and effectiveness of the chosen option, the evaluation relies on the various assessments in this report, particularly:

- The assessment of environmental effects in section 7.
- The statutory assessment against statutory and non-statutory documents at sections 9 and 10.
- The assessment against Part 2 contained in section 12.

6.3.4 Sections 73, 74 and 75

Section 73 provides the avenue for any person to request a change to a district plan.

Sections 74 and 75 set out matters to be considered by Council when changing its district plan and set out the prescribed contents and purposes of district plans.

Section 74(1) – (2A) addresses considerations by territorial authorities in respect of proposed plan changes. In summary, a change to a district plan shall be in accordance with the functions of the territorial authority pursuant to section 31; have particular regard to the evaluation report prepared in accordance with section 32; national policy statements and national planning standards; regulations under the RMA; planning documents recognised by iwi authorities and lodged with the Council; and relevant management plans and strategies prepared under other Acts.

Considering the scope of sections 73(1) – (2A), the following documents are relevant to the proposed plan change:



Statutory documents under the RMA

- National Policy Statement on Urban Development Capacity (2020)
- National Policy Statement on for Freshwater Management (2020)
- Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations (2011)
- National Planning Standards
- Waikato Regional Policy Statement (2016)
- Ngāti Hauā Claims Settlement Act (2014)

Other documents

- Waikato Regional Plan
- Waikato Tainui Environmental Management Plan
- Ngāti Hauā Environmental Plan
- Waikato Regional Land Transport Strategy 2011-2041
- Matamata Piako District Council – Town Strategies 2013-2033 – Morrinsville

Section 75 requires that the plan change must ‘give effect to’ any national policy statement, a national planning standard and any regional policy statement. Consistency of the proposed plan change with these documents is assessed at section 9 of this report.

With regards to National Planning Standards, the first set of such standards were introduced in April 2019 and specify the structure and form of subsequent district plans and policy statements. The proposed plan change has been prepared in a manner consistent with these standards. This is explained in further detail at section 5 of this report.



7. Assessment of Environmental Effects

Under clause 22 of Schedule 1 to the RMA a request for a plan change must include a description of environmental effects that are anticipated. These effects are to be described in such detail as corresponds with the scale and significance of the effects and taking into account clauses 6 and 7 of Schedule 4 of the RMA. These effects are to be described in such detail as corresponds with the scale and significance of the effects and taking into account clauses 6 and 7 of Schedule 4.

Effects of the following types are identified and addressed in the assessment below:

- Character, landscape and visual amenity effects;
- Social effects;
- Archaeological, historic and cultural effects;
- Ecological effects;
- Infrastructure effects;
- Transportation effects;
- Risks from hazards and contamination;
- Reverse sensitivity effects;
- Economic effects; and
- Positive effects.

The below assessments incorporate and draw upon the findings of the various technical reports and environmental assessments that have been commissioned by the Applicant which are appended to this application.

7.1 Existing environment and permitted baseline

Assessments of environmental effects in the context of resource consents have established the principles of an assessment being undertaken taking into account certain specified 'baseline' development. Essentially, an assessment can disregard effects associated with activities that are permitted by the District Plan (the 'permitted baseline') and only deal with effects over and above those permitted effects. A permitted baseline is not directly relevant to plan changes and in this case the provisions of the Rural Zone would provide the basis of any assessment.

There is no permitted baseline of any significance or reasonable comparison to the proposal, considering the provisions for permitted activities and development within the current Rural zoning of the site. However, it is relevant that residential development in this location is explicitly anticipated through the FRPA overlay within the MPDP.

When assessing effects on the environment, the 'environment' also includes the state of the future environment as it might be modified by the implementation of resource consents that have been granted and are likely to be implemented, and by way of exercising permitted activity and development rights. In this instance, resource consents have been granted by WRC for earthworks, diversions and discharge of stormwater, and disturbance and diversion of watercourses to facilitate residential subdivision and development within a portion of the plan change site (i.e. the east block) as set out in section 3.1 and Table 3 above. Furthermore, subdivision consents for residential-sized allotments, and the commencement of dwelling construction, has further occurred within Stages 1 and 2, demonstrating the commitment to giving effect to the granted resource consents. This evolving environment at the southern periphery, and within the east block, of the plan change area is contextually important in terms of the actual surrounding existing environment and effects of that environment on environmental receptors further afield from the site.



7.2 Character, Landscape and Visual Amenity Effects

The plan change will undoubtedly lead to significant changes to the outlook of the surrounding locality. While it has been signalled in the MPDP that the land subject to this plan change will experience a change in land use from rural to urban in the future, landscape and visual effects associated with this plan change (and the subsequent residential development) are an important factor to consider. As such, an assessment of the landscape and visual effects of residential development have been undertaken by Boffa Miskell. The Landscape and Visual Assessment Report (LVA) is included in **Appendix G** of this report. The LVA largely recognises that residential development in this location is anticipated. The following assessment draws upon the key statements/conclusions of the LVA.

7.2.1 Character effects

Character in this context refers to the distinctive qualities of an area, informed by common land-uses, natural and built form, patterns and appearance, and associated senses (sights, sounds, odours etc) that are intrinsic to that distinctive character. The existing character of the locality is generally rural to the north, east and west, and residential to the south. The proposal would facilitate low-medium density, multi-storey residential development and occupation, with incidental recreational open spaces and community/social infrastructure across the large site. This is in-principle a conspicuous, substantial change to the character of the precise land in question.

The character of the site however is extremely common and ubiquitous once leaving Morrinsville township. The site is not integral to appreciating rural character, given the proximity of such character elsewhere upon land that is not signalled to change to residential.

The effect at issue is the loss of rural character from the site. Two significant mitigating circumstances in this instance are that:

1. This loss is to be reasonably expected by the wider community, because it is located at the residential/rural interface of Morrinsville township and more importantly such a change being clearly signalled within the MPDP by way of applying the FRPA overlay to the site; and
2. Resource consents have been granted in respect of 66.5ha of Lockerbie Estate, encompassing Stages 1-3 and the east block. These have been given effect to (to varying degrees), which reduce the sensitivity of the site further in terms of the loss of the rural character.

It is acknowledged that the proposed medium-density levels of occupation is not typical across Morrinsville at present. There is however some comparability to the Residential Infill provisions of the MPDP. These provisions allow for dwellings at a rate of one per 325m² in certain areas in Morrinsville, Matamata, Te Aroha, Waihou and Waharoa. Lockerbie is also delivering lots to this size as part of their Stages 1-3, through those infill provisions. Density varying either side of this level is proposed within the MRZ, and Lockerbie Precinct as shown on the LDAP, attached at **Appendix B**. The level of density is not considered to be fundamentally inappropriate with respect to the urban character of Morrinsville, especially when considering relevant objectives and policies of the NPD-UD and a desire to provide for a variety of housing choices to improve housing affordability.

Further mitigation is derived from the provisions of the proposed plan change. The LDAP specifically utilises the existing Residential Zone at the borders of the plan change site to provide urban form at those locations consistent with the existing urban character of Morrinsville. The change in character would therefore not be incongruous or inconsistent to the character already established at the interface of the existing residential zone with surrounding zones – a similar form and relationship would exist.

It could also be suggested that the increased density is not appropriate on the fringe of Morrinsville. On the contrary, the density is enabled through the master planning that supports the greenfield development and



consequently provides increased levels of off-site amenity (i.e. reserves) that would not be able to be achieved in a brownfield development opportunity.

For the reasons discussed above, any adverse effects upon the general character of the area and wider neighbourhood are considered to be no more than minor. The proposed use of the site is considered compatible with the existing and planned character of the area, and therefore acceptable.

7.2.2 Landscape effects

Landscape effects can be described as impacts upon the value attached to the physical composition and character of landscapes. This value is derived from patterns of land cover and uses, geomorphology across landscapes, and experience of landscapes from public access points.

The visual catchment of the landscape, in which the subject site sits, is of a local scale and considered small, mostly covering sparsely-occupied rural land north of the site¹⁵.

The landscape comprises undulating open paddocks, a small number of simple rural buildings, sparse vegetation, with the topography accommodating the upper reaches of several streams. This is common within the surrounding rural landscape. The site is not considered to possess any contextually distinctive qualities such as significant elevation or pristine, high-quality composition of natural and rural features rare in the surrounding context, so as to render it clearly or highly sensitive to change in principle. The site is also not subject to any landscape or natural feature-protection overlays within the MPDP.

Earthworks would be necessary to render the site suitable for residential development, which would result in the loss of the undulating nature of the site and dominance of built form in comparison to open pasture. This outcome is anticipated by the MPDP and specifically the FRPA overlay which has signalled this land use change. The outcome is also authorised, on portions of the site, through the bulk earthworks consent obtained from WRC.

The proposal includes several mitigating components with respect to interventions to the landscape values and features of the site. These include:

- The watercourse environs will be maintained, unless already authorised for modification, which will provide opportunities for riparian planting, integrated open space and recreational opportunities;
- The site contains very little vegetation and no significant vegetation of ecological value or mature native trees;
- Performance standards relating to the rural/urban interface, particularly on the eastern boundary, will include a greater setback than standard residential and on sections that are 600m² as a minimum; and
- The wider landscape context will not be altered.

Considering the small visual catchment, the lack of rarity or distinct landscape features and commonality of the appearance of the site to the wider landscape, combined with the aforementioned signalled use of this site for residential purposes, any adverse effects upon the landscape (and public experience of the landscape) are considered to be no more than minor and acceptable.

¹⁵ As informed by the Zone of Theoretical Visibility in the LVA - Appendix J



7.2.3 Visual amenity effects

Reasonable amenity levels at neighbouring sites are informed by the underlying zoning and prevailing amenity conditions within those zones – in this case, Rural to the north, east and north-west, Residential to the south and Rural-Residential to the west. Important amenity factors include privacy, bulk and dominance/degree of openness, daylight and sunlight, visual amenity and outlook, and noise levels. Impacts of the proposed plan change with respect to sensitive receptors (nearby dwellings) within these zones are considered below.

Rural-Residential and Rural

The Rural Zone provides for live-and-work rural activities and use of land, typically for primary production purposes. The Rural-Residential Zone addresses demand for rural quality and experience of living, without the working component and size of rural properties and reasonably close to townships to benefit from services to urban areas. As such, high levels of amenity can be reasonably expected at these properties, although density and concentration of dwellings is markedly higher in Rural-Residential Areas.

All established dwellings within adjacent Rural-Residential or Rural zones are at least 50m away from the proposed plan change site boundaries, and in several cases are intervened by either Taukoro or Morrinsville-Tahuna Roads as well as landscaped screening at the periphery of rural dwellings. Such separation distances and features ensures that appropriate levels of amenity as could be expected in these neighbouring zones, in respect of privacy, bulk and dominance/degree of openness, daylight and sunlight, would be maintained.

Ambient noise within the site and surrounding roads would increase within the site as a result of conversion to residential use. Considering the separation distances to dwellings within the Rural-Residential and Rural zones, and the signalled intent within the MPDP for residential development, ambient/residual noise effects from residential use of the land are considered to be no more than minor and acceptable.

Residential

The proposed plan change would facilitate development consistent with that in neighbouring residential zones. Mirrored development controls over future development at the borders of the plan change site with other residential areas would be in place, to ensure amenity levels consistent with those existing in the established areas remain. As such, all amenity factors would be appropriately provided for and preserved in respect of neighbouring Residential Zone occupants. Relevant again is the signalled intent of residential use of the plan change site, as well as the integration of the LDAP with the wider Lockerbie Estate which is already partially-residential and undergoing development. Considering these circumstances, any adverse amenity effects upon occupants of dwellings within the neighbouring Residential Zone are considered to be less than minor and acceptable.

Visual amenity and outlook

With respect to visual amenity effects, the plan change would facilitate development of dwellings at the same scale and density to that which exists across the Residential Zone within the District, north of the existing residential/rural interface of Morrinsville. This would be the case at the edge of the site, with greater density within the central components of the site. As such, occupants of dwellings at neighbouring sites, as well as passing traffic, would undoubtedly notice considerable changes in outlook over the currently rural site.

The LVA prepared by Boffa Miskell at **Appendix G** confirms that visual amenity at neighbouring Rural properties, to the north and north-west of the site in particular owing to their elevation and current line of sight and outlook composition, would be subject to low-moderate adverse effects upon rural outlook. These effects would be most conspicuous at 7 and 15 Taukoro Road, directly opposite the site.



The signalled residential development of the site is important to factor into reasonable expectations and tolerance of outlook impacts, and the enabling of development as sought by the plan change would be viewed as increased proximity of the northern extent of Morrinsville. It is also relevant that the border provisions of the plan change site ensure dwelling development on larger lots comparable to those which are existing along Studholme Street would be the interface i.e. not an unfamiliar degree of building scale, density and site coverage.

Considering screening, orientation, and large/expansive rural outlooks remaining to occupants of nearby Rural and Rural-Residential dwellings, any adverse effects are considered to be minor-moderate, however acceptable against the planned context for the plan change site. Visual amenity and outlook from surrounding residential sites would be typical to that which can be expected in areas of residential-levels of density, and therefore are considered to be no more than minor and acceptable.

7.3 Social Effects

Social effects concern the intended and unintended social consequences (actual or perceived, positive and negative) of the proposed plan change, over and above effects to persons and communities covered elsewhere in this assessment. Such consequences can have impacts upon the social welfare and capital of communities integral to the plan change area. Important factors to social wellbeing include:

- Community cohesion and stability;
- Quality of living, way of life and material well-being of community members
- Accessibility to social/community facilities and services (social infrastructure such as schools, hospitals, parks, grocery/service convenience centres); and
- Culture and identity of an area and its residents.

The plan change would permit the construction of residential dwellings and ancillary social infrastructure (reserve and pedestrian networks) at the site, and permanent use of the site for those activities. As such, social effects are assessed below in respect of the construction period and the following permanent use of the site as proposed.

7.3.1 Social effects during construction

The primary sources of disruption to the established community of northern Morrinsville whilst construction of dwellings occurs would be in respect of noise and dust emissions, and traffic diversions. These matters are addressed by either existing and future resource consents where effects such as dust, noise, transportation etc are addressed. These measures ensure disruption and inconvenience to the community in relation to these sources is mitigated to reasonable levels whilst facilitating construction. Beyond this mitigation however, is the fact that such effects can be reasonably expected owing to the signalling of residential development of the site within the MPDP, and the short-term nature of effects in any one location, attributable to the staged development of Lockerbie Estate. The above-identified important factors of social wellbeing are not considered to be unreasonably compromised during the construction period of development enabled by the proposed plan change.

7.3.2 Future social effects

There are number of key points to future social effects assessment (i.e. once the site is residentially occupied) as follows:

- The most discernible and regular change in living experience would be attributable to increased traffic volumes on Studholme Street/Morrinsville-Tahuna Road and Taukoro Road. These roads would carry significantly more vehicles than they presently do because of the plan change. This has the potential to result in a change in the sense and identity of the area to the community, from one of a clearly rural, quiet town to one of an urban satellite of Hamilton. Growth however is planned



and anticipated for Morrinsville, which is reasonable given its proximity to Hamilton and employment development to the east of the city (Ruakura superhub around an inland port in particular). Traffic modelling suggests that one-lane each-way would remain sufficient for appropriate operation of all existing roads serving the plan change area. Quality and way of life within the community is not considered to be materially impacted by such change.

- The proposed plan change would not create any obstacles or barriers to members of the community accessing community facilities. On the contrary, the proposed plan change would provide the critical mass to support community services which would complement existing services within Morrinsville. The Ministry of Education has also confirmed that they do not oppose the plan change as there is currently capacity in the wider network¹⁶.
- There are many proposed access points to the plan change area, enabling an integrated addition to existing northern neighbourhoods of Morrinsville, as opposed to a secluded/separated and incohesive addition to the urban area.
- The additional critical mass provides further support opportunities to existing community endeavours and activities so as to support overall community cohesion, stability and resilience.
- At a regional level, greater population critical mass improves the demand for infrastructure upgrades, notably road and public transport improvements provided for within the Waikato Regional Land Transport Strategy.

Considering these circumstances, any adverse social effects of enabling development as sought by this plan change are considered to be less than minor and acceptable.

7.4 Archaeological, Historic and Cultural Effects

Archaeological effects are concerned with the potential to disturb archaeological material buried at the site. Heritage effects concern effects upon any established structures or values of the site that generate historic heritage value. Cultural effects concern effects of the plan change upon tangata whenua, including tikanga and Te Ao Maori in respect of the site and its taonga. Ngāti Hauā are the kaitiaki or guardians of the site and its taonga (resources).

The proposed plan change site, by way of two expert archaeological reports prepared by W Gumbley Ltd Archaeologists and CFG Heritage (attached at **Appendix K**), is not assessed as likely to contain any sensitive archaeological or heritage features. Both reports confirm a lack of archaeological material or features to indicate the presence of archaeological sites or features of heritage value at the plan change site. This corresponds to the lack of archaeological, heritage or waahi tapu sites or features recorded by MPDC, the New Zealand Archaeological Association, or Heritage New Zealand Pouhere Taonga at the site.

In respect of cultural effects, a Cultural Values Assessment (CVA) (attached at **Appendix M**) has been prepared by Norman Hill on behalf of Ngāti Hauā to ensure the principles, significant values and issues of Ngāti Hauā are articulated, acknowledged and understood in response to the site. The CVA confirms that the area is of historic, cultural and spiritual significant to iwi. It confirms the relevance of iwi management plans produced by the relevant iwi, being the Ngāti Hauā Environmental Management Plan and specifically notes that the plan change is in accord with that plan. It also provides an overview of the cultural and environmental issues in relation to the plan change and subsequent development of the site covering matters such as kaitiakitanga of water, heritage and biodiversity. In relation to each of those matters a number of recommendations are made. The recommendations are accepted by Lockerbie and will be implemented through the subsequent resource consenting, design and construction phases.

For these reasons, any adverse archaeological, historic heritage or cultural effects are considered to be less than minor and acceptable.

¹⁶ Email from Alison Harold – Manager Education Waikato on behalf of Ministry of Education dated 20 July 2021.



7.5 Ecological Effects

Two Ecological Assessments (EA) have been prepared by Freshwater Solutions for the proposed plan change and to support resource consents that have been secured. These assessments consider the overall suitability for urban development. The copy of both EA's is included in **Appendix H** of this report.

The proposed plan change would enable development across terrestrial and freshwater aquatic ecosystems. The two reports confirm that the watercourses within the site have ecological value ranging from low to very low to negligible¹⁷. The terrestrial vegetation values are assessed as either low or negligible across the site¹⁸. The EA's also acknowledge that the terrestrial and aquatic ecological values of the site and immediate environs reflect the highly-modified nature of the environment and that the land use change provides the opportunity to restore and enhance the current low ecological values.

In respect of watercourses and aquatic ecological effects, at all parts of Lockerbie Estate save for the west block, these effects were considered and addressed within the suite of WRC resource consents to authorise earthworks in respect of future residential development¹⁹. The proposed plan change is to authorise the change to, and long-term use of, the site for residential purposes in conjunction with giving effect to these resource consents. The plan change and LDAP do not contravene or alter the approved details within the aforementioned resource consents. As such, terrestrial ecological effects across the entire site, and aquatic ecological effects in respect of the west block, remain to be assessed in terms of the suitability of the site for conversion of use as proposed. It is reiterated that there are no ecological overlays encumbered upon the plan change site.

7.5.1 Terrestrial effects

The assessment carried out by Freshwater Solutions in respect of terrestrial ecosystems concludes that:

- There are no areas of terrestrial habitat of sufficient value that would warrant specific protection through the plan change process.
- Bird species identified within the site are common species typical of rural and urban areas, all of which readily habituate to disturbance so are unlikely to be particularly affected by development of the site.
- Further herpetofauna investigations are not necessary to inform suitability of the site to change to residential zoning, such is the lack of suitable habitat.
- Although there are a number of bat records within the vicinity of the site, there is a low probability that bats utilise the vegetation on site due to the non-continuous shelterbelt standards, an absence of roosting hollows and lack of water.

Considering also the low-negligible ecological value ascribed to terrestrial vegetation and ecological features, and the extremely small extent of trees and shrubs across the site, any adverse effects upon terrestrial ecosystems of enabling development of the site by way of the proposed plan change are considered to be less than minor and acceptable.

7.5.2 Aquatic effects

The watercourses within the site all have an ecological value of either low or negligible ascribed to their habitat quality and ecological function by Freshwater Solutions. The site also contained one induced inland wetland.

¹⁷ Utilising SEV values and ascribed ecological value based on SEV, Table 4 – Freshwater Solutions November 2019 report.

¹⁸ Tables 3 and 4, Freshwater Solutions July 2021 report.

¹⁹ AUTH141393.01 - 03



Subsequent development of the site has the potential to result in adverse effects on the freshwater environment through earthworks and sedimentation effects, stormwater discharge effects and reclamation of some stream habitat. More specifically development of the site will necessitate disturbance of the existing watercourses and their embedded habitat as part of earthworks and roading construction. Ensuring appropriate mitigation of effects upon aquatic ecosystems will be addressed at the time of obtaining the necessary regional resource consent. However, sufficient space is provided within the LDAP for the proposed riparian corridors to allow for meandering of the stream to meet the no-net-loss' principle of overall ecological function and values that would be required to be met. This includes space for treatment of stormwater discharges into these corridors as part of stormwater management.

The sole wetland within the site is located within the west block. This wetland is proposed to be included within the open space corridor within the LDAP. The effects of earthworks within 100m of the wetland (as governed by the National Environmental Standards for Freshwater 2020) would be assessed at the time of the necessary future regional consent application. However the proposed plan change and LDAP are not anticipating or advocating disturbance of the wetland, according to the direction of the National Policy Statement for Freshwater Management 2020.

The proposed LDAP therefore ensures no-net-loss of aquatic habitat is feasible, combined with the avoidance of effects upon the sole wetland within the plan change site. Considering also the low-negligible ecological value of the aquatic environments, and these being first order/uppermost reaches of tributaries of streams, any adverse effects upon aquatic ecosystems are considered to be less than minor and acceptable. On a positive note, the future ecological enhancements around the watercourses including the retiring of their margins will have a net positive effect on the ecology on the site.

7.6 Infrastructure Effects

Infrastructure effects arise when development places demand upon infrastructure networks that exceed the available servicing capacity, or generates an unacceptable risk to the integrity, of existing infrastructure networks. Alternatively, infrastructure effects occur where uncoordinated and disparate development is proposed where servicing options are poor. Relevant objectives and policies of the MPDP and the RPS seek to manage programmed expansion of residential areas to be consistent with the ability provide utility services, and ensure land-use, subdivision and infrastructure are planned in an integrated manner. Infrastructure and utility servicing is inherently of high importance to the overall suitability of the site to the proposed plan change.

It is noted from the outset that the plan change site is contiguous with the existing urban settlement and infrastructure networks of Morrinsville and is signalled for future residential development. The site is therefore optimally placed and prioritised to link with existing infrastructure networks within Morrinsville.

Maven Associates have been engaged to undertake infrastructure design and assessment for the plan change area. The assessment and report on this matter is attached as **Appendix D**. The proposed servicing arrangements, assessment as to servicing ability, and overall effects with respect to individual infrastructure components (three waters, roading and other utilities) are assessed below.

7.6.1 Wastewater

Each stage of development within the plan change area would be subject to a detailed wastewater network design to be approved by MPDC in accordance with the MPDC Development Manual and the Waikato Regional Infrastructure Technical Specification (RITS). The specific infrastructure would also be approved at the time of subdivision to create individual lots.



The proposed wastewater strategy incorporates the construction of a new pump station located to the northern most area of the LDAP. From that pump station gravity-fed and pumped wastewater within the plan change area, will flow to the newly-established trunk main within Stage 1 of the existing Lockerbie Estate development. This main and the downstream network is of sufficient capacity, subject to network upgrades to be further agreed with Council, to serve the planned intensity of development. These upgrades include potential upgrades to the Allen Street pump station; capacity and treatment upgrades to the Morrinsville wastewater treatment plant, and downstream infrastructure upgrades to the reticulation network. MPDC has engaged Pattle Delamore Partners to undergo masterplanning advice in relation to the reticulated network and it is expected that outcomes will be confirmed in early 2022.

Given the identified and feasible wastewater servicing options available to the plan change site and the ability to make capacity improvements, as required, any adverse effects upon receiving wastewater infrastructure are considered to be less than minor and acceptable.

7.6.2 Water supply

Similar to wastewater each stage of the development within the plan change area will be subject to a detailed water network design to be approved by MDPC, at the time of subdivision, which will provide individual lot connections to the wider water reticulation network.

In relation to capacity, whilst it is not certain to what level, it is understood there is insufficient capacity in MPDC's existing water supply network to serve the plan change area. MPDC are seeking to rectify this and have lodged a water take consent with WRC for an additional groundwater take²⁰. That groundwater take will be from a bore within Stage 3 of the Lockerbie development and will be supported by a new water treatment plant that is to be operational by early 2023. That consenting process will run in parallel to this plan change application and may require additional controls/provisions to be put in place within this plan change (i.e. water efficiency measures), the extent to which are unknown at this time, to mitigate any residual capacity effects. The water efficiency measures recommended by Maven include measures such as metering and low flow fixtures²¹.

Lockerbie will continue to work with both Council's on this matter, with the expectation that the authorisation of the groundwater take consent will confirm that there is a workable and feasible water supply option available to service the plan change site and that any resulting adverse effects will be less than minor and acceptable.

7.6.3 Stormwater

As with wastewater and water, each of stage of development will need a detailed stormwater network design to be approved by MPDC and through a stormwater discharge consent with WRC (for the west block only as the east block has such authorisation from WRC).

The general stormwater disposal strategy within the plan change area (as derived from the Maven Associates Infrastructure Report) is to collect stormwater from existing and proposed overland flow paths and gravity-fed reticulated networks, to discharge to existing streams and other site-specific stormwater devices. Stormwater disposal is therefore proposed to integrate with the existing catchments and functioning that presently exists at the site. The LDAP has been designed so that it includes sufficient space allocated for stormwater-quality improvement mediums such as rain gardens, swales, and additional wetland areas.

²⁰ At the time of drafting this application, draft conditions for that groundwater take had been received by MPDC.

²¹ See section 6.2.1 of the Maven Infrastructure Assessment in Appendix D for further information.



In conclusion, there is a workable solution for treatment and disposal of stormwater for the plan change site. As such, it is considered that stormwater effects will be managed appropriately to ensure less than minor effects on the environment.

7.6.4 Rooding

The proposed rooding network within the plan change area has been designed with inputs from Maven Associates and CKL and has also been influenced by the adjoining Lockerbie development. The key connections for which and the main collector roads are provided for on the LDAP. The specifics of the rooding design and layout will be approved at the time of subdivision to create individual lots, however in the meantime the LDAP delineates the indicative location of the collector roads that connect the site to Morrinsville-Tahuna Road and Taukoro Road, and future proof connections to the rural land to the east. The LDAP also provides for the conceptual cross-sections for the urbanisation of these roads and the triggers for those upgrades and supporting intersection connections (see also **Table 4** below).

In summary, appropriate rooding infrastructure, consistent with the RITS and the recommendations of the CLK ITA can be provided to serve the plan change area. Effects on the operation of the road network beyond the plan change are addressed at Section 7.7 below. However, any adverse effects in terms of the quality of future rooding infrastructure within the plan change area are considered to be less than minor and acceptable.

7.6.5 Other utilities

Power, gas and communications to the plan change area would be provided by third-party service providers. It is expected that service providers would have sufficient capacity within their existing and planned networks. This is based on the coordination and future-proofing exercises in northern Morrinsville to date to accommodate the existing Lockerbie development.

7.7 Transportation Effects

Transport networks are significant pieces of infrastructure of critical importance to the suitability of a site for residential-led development such as that proposed by this plan change. Development relying on transport infrastructure can generate adverse effects on the existing users and operation of transport networks, in the form of congestion and safety impacts. Attention to matters such as the provision of suitable access, parking, manoeuvring areas and loading spaces also needs to be had. Attention at the early stages of the planning and development processes can ensure that these effects are mitigated, and that land use and transport are integrated to ensure that a safe and efficient rooding network is provided.

The plan change and accompanying LDAP, in conjunction with the wider Lockerbie Estate development, when fully developed will provide for new intersections in the following locations outside of Lockerbie Estate:

- Two with Morrinsville-Tahuna Road (one being Fairway Drive serving Stages 1-3);
- Two with Taukoro Road;
- One with George Street, and one with Cobham Drive (both south of Stage 3).

In addition, a roundabout is proposed at the Morrinsville-Tahuna/Taukoro Road intersection.

An Integrated Transportation Assessment (ITA) has been prepared by CKL to assess the traffic and transportation effects associated with the proposed rezoning and associated LDAP rooding layout. The ITA is attached in **Appendix E** with the key conclusions and recommendations summarised below, focusing on the external effects, as opposed to the internal design considerations (i.e. road cross-sections, parking, individual accesses etc) that will be assessed in future consent applications.



7.7.1 Trip generation, trip distribution and intersection performance

Traffic volumes in the locality will clearly increase as a result of development of the plan change site. Existing traffic volumes have been gathered from the surrounding road network, including the roads where intersections to Lockerbie Estate are proposed to be located. The vehicles per day (vpd) counts are as follows:

- Studholme Street (prior to becoming Morrinsville-Tahuna Road) – 7500 vpd
- George Street – 1190 vpd
- Cobham Drive – 460 vpd
- Taukoro Road – 195 vpd

The ITA predicts that the total vehicle movements per day emanating from the whole Lockerbie development would be 16,284²². Of those 11,328 are directly attributed to the plan change site, based on a maximum yield of 1,200 dwellings. It should be noted that no discounting has been made for trips internal to Lockerbie Estate – a convenience store(s), childcare facility, medical centre and café are all confirmed to be established within Stages 1-3 of Lockerbie Estate which may diminish the estimate of trips to be generated outside of Lockerbie Estate. However, there would undoubtedly be a discernible and contextually significant increase in numbers of vehicles on the roads serving the plan change area.

In terms of trip distribution, the ITA identifies that 80% of trips are expected to be in a southerly direction (towards the centre of Morrinsville and onwards to Hamilton), 10% to the north and 10% to the east. Other conclusions of the trip distribution assessment can be summarised as follows:

- Prior to the completion of 500 dwellings, Studholme Street is likely to be the most popular route for vehicles heading south, as this represents that Studholme Street is the most direct and convenient route.
- When 500 dwellings are completed a second intersection to Morrisville-Tahuna Road/Studholme Street will be added. Its not until the site is fully developed that the distribution between the two Studholme Street intersections will be approximately 50%/50%.
- Of the connections heading north once the site is fully developed, it is likely that the western connection to Taukoro Road will be more popular than the eastern connection as this is the more direct route for those heading north.

As directed by MPDC, CKL has also investigated whether a roading connection could and should be established from the Lockerbie precinct in the centre of the plan change site, across the reserve network/stream to Werewere Street to its east. It is noted that paths for pedestrians and cyclist are proposed however there is no direct connection for vehicles. From an environmental perspective, a roading link at this location is not preferred due to the effects on the steam network through construction. From a transportation perspective the ITA concludes that the benefits of having this roading link are limited and therefore it is not necessary or required. This is because:

- The link would only service a small number of lots, with most traffic still likely to travel to the west as this is the more direct route towards the external roading connections.
- All dwellings within the centre of the site already have at least two routes to be able to access the external roading connections and therefore network resilience is considered to be sufficient.
- The additional of another roading connection would also create another intersection and conflict point onto Werewere Street and across the shared path that is proposed along the western side of this road.

As its likely the development will be constructed from south to north and in stages, the ITA has assessed intersection performance based on the year 2031 and with 500 dwelling, 700 dwellings with an extra intersection onto Morrinsville-Tahuna Road and 1,200 with northern connections to Taukoro Road. Those

²² Refer Table 2: Trip Generation Summary of the ITA



thresholds have been used because they link to the trigger points for the new intersections, for the roundabout and the for the urbanisation of the existing roading network (as set out in **Table 4**).

The results of the modelling can be summarised as follows:

- The key intersection where traffic effects are likely to be noticeable is the Fairway Drive intersection onto Studholme Street between Loveridge Place and Turnbull Crescent. This is likely to be where most new trips enter or exit the site. The modelling (500 and 700 dwelling scenarios) shows that this intersection performs well in both peak hours, albeit with some delay to right turn movements in the PM peak²³ (one car length).
- The new Morrinsville-Tahuna intersection has also been modelled (700 and 1200 dwelling scenarios) and shows that it too will perform at acceptable levels and is likely to be less congested than the Fairway Drive intersection discussed above.
- The Morrinsville-Tahuna Road/Taukoro Road intersection has also been modelled for the 1200 dwelling scenario, whereby it is noted that there will be no noticeable congestion. On this basis the upgrades proposed (i.e. a roundabout) are required for safety reasons rather than being required to mitigate the additional traffic volumes.

Table No. 4

Transportation triggers	
Requirement	When
Intersection to Morrinsville-Tahuna Road north of Rhonda Read hospital	When subdivision reaches 500 lots across the LDPA
Urbanisation of Morrinsville-Tahuna Road	When a roading connection to Morrinsville-Tahuna Road north of Rhonda Read hospital is established and there are additional lots fronting Morrinsville-Tahuna Road.
Intersections to Taukoro Road	When subdivision reaches 700 lots across the LDPA
Urbanisation of Taukoro Road	When intersections to Taukoro Road are established
Roundabout at Morrinsville-Tahuna and Taukoro Roads including associated land take	When intersections to Taukoro Road are established

Based on the timing of intersection, the modelling in the ITA, the functioning at proposed intersections, combined with the ability for the existing road network to accommodate the likely number of vehicle movements in conjunction with localised urbanisation upgrades, is considered that rezoning and associated intersection arrangements will result in a less than minor and acceptable effect upon traffic congestion and road function.

7.7.2 Safety

From a safety perspective there are three main considerations, being the location of intersections, the form and function of those intersections and the cross-sectional profiles for the external roading network (i.e. how they provide for safe pedestrian and cycle movements).

The ITA has not raised any concerns with the intersection locations set out in the LDAP, albeit notes that their final location (i.e. separation) and design will be assessed at time of future consents. That being said, the ITA acknowledged that it's likely that the new Studholme Street/Morrinsville-Tahuna Road may need to be a right-turn bay and that there is sufficient width in the carriageway to provide for such.

²³ Table 5 of the ITA shows the PM peak movement from Fairway Drive operating at LOS E in both the 500 and 700 lot scenarios.



The ITA also identifies that there is also the need to address sight lines at the Morrinsville-Tahuna Road/Taukoro Road intersection, which currently do not meet AUSTROADs standards for a 100km/hr speed environment. Due to land topography and the vertical geometry of the Road, the ITA recommends that this is addressed through a speed limit change (i.e. drop to 50km/hr) and upgrading the intersection to a roundabout. The provision of a roundabout at this location will act as a gateway to Morrinsville, will further emphasise the change between the rural and urban environment and will have the benefit of reducing vehicle speeds. The inclusion of a roundabout also removes an existing crossroads intersection which are generally considered to be less safe than a roundabout. Along with the roundabout, speed limit changes along Morrinsville-Tahuna and Taukoro roads are also recommended.

Although detailed design for the urbanisation of Taukoro Road and the Morrinsville-Tahuna Road will be assessed in detail as part of future subdivision consents, the ITA also includes indicative cross-sections for the urbanisation of these roads. Key outcomes, relevant to safety, include the provision of a 3m wide shared path on both cross-sections and the provision of shoulders on the Morrinsville-Tahuna Road.

7.7.3 Other transport effects

Footpaths would be able to be provided to all residential streets as could be reasonably expected by future residents. This includes to the entire frontage of the plan change site to Studholme Street, Morrinsville-Tahuna Road and Taukoro Road respectively (as noted above). The LDAP also includes express provision of a 3m wide shared path to cater to cyclists and active modes of transport. This is integrated and provided for alongside reserve and riparian open spaces throughout Lockerbie Estate and along key collector roads, facilitating ease of connection across the plan change area without the need to rely on a car. The LDAP also shows how this network connects with the wider pedestrian network, as replicated in **Figure 9**.

The ITA concludes that the receiving transport networks, subject to upgrades and amendments, are appropriate to accommodate the activities generated by the proposed rezoning. The necessary traffic and transport elements of the plan change to ensure efficiency and safety of movement have been appropriately established within the proposed LDAP and where required in the proposed performance standards. The network will ensure a safe and efficient transport environment and integration of the proposed network with the surrounding existing network. As such, the transportation effects of the rezoning are considered to be no more than minor and appropriately managed by the adherence to the LDAP.

7.8 Risks from Hazards and Contamination

General site suitability for accommodating future residential development has been considered in the Geotechnical Investigation Reports (GIRs) prepared by CMW Geoscience attached at **Appendix I**. Those GIRs confirm that the site is geotechnically suitable to accommodate the proposed residential-led development, subject to recommendations which are reasonable and feasible at the time of developing the site.

In terms of the risks to the land from natural hazards, or by-products of natural hazards (namely earthquakes and flooding), the following observations are made based on the reports which in turn are based on intrusive testing and laboratory analysis of soils extracted from the site:

- The likelihood of fault rupture affecting the site is assessed to be very low to low risk, based on distance to nearest fault line and seismic performance testing of soils.
- The likelihood of soil liquefaction affecting the site ranges from low (east block) to very low (west block).
- The potential for erosion, landslip, subsidence and sedimentation is low and, in some cases, very low.
- There is no known flooding within the Morrinsville township, however stormwater management for the development will outline strategies to ensure that the urbanisation of currently undeveloped areas does not create any future flooding within Morrinsville.



- With respect to the proposed flood mitigation strategy, the proposal is to maintain the same flood plain extent within the site, with identified flood areas/stream areas being retained and/or avoided to retain their capacity. No increased runoff is proposed, with pre and post development mitigation provided within the site.
- Overland flow paths will be contained within future road reserves and will convey overland flows to stormwater devices throughout the development (i.e. wetlands/dry basins/watercourses/soakage basins).

In respect of potential sources of contamination affecting future residential occupation, this has been assessed in a Preliminary Site Investigation and/or Detailed Site Investigation prepared individually in respect of each block by 4Sight Consulting (reports attached at **Appendix J**). As recorded in section 2.8 above, only one source of contamination that could post a risk to human health has been identified across the site. This relates the house site on the west block. Specific localised remediation is consequently required, with the scale of that remediation to be confirmed and consented through a separate NESCS consenting process. Based on the results of the contamination reporting (in **Appendix J**) and because the contamination is in a discrete location and is associated with a known land use (i.e. from lead based paint associated with the house) 4Sight have concluded that the plan change site is suitable for rezoning and subsequent residential land uses, subject to remediation being undertaken at the time the house is removed. This discrete and localised contamination issue is consequently not a fundamental flaw for the rezoning of the site.

For the reasons discussed above, the risk of adverse effects from natural hazards is considered to be suitably low at the site so as to be acceptable, with no persons directly affected.

7.9 Reverse Sensitivity

Reverse sensitivity effects occur when new proposed uses are sensitive to or incompatible with established neighbouring uses and generate a risk of constraining or inhibiting established operations and uses at those neighbouring sites. In the context of residential expansion into a rural area, common sources of reverse sensitivity include sensitivity to noises, odours, and pest management activities typical of working rural environments.

To the north and west of the site are dairy farm uses, with the nearest milking shed over 1km away. Pastoral grazing land is directly to the east. Noise and lighting effects from gathering of stock, seasonal preparation of silage which can extend late into the evening, and the associated potential for reverse sensitivity effects is not of such a magnitude that the proposed uses are incompatible in close proximity to each other. Similarly, immediately surrounding land is not used for market-gardening, poultry or chickens, or intensive horticultural uses where application of pesticides or fertilisers (and associated potential for spray-drift) or shooting/trapping of pests regularly occurs.

The plan change has however been developed with additional controls on that rural/residential interface. Those controls include increased lot sizes (minimum of 600m²) and an increased setback of 5m. These provisions will provide additional mitigation over and above the standard Residential Zone performance standards.

The proposed situation, being rural (dairy farming/pastoral) land uses adjoining/adjacent to residential uses, is common throughout the district and indeed of settlements within rural districts. As such, the potential for reverse sensitivity effects are considered to be low and acceptable, with no persons directly affected.



7.10 Economic Effects

A Growth Assessment, prepared by Property Economics and attached at **Appendix L**, accompanies this application to attest to the demand for housing and associated economic effects of the plan change. This assessment draws upon a range of recent projections (utilising Statistics NZ and Infometrics NZ data more up-to-date than the Rationale Detailed Population and Dwelling Projections to 2045 prepared for MPDC in 2015). The assessment affirms that Morrinsville (inclusive of the neighbouring Tahuroa statistical area) is predicted to continue a positive growth profile out to 2038 with at least 960 dwellings needed to accommodate expected growth. Census data also reveals that 16% of workers commute to nearby Hamilton for employment, and that high-scenario growth projections continue to be met in the context of Covid-19 reducing immigration into New Zealand.

Furthermore, the report indicates that the Hamilton housing market has experienced strong growth in townhouses, flats, units, and other more compact housing typologies, with single-house building consents at the lower end of the typical range of consented levels as at 2020. This may be in part due to delays in bringing online major greenfield development areas for Hamilton at Rotokauri and Peacockes specifically. This is resulting in Morrinsville being an increasingly attractive alternative as a residence for Hamilton workers, with competitive and attractive prices in comparison to the stock of single-dwelling properties within Hamilton.

Combined with significant industrial and employment investment in Hamilton's eastern suburbs at Ruakura, being the closest part of Hamilton to Morrinsville, and the likely long-lasting implications of Covid-19 in terms of greater work-from-home flexibility, supply pressure in Hamilton is to the benefit of a close rural town such as Morrinsville in terms of housing demand.

Adverse economic effects can occur if significant infrastructure investments have been made to accommodate the identified growth in other areas. This is not known to be the case. There is also the potential a loss of vibrancy and vitality of established commercial centres owing to pull of activity by out-of-centre incidental retail/service development that accompanies development of this scale. This would not be the case given that such activities would not be zoned as permitted activities in the plan change area.

Plan Change 56 would rather provide a substantial contribution in critical mass of population to support and enhance established businesses within Morrinsville. It would contribute to affordable dwellings by way of considerable injection of supply to the market – of benefit at the local and regional (Hamilton) scale.

For these reasons, and considering also the signalled intent of this site as the only large-scale site to accommodate substantial and comprehensive residential development, any adverse economic effects of the proposed plan change are considered to be less than minor and acceptable.

7.11 Positive Effects

This plan change will allow for residential development in a location that has been earmarked for future residential development in the MPDP. In addition the plan change will also result in the following positive effects:

- Ability to masterplan the whole 78ha signalled to be rezoned to provide MPDC and the community with certainty as to what the growth of Morrinsville in this FRPA overlay looks like;
- Efficient use of land in accordance with planned and anticipated use of the site;
- Removal of a cross-roads intersection through the provision of a roundabout;
- The creation of a gateway, via the roundabout, at the north-western entrance to Morrinsville;
- Social and economic support to the established community of Morrinsville – retailers, community groups, schools etc. all benefit from additional demand and corresponding financial and social injection;



- Restoration of, and better access to, natural features of the environment (by way of protection under the LDAP, to be reinforced by future regional resource consents);
- A pedestrian and cyclist friendly network of paths and external connections;
- Improved housing affordability by meeting of existing demand for dwellings from the Morrinsville and Hamilton markets;
- Greater housing choice and variance of price points to accommodate a wider proportion of the market for dwellings. This is attributable to the multiple zones the Lockerbie precincts and the associated rule framework proposed within Plan Change 56 for different degrees of density;
- Additional critical mass (with demand in this location proven to exist) to the population of Morrinsville to support the location of services within Morrinsville that with lower population levels cannot sustainably occur; and
- Will cater for the expected residential capacity requirements set out in the Property Economics evaluation.

7.12 Conclusion on Environmental Effects

The environmental effects described in this report are consistent with the effects anticipated when the land was signalled for future residential development by MPDC, within Plan Change 47, and are broadly in line with those expected with the urbanisation of rural land. This includes the resulting visual, amenity, character and transportation effects. Furthermore, any environmentally sensitive features/receivers are being addressed through their retention as set out in the LDAP, or through the performance standards proposed that address the rural/residential interface. The infrastructure, geotechnical and contamination investigations that support the plan change have also confirmed there are no reasons why the site is inappropriate for residential development. There are residual water and wastewater capacity issues that are being worked through by MPDC, but these are expected to be resolved concurrently to the processing of this plan change.



8. Engagement

8.1 Matamata Piako District Council

Multiple meetings have been held with MPDC planning staff and other key personnel and drafts of the development standards, the LDAP and the technical reports have been shared with them. A collaborative approach has allowed for issues such as water servicing are understood, and all parties are working on ways in which these can be resolved. The applicants appreciate the constructive approach taken by MPDC staff to date. Ongoing engagement is proposed.

8.2 Waikato Regional Council

Engagement with WRC staff, from their strategic, RUD and water allocations team²⁴ have been undertaken. This has included a meeting on 29 July 2021, the subsequent provision of the draft standards and the hazards assessment. Feedback from WRC, to date, can be summarised as follows²⁵:

WRC have assessed the proposal and information provided and raise the following points:

- At this stage, water allocation is the key issue for WRC. The National Policy Statement for Freshwater Management directs that over allocation of water is to be avoided, which has created significant problems for water consent applications across the Waikato, but particularly in the Piako catchment which is currently over allocated. MPDC's water take application (for this development and others) is currently on hold, and WRC staff are working with MPDC on ways to achieve an allocation-neutral approach. The timeframe for a decision on this application is unknown. Ultimately, WRC would be unable to fully support the plan change if the water take issues cannot be remedied. Alternatively a staged approach to development should be considered or provisions adopted that ensure that development cannot occur until solutions are in place for water.
- There are no concerns with the geotech hazards report and provided that future flood modelling is undertaken there are no significant flooding concerns either. It is also noted that the flooding assessment needs to be assessed for a 1% AEP flood with Climate Change and information on what the minimum floor level of dwellings will be, despite the site not being identified as a flood hazard.
- Recommend that an incentive is considered for future subdividers who provide medium density developments on the site as this aligns well with the national direction and regional Future Proof directive to increase affordable housing.

This feedback has been considered by Lockerbie, with the water allocation issue been signalled as a clear risk to the plan change in this reporting, albeit noting that a solution is likely to be found concurrently to the processing of this consent. In relation to the flooding assessment, this information will be provided to WRC and MPDC through the future consenting and detailed design phase for the development. The incentive aspect is also noted and will be explored further, but no specific affordability thresholds are proposed in this plan change.

Engagement with WRC is expected to continue as we work through the plan change process and more specifically the water take concerns.

²⁴ Miffy Folley, Hannah Craven, Brian Richmond and Donna Jones

²⁵ As articulated in correspondence from Hannah Craven to Kathryn Drew on the 23 August 2021



8.3 Nearby Landowners and Residents

In relation to nearby landowners and residents, **Table 5** summarises the engagement Lockerbie has undertaken, and the feedback received, where relevant or received.

Table No. 5

Engagement undertaken				
Person/Address	Address/Relevance	Date	Type of Engagement	Feedback
David Harris	45 Taukoro Road and land on the western side of Morrinsville-Tahuna Road (opposite Rhonda Read Hospital)	20 July 2020	Visited house	Supportive of the proposal and questioned whether more commercial or retail could be provided
Ben and Justine Cameron	132A, 132B and 166 Taukoro Road (farmland to the east of the plan change site)	20 July 2020	Visited house	
Gina Chancey	Manager of Rhonda Read Hospital	20 July	Met at hospital	Indicated full support for the proposal
Anthea Foster	7 Hangawera Road	27 July 2020	Visited house	Indicated full support for the proposal
Nikita Laborie and Shane Tunnicliffe	129 Taukoro Road	10 August 2021	Emailed plans	
Ron Johnston	15 Taukoro Road	13 August 2021	Emailed plans and follow up phone call discussion	Raised concerns about boy racers using Taukoro Road and would like the location of the western collector intersection onto Taukoro Road to not be adjacent to his driveway
Howard Budd	7 Taukoro Road	10 August 2021	Emailed plans	

Engagement with these landowners, and others, as required, will continue through the plan change process.

8.4 Mana Whenua

Consultation has been carried out as per section 4A of Schedule 1 of the RMA. Feedback on the plan change has been received by Ngāti Hauā, through the CVA contained in **Appendix M**, being a follow up from engagement that commenced with Ngāti Hauā in December 2020. This CVA confirms Ngāti Hauā are supportive of the plan change. The CVA also identifies specific recommendations that relate to the future development of the site. Those recommendations will be given effect to through future consents/engagement and do not require specific provisions to be put in place as part of PPC 56. That being said, ongoing engagement with Ngāti Hauā will be undertaken through the plan change process and further throughout the development of the land within the plan change area.



8.5 Waka Kotahi

Although the site does not directly adjoin a State Highway network, engagement with Waka Kotahi has been initiated. This has included the provision of the draft ITA, a meeting with Claudia Jones from their planning team on the 20 August 2021 and the provision of further information on 20 August 2021 outlining why it is considered that it is unlikely that the plan change will have a more than minor adverse effect on the operation Waka Kotahi's network, being the SH26/Snell Street intersection, at the closest point. Formal feedback from Waka Kotahi was received in September 2021²⁶. That feedback noted:

- Waka Kotahi has considered whether the plan change will adversely affect the safety and efficiency of SH26, which is located in close proximity to the site.
- After reviewing the ITA, Waka Kotahi considers that adverse effects on SH26 will be no more than minor because:
 - The proposed plan change area represents 8 – 12 years of development, meaning that a high average of, 150 dwellings will be constructed per year.
 - Majority of traffic is likely to head towards Morrinsville town centre as this is the closest centre of employment and retail.
 - Approximately 10% of the daily traffic movements from the site will head east.

8.6 Ministry of Education

Lockerbie has engaged with Ministry of Education in the form of a zoom call²⁷ on 19 July 2021. Following that meeting Alison Harold confirmed that "the Ministry of Education does not oppose this proposal as there is currently capacity in the wider network. We think that with amendments to the existing enrolment scheme for David Street school, the existing capacity can be utilised alongside roll growth classrooms and another primary school will not be required"²⁸.

²⁶ Email from Claudia Jones to Kathryn Drew dated 10 September 2021.

²⁷ Alison Harold – Manager Education Waikato, Maria Maniapoto and Patrick Broman.

²⁸ Email from Alison Harold to GD Jones dated 20 July 2021.



9. Assessment of Statutory Documents

Section 75(3) of the RMA states that a District Plan must give effect to any national policy statement; any New Zealand coastal policy statement; and any regional policy statement. Section 73(4) of that RMA states that a District Plan must not be inconsistent with a water conservation order; or a regional plan for any matter specified in s30(1).

The following assessment sets out how the proposed Plan Change gives effect to the documents set out below which have been identified as relevant:

- National Policy Statement on Urban Development Capacity (2020)
- National Policy Statement on for Freshwater Management (2020)
- National Planning Standards (2019)
- Resource Management (National Environmental Standards for Assessing and Managing Contamination in Soil to Protect Human Health) Regulations (2011)
- Waikato Regional Policy Statement (2016)

The following assessment also sets out how the proposed Plan Change is not inconsistent with the documents set out below:

- Waikato Regional Plan.

9.1 National Policy Statements and relevant National Environmental Standards

There are five national policy statements that are currently in place covering matters such as urban development, freshwater, renewable electricity generation, electricity generation and the coastal environs. It is considered that of those five only two are relevant to this plan change, being the National Policy Statement on Urban Development (NPS-UD) and the National Policy Statement for Freshwater Management (NPS-FW). These are assessed below.

It is also noted that two further national policy statements are proposed, one relating to indigenous biodiversity and another relating to highly productive land, both of which are expected to be released in the later parts of 2021. Whilst, only in draft form, the following also provides some high-level comments on the likely relevance of the proposed National Policy Statement Highly Productive Land (Proposed NPS-HPL).

9.1.1 National Policy Statement on Urban Development Capacity (2020)

The NPS-UD came into effect on the 10th of August 2020 and replaces the National Policy Statement on Urban Development Capacity 2016. The NPS-UD applies to all local authorities that have all or part of an 'urban environment' within their district²⁹. An urban environment in turn is defined as any area of land (regardless of size, and irrespective of local authority or statistical boundaries) that is, or is intended to be, predominantly urban in character and part of a housing and labour market of at least 10,000 people³⁰.

MPDC has recently undertaken an exercise to determine whether the populations of Morrinsville and Matamata have a growth trajectory to being over 10,000 people threshold. The results of that exercise³¹ can be summarised as follows:

- The population of Morrinsville, as currently defined within the Stats NZ urban boundary (as estimated in 2020), is 8,300.
- This plan change will provide for an additional 1200 dwellings, being an additional 2520 persons in population.

²⁹ Clause 1.3, NPS-UD

³⁰ Clause 1.4, NPS-UD

³¹ As summarised in the Matamata Piako District Council Agenda for the 10 November 2021 Council meeting



- Existing development will account for an additional 819 dwellings in the future.
- This means that the projected population of the Morrinsville urban area is expected to grow to approximately 11,640.

For these reasons, Council has resolved that Morrinsville is an 'urban environment' and is subject to the NPS-UD. It is therefore approach to consider the consistency of the proposal with the NPS-UD.

The NPS-UD includes several objectives that are relevant to this plan change. They are:

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, now and into the future

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people and communities and future generations.

Objective 6: Local authority decisions on urban development that affect urban environments are;

- (a) Integrated with infrastructure planning and funding decisions; and*
- (b) Strategic over the medium term and long term; and*
- (c) Responsive, particularly in relation to proposals that would supply significant development capacity.*

These objectives are supported by several relevant policies that refer to enabling a variety of homes (Policy 1(a)), supporting the competitive operation of land and development markets (Policy 1(c)) and being responsive to plan changes that would add significant development capacity, even when it is out of sequence with planned land release (Policy 8(b)). There are also three policies that directly relate to Tier 3 local authorities, as follows:

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

Policy 10: Tier 1, 2, and 3 local authorities:

- (a) that share jurisdiction over urban environments work together when implementing this National Policy Statement; and*
- (b) engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and*
- (c) engage with the development sector to identify significant opportunities for urban development.*

Policy 11: In relation to car parking:

- (a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and*
- (b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.*

These objectives and policies provide support for the proposed plan change as they emphasise the importance of increasing development capacity and supporting additional competition on the supply side of the housing market. MPDC, through its Plan Change 47 process, considers that they have met the intent of Policy 2, in the fact that that plan change undertook an examination of land supply across their three main towns. This led to the provision of additional residential land being earmarked for development, including the land subject to this plan change. What this plan change does is brings that development potential into reality. This plan change will be a fundamentally important step to delivering a significant number of dwellings to the local market so as to give effect to these objective and policy directions. The next step for Council is look at its future needs, after this plan change (i.e. the medium to long term) for the purpose of identifying and rezoning these areas for development.



Growth in Morrinsville is partly due to pricing out of, yet close proximity to, Hamilton and to lesser extents Auckland and Tauranga. Sales to purchasers in these three Tier 1 urban environments are occurring in the first stages of Lockerbie Estate. As such, demand is being induced from a Tier 1 urban environments which in turn reduces overall demand and thus improves affordability of dwellings in those areas whilst also providing competition for dwellings within the immediate locality of Morrinsville.

These objectives and policies also encourage a choice of housing types and locations, which would be facilitated by this proposal owing to the combination of Residential and Medium Residential zones and precincts within the plan change area. All of which would be occurring in the sole location signalled in the District Plan to accommodate growth on a proportionately large scale within the township of Morrinsville.

The development is proposed to be accommodated in an integrated manner accounting appropriately of infrastructure investments to-date, as well as additional investment requirements to service the degree of growth planned.

For the reasons discussed above, the proposed plan change would positively address and be consistent with the principles of the NPS-UD and specifically will address short term housing needs.

9.1.2 National Policy Statement on Freshwater Management 2020 (NPS-FM) and National Environmental Standards for Freshwater 2020 (NES-F)

The NPS-FM and NES-F came into effect on the 3 of August 2020 and replaces the National Policy Statement for Freshwater 2014 (as modified in 2017), and applies to all freshwater. This instrument is premised on the concept of 'Te Mana o te Wai', the fundamental importance of water and the role its good health plays within the wider environment and in protecting the mauri of water and mana of tangata whenua as kaitiaki. The NPS-FM therefore has an overarching objective of ensuring that natural and physical resources are managed in a way that prioritises:

- (a) first, the health and well-being of water bodies and freshwater ecosystems,
- (b) second, the health needs of people and
- (c) third, the ability of people and communities to provide for their social, economic and cultural well-being now and into the future.

As discussed at section 2.5 of this report above, the site contains three fresh watercourses and a wetland along the margins of one of these watercourses. The proposed Lockerbie Development Area Plan, which is proposed by this plan change, substantially excludes the potential for wholesale disturbance of the watercourses by way of utilising them as reserves in the planned development of the site. This in turn provides for the likely ongoing retirement, protection and rehabilitation of these watercourses and their margins.

The only proposed location where original watercourses would be in any way affected by the proposal is within the west block, and such works have already been authorised under the regional consents held by Lockerbie.

The proposed plan change thereby satisfies the directly relevant Policy 7 which directs that the loss of river (and by definition, stream) extent and values are avoided to the extent practicable – this has been adhered and given effect to. It should also be noted that developable areas and open space arrangements have been determined in accordance with engagement with tangata whenua of the area (Ngāti Hauā), thereby satisfying Policy 2 of the NPS-FM. The reserve areas are also sufficiently large to enable considerable riparian planting opportunities to improve the quality of these headwater streams.

The delivery on the outcomes sought by the NPS-FM will further be demonstrated at the regional consent stage of the development, for the east block (which does not have consent), however the proposed plan



change is considered to be consistent with the provisions of the NPS-FM by way of avoiding the loss of watercourses and providing for the ongoing protection of wetlands.

9.1.3 Proposed National Policy Statement – Highly Productive Land (proposed NPS-HPL)

The proposed NPS-HPL seeks to protect the loss of more of our productive land and promote its suitable management. The overall purpose of the proposed NPS-HPL is to improve the way highly-productive land is managed under the RMA to:

- Recognise the full range of values and benefits associated with its use for primary production;
- Maintain its availability for primary production for future generations; and
- Protect it from inappropriate subdivision, use and development.

With this framework in mind, the NPS-HPL is likely to require local authorities to identify highly productive land based on a set of defined criteria and will require Councils to balance the trade-off's between protecting highly productive land for primary production while providing for greater urban capacity. It is not expected that the 'maintain' purpose above will require a 'no net loss' requirement, as absolute protection is not always appropriate, but it will provide a clear direction that urban development should be avoided on highly productive land where a more appropriate option exists³².

Importantly for this plan change, it has also been signalled that the NPS-HPL will not apply to land already zoned for urban use³³ and it is the preferred option that it will also not apply to future urban zones identified in District Plans³⁴. This is because excluding future urban areas or zones would ensure the NPS-HPL does not undermine existing work Councils have done with their communities to plan for, and accommodate, future urban growth. While urban development is not enabled until the district plan provides for such development, the identification of future urban areas through a strategic planning process and future urban zones sends a clear signal to landowners and developers of where future growth can occur. Individuals, developers and councils will make investment decisions on this basis.³⁵

On the basis of the direction signalled by the Ministry of Primary Industries in the documentation to date, it is likely that the NPS-HPL will not apply to the plan change site because of its FRPA overlay. This assessment, however, may need to be reconsidered if the NPS-HPL changes through this processing of this plan change application.

9.2 National Environmental Standards

There are nine National Environmental Standards (NES) currently in place covering matters such as contamination, air quality, electricity transmission activities, freshwater, marine aquaculture, plantation forestry, drinking water, storing of outdoor tyres and telecommunication facilities. The only NES potentially relevant to this plan change is the National Environmental Standard for Assessing and Managing Contamination in Soil to Protect Human Health (NESCS). This NES is assessed below.

³² Proposed National Policy Statement for Highly Productive Land – Cabinet Paper, paragraph 47.

³³ Proposed National Policy Statement for Highly Productive Land – Cabinet Paper, paragraph 54.

³⁴ Proposed National Policy Statement for Highly Productive Land – Cabinet Paper, paragraph 56.

³⁵ Proposed National Policy Statement for Highly Productive Land – Cabinet Paper, paragraph 54.



9.2.1 National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The NESCS came into effect on 1 January 2012. The NESCS provides a nationally consistent set of planning controls and soil contaminant values and ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use. The NESCS is not directly applicable at the plan change stage, as it is assessed at the time of future subdivision or development. That being said, this plan change application is supported by technical assessments for site contamination. Those assessments confirm that only a small portion of the west block constitutes 'a piece of land' under the NESCS. In practice this means that consent under this legislation will be required, when its developed, to provide for its remediation to safely accommodate the intended use (residential).

9.3 National Planning Standards

This plan change has been designed to give effect to the National Standards in accordance with Sections 58B to 58J of the RMA. Given that the balance of the MPDP is yet to be reviewed, there is a need to provide separate definitions and rule provisions for the proposed MRZ and associated rules until such time as the District Plan is reviewed as a whole.

9.4 Waikato Regional Policy Statement (2016)

The RPS aims to achieve integrated management and protection of Waikato's natural and physical resources by identifying and addressing resource management issues within the region. The RPS must give effect to National Policy Statements, although the NPS-UD post-dates the RPS so it does not reflect it. The RPS covers off various different issues, however the main issues of relevance for this development include:

- The management of the Built Environment (Issue 1.4)
- The relationship of tangata whenua with the environment (Issue 1.5)

Following on from these issues, there are various objectives and policies of relevance to this application.

The RPS takes a strong lead in ensuring development of the built environment is planned and coordinated, including the coordination of new development with infrastructure. Key objectives and policies relating to the built environment include the following:

- Objective 3.1 – Integrated management
- Objective 3.12 – Built environment
- Objective: 3.21 – Amenity
- Objective 3.26 – High class soils
- Policy 6.1 – Planned and co-ordinated subdivision, use and development
- Policy 6.3 – Co-ordinating growth and infrastructure
- Policy 14.1 – Maintain or enhance the life supporting capacity of the soil resource
- Policy 14.2 – High class soils

The above objectives and policies aim to ensure that the built environment is planned and coordinated, including coordination with the provision of infrastructure. The above also seeks to ensure that land use conflicts are minimised, the qualities and characteristics of areas and features, that contribute to amenity are maintained or enhanced and that the value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.

It is well established in the above reporting that the subject site has been signalled for residential development by Council, while zoned Rural in the District Plan, the site is also subject to a FRPA overlay,



clearly identifying the intent of MPDC for this rural land to accommodate future residential development. The purpose of PPC 56 is to rezone the land to Residential and Medium Density Residential and thus realise this development potential. The rezoning is consequently not inconsistent with the intentions for the site, as set out in the District Plan and this rezoning has been the subject of a long term, integrated process to providing additional development capacity in Morrinsville. This plan change has further developed the LDAP to guide future development of the site, providing certainty for development outcomes, rather than disjointed, ad-hoc development.

Objective 3.21 is a very broad-based provision regarding amenity values. Council has been mindful of the existing character and amenity values of Morrinsville in developing the performance standards for land use activities within these newly zoned areas. While higher intensity of density is proposed in some locations within the plan change site which may differ from the existing residential suburbs in Morrinsville, these areas will be central to the development therefore internalising any potential or perceived density effects. Standard residential development will be located around the periphery of the site, minimising conflicts with existing residential properties and providing a buffer between rural land and the higher density proposed at the centre of the site. The proposed new plan objectives, policies and rules has ensured that care has been taken in setting to maintain a sense of the existing character of Morrinsville.

The Infrastructure Report at **Appendix D** and the ITA at **Appendix E** demonstrate that the site can be appropriately serviced by future wastewater reticulation and stormwater network, subject to network upgrades. A current risk around infrastructure relates to water supply. It is understood that there is currently insufficient water supply in the existing Council network, however MPDC are working through a consenting framework with WRC to rectify this through an additional groundwater take. In relation to wastewater, the capacity of the network and plant are also been investigated with the upgrades required to service the plan change to be confirmed through this plan change process. Subject to the groundwater take consenting being resolved, it is considered that urban services can be readily extended and upgraded to service the site. Development of the plan change area is planned and is anticipated by the MPDC. The proposal is therefore consistent with the objectives and policies relating to co-ordinating land use and infrastructure planning.

Objective 3.26 concerns the value of high class soils, and the protection of such from inappropriate development. The plan change area contains Class 2 soils. Class 2 soils meet the definition of 'high class soils'. The loss of high class soils in this instance is forecasted through the District Plan policy overlay identifying "Future Residential". For this reason, this development is not considered to be inappropriate as it is expressly signalled and expected by the relevant district plan. The District Plan has identified this site as the most logical place to accommodate expected growth, being the only site signalled for such in Morrinsville. The plan change site is surrounded by an abundance of similar soils afforded greater regulatory protection from development through zoning and policy framework. The proposal is therefore consistent with this objective on the basis of the development is not inappropriate.

Other RPS objectives and policies of relevance include:

- Objective: 3.9 – Relationship of tangata whenua with the environment
- Objective: 3.14 – Mauri and values of fresh water bodies

The proposed plan change area has currently been defined as having low ecological values and the site will be subject to restoration projects to enhance the existing watercourses on the site. Consultation with tangata whenua has been undertaken on PPC 56, specifically consultation with Ngāti Hauā Iwi Trust has been undertaken and a Cultural Values Assessment (CVA) has been prepared (refer **Appendix M**). The conclusion of CVA is that Ngāti Hauā do not oppose proposed PPC 56, subject to some recommendations that relate to the development of the site.

For the above reasons, PPC 56 gives effect to the relevant policies of the RPS.



9.5 Waikato Regional Plan

The Waikato Regional Plan (Regional Plan) became operative on 28 September 2007 and subsequently there have been a number of variations to the Regional Plan. Section 75(4) of the RMA states that the District Plan must not be inconsistent with a Regional Plan.

The Regional Plan provides further policy direction to give effect to the RPS relating to matters within the scope of Regional Council function under the RMA. As such, the Regional Plan provides more detail regarding the management of the regional matters, including:

1. Approaches to Resource Management
2. Matters of Significance to Maori
3. Water Module
4. River and Lake Bed Module
5. Land and Soil Module
6. Air Module
7. Geothermal Module.

The provisions of the Regional Plan have been taken into account with the preparation of the provisions that support the plan change and more specifically the LDAP. The only relevant issue being that of insufficient water supply to service the additional residential development. This is an issue which is being addressed between WRC and MPDC through a separate consenting process. It is considered that there are no issues arising with the proposed changes in terms of consistency with the Regional Plan, albeit noting that the west block is still required to secure some consents under the Regional Plan. Those consents, and their consistency with the Regional Plan will be assessed in detail at that time.



10. Tangata Whenua Legislative Context

10.1 Ngāti Hauā Claims Settlement Act 2014

The Ngāti Hauā Claims Settlement Act 2014 was enacted in December 2014 with the purpose of addressing the breaches of the Treaty of Waitangi and implementing an agreement and understanding moving forward. The settlement legislation includes an apology from the Crown, an agreed historical account, cultural redress as well as financial redress.

The intent of the settlement legislation is to foster a respectful and meaningful relationship between Ngāti Hauā and the Crown and to ensure Ngāti Hauā are involved in a constructive manner in regard to decision making and the development on land within their rohe moving forward.

The entirety of Morrinsville is identified as being within the Ngāti Hauā Area of Interest as defined through the settlement legislation.

Ngāti Hauā have developed an Environmental Management Plan which articulates the values, frustrations and aspirations of the iwi and addresses the health and wellbeing of land and waterbodies within their rohe. This EMP is assessed in more detail below.

The values of Ngāti Hauā have also been addressed through engagement with Ngāti Hauā and communicated through the CVA within **Appendix M**. The CVA identifies specific recommendations that relate to the development of the site. Those recommendations will be given effect to through future consents and do not require specific provisions to be put in place as part of PPC 56. Ongoing engagement with Ngāti Hauā will be undertaken through the plan change process and further throughout the development of the land within the plan change area.

For the above reasons PPC 56 provides opportunities to Ngāti Hauā to give effect to this Settlement Act.



11. Non-Statutory Matters

11.1 Waikato Tainui Environmental Management Plan

Waikato-Tainui Te Kauhanganui Incorporated is the iwi authority for Waikato-Tainui and the author of Ta Tumu, Tai Pari, Tai Ao (the Waikato-Tainui Environmental Management Plan – WTEP). The WTEP contains the aspirations of iwi and was developed from Whakatapuranga 2050, a long-term development approach to building the capacity of Waikato-Tainui Marae, hapu and iwi. The WTEP sets out regional issues, objectives, policies and methods; designed to enhance Waikato-Tainui participation in environmental management. The goal of Waikato-Tainui is to ensure that the needs of present and future generations are provided for in a manner that goes beyond sustainability towards an approach of environmental enhancement.

The WTEP provides a background to and identifies key resource-based issues for Waikato-Tainui. The plan sets out Waikato-Tainui’s vision statement for environmental and heritage issues and key strategic objectives such as tribal identity and integrity, including “to grow our tribal estate and manage our natural resources”. The plan is designed to enhance Waikato-Tainui participation in resource and environmental management.

Section D of the plan addresses specific elements of natural resources and the environment and sets out specific issues, objectives, policies and methods for specific environmental areas. It is considered that the development will be consistent with the WTEP for the following reasons:

- Wastewater will not be discharged on the site and stormwater discharge will be appropriately treated and detained to avoid adverse effects on the receiving and downstream environment;
- Specific development activities will be subject to further resource consent processes (or otherwise already granted resource consents) to ensure adverse effects of construction activities to facilitate the development outcome are appropriately managed.
- The plan change site is outside of the Waikato River catchment and therefore growth in this location will not affect the Waikato River.

On the basis of the above assessment, it is concluded that the proposed development will be consistent with the objectives and policies of the WTEP.

11.2 Ngāti Hauā Environmental Management Plan

The Ngāti Hauā Environmental Management Plan has been developed by Ngāti Hauā Iwi Trust in partnership with Ngāti Hauā marae. The Plan expresses Ngāti Hauā values in relation to the health and wellbeing of their lands, air, waters, wetland and fisheries, urban development within their rohe, cultural heritage and customary activities, and the use and development of Maori land including marae, urupa and papakainga.

The plan outlines ways to support and enhance Ngāti Hauā as tangata whenua and enhance their role as kaitiaki. The plan further specifies priority projects and expectations of consultation undertaken by others with Ngāti Hauā.

The Plan is split into various parts, with Part 3 outlining the policies of the Plan and Part 4 outlining the implementation of the Plan. The applicant recognises the importance of the Ngāti Hauā Environmental Management Plan, particularly in relation to implementing it in developments undertaken within the rohe. Part 4 outlines that engagement with Ngāti Hauā, and implementation of accidental discovery protocols are key to implementing the Plan and there are two implementation methods the applicant is able to undertake.

Early engagement with Ngāti Hauā has been undertaken regarding this project. That engagement is recorded in the CVA within **Appendix M**, whereby they have confirmed that they support the plan change.



For the above reasons, it is concluded that the plan change application has given consideration to the Ngāti Hauā Environmental Management Plan and is consistent with the implementation of that Plan. Overall, PPC 56 is consistent with the Ngāti Hauā Environmental Management Plan.

11.3 Hauraki Iwi Environmental Plan

Whaia Te Mahere Taiao o Hauraki (Hauraki Iwi Environmental Plan) is a strategy for collective action by Hauraki Whanui to sustain the mauri of the natural environment and cultural heritage of the Hauraki rohe. The plan sets out the vision and central goals for the iwi in Part 2. The plan then goes on to identifying the issues for each of the domains of the atua, i.e. land, air, plants and animals (flora and fauna), rivers and streams, coastal and cultural heritage, and the objectives and outcomes sought for each of those areas, so as to achieve the vision of the plan.

It is considered that PPC 56 will not affect the ability of Hauraki to achieve the vision of their Iwi Environmental Plan. The development of the plan change area for residential purposes is in line with the use of this land as set out in the District Plan. The plan change area is subject to existing Regional Consents granted by Waikato Regional Council which will manage potential adverse effects on the environment. Further, ecological enhancement across the site is proposed at the time of developing the plan change area.

Overall, the proposal is considered to be consistent with Whaia Te Mahere Taiao o Hauraki.

11.4 Waikato Regional Land Transport Strategy 2011-2041

The Regional Land Transport Strategy (RLTS) emphasises the need for integrated development. The “vision” and desired “outcomes” can be summarised as follows:

- Vision:
 - An affordable, integrated, safe, responsive, and sustainable land transport system that enhances the environmental, economic, social, and cultural wellbeing of the population.
- Outcomes:
 - An integrated transport system that supports economic activity and provides for efficient movement of people and goods;
 - Safety and security across all modes of travel;
 - An inclusive, accessible, and affordable transport system;
 - A well-connected transport system that enables positive public health outcomes;
 - An environmentally sustainable, resilient, and efficient transport system; and
 - An integrated multi-modal transport system supported by land-use planning, and enabled by collaborative planning and partnerships.

Plan Change 56 maintains a safety and security approach across all modes of travel. All new subdivision and development within the site will need to comply with the performance standards and assessment criteria proposed as part of this plan change, including the LDAP which provides a high level of certainty of the outcome on the site, including connection points to the wider transportation network and provision for pedestrian connections. There are also relevant existing provisions in the District Plan which development will need to comply with, particularly Section 9 – Transportation.

No inconsistencies between the Waikato Land Transport Strategy and this proposed Plan Change have been identified. Lockerbie has also consulted with Waka Kotahi - NZ Transport Agency in relation to this plan change and the likely impacts of the increased traffic/growth of Morrinsville on their network. Feedback from the Agency is pending.



11.5 Matamata Piako District Council Town Strategies 2013 – 2033

The MPDC developed Town Strategies for their three main towns, Morrinsville, Matamata and Te Aroha. The town strategies were developed to give further consideration to the urban component of the Matamata Piako District Growth Strategy developed in 2009. The Town Strategies were developed in 2013, therefore they, alongside the District Growth Strategy, are considered to be outdated.

Generally, the town strategies provide a spatial framework for the development of each town in terms of the preferred location of future land-uses, and the integration of the land-uses with transport and other infrastructure.

The Morrinsville Town Strategy identified that there was an oversupply of approximately 76ha of land zoned for residential purposes. The demand for housing in Hamilton has had a big effect on the housing supply in Morrinsville in recent years, given the close proximity of Morrinsville to Hamilton and the easy commute for work and recreation. As such the oversupply identified in 2013 is no longer correct and this is confirmed through recent plan change 47 which included the implementation of the future residential area over the PPC 56 site. PPC 56 therefore gives effect to the anticipated use of the site and will not result in oversupply issues.

The proposed plan change is otherwise considered to be consistent with the overall urban design and infrastructure provisions set out in the Morrinsville Town Strategy. The LDAP takes into account the existing character and amenity within Morrinsville, largely internalising any higher density development and maintaining a consistent general residential zoning around the periphery of the site.

Overall, it is considered that the Town Strategies, and the wider District Growth Strategy are outdated, particularly when considered against the new NPS for Urban Development. However, the plan change will be consistent with the relevant aspects of the Morrinsville Town Strategy.



12. Notification

Plan Changes are subject to a notification process, as set out in Schedule 1 of the RMA. Clause 5A of Schedule 1, enables private plan changes to be subject to limited notification. The test for limited notification (as set out in Clause 5A(2)) is that the local authority may limited notify a private plan change but only if it is able to identify all the persons directly affected by the proposed change. Whilst, it may be able to ring fence the likely affected parties in relation to their proximity to the site, due to the scale of the plan change and the nature of the changes sought (i.e. new zoning framework), it's likely that public notification would be a more appropriate outcome.



13. Part 2

All plan changes are subject to the Purpose and Principles of the RMA (sections 5-8) with the overriding purpose being “to promote the sustainable management of natural and physical resources”. This is of course also subject to the *King Salmon* caveats discussed in section 4.1 above. Sustainable management is defined as:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while-

- a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

The plan change is considered to achieve the overall purpose of the RMA. This location is already considered appropriate for residential development, as outlined in the District Plan through the FRPA overlay and the assessments attached to this report that do not identify any site suitability constraints. The plan change allows for the entire FRPA, therefore maximises opportunities to appropriately manage the use, development and protection of the natural land resource through a master planning process. The evaluation of costs and benefits in **Appendix C** of this report outlines how the social, economic and cultural wellbeing of people and communities are provided for. In particular:

- The plan change will allow for development, of around 1200 dwellings, that provides both the short and medium term demand for housing and for a range of housing choices, both in type and location. In particular the introduction of a MRZ (and the Lockerbie Precinct) and the supporting performance standards provides additional typology choices for the residential market which is not currently provided for in Morrinsville.
- Adverse effects of the rezoning can be avoided, remedied or mitigated and are considered to be no more than minor. Refer section 7 of this report for the assessment of effects.
- The performance standards and LDAP identifies the infrastructure requirements along with ensuring an attractive and efficient layout of future development and maintaining amenity and the rural interface.

Section 6 includes Matters of National Importance that are required to be recognised and provided for. Only the following are considered to be relevant to this plan change:

- *(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga*

Consultation with tangata whenua has been undertaken regarding the plan change. That engagement is recorded in the CVA within **Appendix M**, whereby they have signalled that they support the plan change. This engagement and feedback confirms a consistency with item (e).

There are matters in Section 7, Other Matters, and Section 8, Treaty of Waitangi, that are relevant to this plan change. The relevant parts are set out below.

Section 7 lists Other Matters to which particular regard must be had to. The relevant matters are:

“(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(c) the maintenance and enhancement of amenity values:



- (d) *intrinsic values of ecosystems:*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:"*

The proposal is considered to be an efficient use of land, allowing for residential development to occur in a location earmarked for future residential development. Appropriate infrastructure will be provided to maximise the development potential of the land and to ensure that environmental effects are avoided in the first instance and thereafter mitigated on the surrounding environment. Further to allowing for development the FRPA, the plan change provides for the restoration and enhancement of the watercourses and creation of areas for both recreation and stormwater management will create a high level of amenity in what will otherwise be a largely built environment.

Section 8 requires that:

"all persons exercising functions and powers under it, in relation to managing the use, development and management of natural resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi)".

This section places an obligation on decision makers to act in accordance with it. As noted above, the principles of Te Tiriti o Waitangi have been recognised and provided for through the engagement undertaken with Ngāti Hauā.



14. Conclusion

This report has outlined, in detail, the Private Plan Change sought by Lockerbie to the MPDP that will rezone an approximately 78ha site on the northern extent from Morrinsville from Rural with a FRPA overlay, to Residential and Medium Density Residential.

The need for further residential land within Morrinsville is reinforced by the Morrinsville Residential Growth Assessment prepared by Property Economics, in support of the PPC 56, which identified that at least 960 dwellings are needed to meet the expected growth in Morrinsville through to 2038. As all the residentially zoned land in Morrinsville has been sold, pending final development, a considerable planning intervention is required to meet the subsequent residential needs of Morrinsville. The existing zoning of the PPC 56 site precludes future residential development, to the densities sought in a residential environment and without complicated and risky consenting processes. For these reasons, there is a credible issue in terms of dwelling supply that is required to be addressed. PPC 56 address this and will enable the site to be developed, at a density that is expected to be result in around 1200 dwellings.

The options assessment identified that a plan change is considered to be the most efficient and effective method of enabling further residential development of the site and likewise achieves the purpose of the RMA. The extension of the residential zone into the site, as well as introducing new MRZ provisions and the Lockerbie Precinct, will also provide a more flexible and responsive zoning to cater for the actual future growth experienced and changing housing needs. Furthermore, the planning framework for the site ensures that the site provides a diversity of housing types, sizes and shapes and a need to address the rural interface and interface with existing streets and the existing Lockerbie Estate development. This approach maximises development and land efficiency and provides most flexibility for a variety of housing options to occur. PPC 56 also enables provides for the protection and future restoration of watercourses and a wetland which is sited within future open space corridors.

The changes can also be readily accounted for within the MPDP, as set out in this reporting. Those changes include a suite of new provisions of the MRZ, bespoke changes to the Residential Zone provisions, some consequently amendments to other sections of the MPDP and the inclusion of the Lockerbie Development Area Plan that signals the development outcome and the key infrastructure and open space requirements that are required to support the residential development outcome and the triggers for them. The reporting has also demonstrated that the plan change give effect to the existing objectives and policies of the MPDC or the new ones that are proposed for the MRZ.

An effects assessment has been undertaken for PPC 56 that is supported by numerous technical reports. The starting point for those assessments being that a land use change has already been signalled by MPDC, with the site being subject to a FRPA. The effects of this rezoning have therefore been considered against that backdrop with a particular focus on the suitability of the site for the eventual land use outcome. That reporting and the effects assessment, in section 7 of this report, confirms that the site is suitable for residential development, the levels of effects are no more than minor at most, and that there are positive effects resulting from the rezoning. They also identify that there are no site suitability reasons why the residential zoning cannot be enabled. There is however residual infrastructure matters relating to capacity effects associated with water supply and wastewater capacity. It is expected that these matters will be resolved concurrently to the processing of this plan change. Lockerbie will continue to work with MPDC on these matters.

The assessment in this report has confirmed that the plan change gives effect to higher order documents, including the NPS-UD, the RPS and is consistent with the purpose of the RMA.

