

Before the Independent Hearings Commissioners

**IN THE
MATTER**

of the Resource
Management Act 1991

**AND
THE**

hearing submissions and
further submissions in
respect of the request by
Warrick and Marion Steffert
to change the Matamata-
Piako District Plan (Private
Plan Change 58 – Avenue
Business Park)

SUPPLEMENTARY STATEMENT OF EVIDENCE (PLANNING)

Todd Whittaker (MNZPI)

For Matamata-Piako District Council (Consent Authority)

26 February 2024

1 INTRODUCTION

1. My name is Todd Whittaker and I am an independent planning consultant. I am the author of the S.42A planning report dated 7 February 2024 which sets out my professional qualifications, experience and obligations.
2. This statement provides my final evidence and recommendations to the Commissioners.
3. Since writing the S.42A report, I have had the opportunity to further discuss the outstanding issues as identified in the S.42A report with the Applicant, and I have also reviewed the statements of evidence from the Applicant and submitters.
4. In summary, I confirm my recommendation that Private Plan Change 58 be approved and that the submissions and further submissions be determined in accordance with the S.42A planning report. There is largely agreement between the Applicant's experts, myself and the technical experts engaged by Matamata-Piako District Council (MPDC) on the suitability of the land to be rezoned and the proposed GIZ and DAP provisions which have been proposed to support the rezoning request. While there remain some unresolved matters for determination and refinement around the proposed rule methods, these are focussed on relatively narrow matters and do not affect my overall recommendation.

2 SCOPE OF STATEMENT

5. As my full report and evidence has already been presented and discussed as part of the hearings evidence and process, I only intend to provide a brief statement on the following matters:
 - Acoustic Effects and Rule Provisions
 - Transportation
 - Infrastructure and Servicing
 - Landscape Buffer
 - Land Supply and NPS-HPL
 - Conclusion

3 ACOUSTIC EFFECTS AND RULE PROVISIONS

6. The Commissioners have received expert acoustic evidence from Mathew Cottle on behalf of the Applicant and from Neil Savory on behalf of MPDC as consent authority.
7. A Joint Witness Statement (JWS) has also been prepared by the acoustic experts issued on 23 February 2024 which summaries the areas of agreement and the two alternate

methods in terms of providing appropriate noise performance methods to recognise and manage noise emission from industrial activities across the surrounding rural amenity.

8. The difference comes down to the whether a Noise Control Boundary (NCB) is the more appropriate and effective method or whether a nominal boundary should be preferred. If a nominal boundary approach is adopted, then a decision will also need to be made as to whether this should be set at a point in time.
9. I note that evidence has been received on the NCB from Kathryn Drew on behalf of Calcutta Farms No. 2 Limited who is the proponent of Private Plan Change 57 (PC57). Ms Drew supports the Applicant's view that the NCB is not the most appropriate mechanism for the Avenues Plan Change¹. The evidence of Ms Drew is focussed on the potential implications for PC57 and consistency of approach with managing noise rather than the merits of the specific rule mechanism for this plan change hearing.
10. I support the NCB approach as this provides certainty and allows for reasonable noise emissions while also respecting the lower ambient noise levels for the rural properties located to the rear of the site. It also resolves any issues associated with the nominal boundary approach and how any future noise sensitive activities should be managed.
11. The rule provisions for the NCB are provided within the JWS.

4 TRANSPORTATION

12. A substantial amount of transportation evidence has been produced through the plan change process including the expert traffic statements for this hearing. There is general agreement on the traffic generation modelling and assessment and that Private Plan Change 58 can be supported from a transportation perspective between Tara Hills on behalf of the Applicant and Naomi McMinn on behalf of MPDC as consent authority.
13. The outstanding transportation issue relates to the provision and appropriate width of shared paths for pedestrian and cyclists and connectivity through the Stages 1 and 2 industrial areas (currently under construction) and through to the Morrinsville urban area.
14. Tara Hills has provided Supplementary Evidence dated 20 February 2024 and Naomi McMinn has prepared a Supplementary Statement of Evidence dated 26 February 2024 which detail their respective positions on what form of shared path is appropriate.
15. The key difference is Ms Hills considers that a lower standard of shared path will provide appropriate function and utility for cyclists and pedestrians based on predicted levels of movements. Ms McMinn has taken into account the additional assessment provided by Ms Hills and has presented an amended position for a 2m shared path and a 1.8m footpath to connect the plan change site to Avenues Road.
16. The Commissioners will need to consider the merits of the respective expert positions and determine what is the appropriate provision for shared paths and connectivity.

¹ Drew – Statement of Evidence dated 21 February 2024, para.5.7(c).

5 INFRASTRUCTURE AND SERVICING

17. There are no substantive matters outstanding in relation to the infrastructure and servicing requirements for future industrial development within the plan change site. This takes into account the technical reporting that has been submitted and reviewed as part of the plan change process and that all future subdivision and development on the site will be subject to consent processes and compliance with the DAP and plan provisions.
18. There remains some difference of opinion on how the off-site wastewater pump station upgrades should be included in the Development Area Plan (DAP) and whether any upgrades should explicitly be stated as falling to the responsibility and cost of the Applicant.
19. I note that Dali Suljic on behalf of the Applicant considers that the upgrades should be funded through the Council Development Contributions² and that the final solution should be decided at the time of any future consents³.
20. Nathan Sutherland on behalf of MPDC (as submitter) has addressed the requirements for wastewater upgrades and also the alternative option of a Developer Agreement to confirm any cost allocation provision⁴.
21. I am not opposed to the DAP referring to alternate pump station upgrade options with the final decision to be determined at the consent stage. I understand the pumpstation upgrade (if required) will only serve the additional wastewater flow from the Private Plan Change 58 site and it is not contained within the current or proposed Development Contribution Policy. Therefore on this basis, there is no compelling reason why the cost of this upgrade should not fall on the Applicant. In my view, it is appropriate to address this through the DAP provisions or through an alternate Development Agreement method as discussed in the evidence of Mr Sutherland. Given that MPDC (as submitter) has signalled their preference now for a developer agreement, this matter be best addressed with caucusing between Mr Inger, Mr Sutherland and myself.

5 LANDSCAPE BUFFER

22. In my S.42A planning report, I identified a number of outstanding matters associated with the proposed landscaping buffer including the type and effectiveness of the proposed planting, provision for long term maintenance and the location of the buffer within a proposed road reserve.
23. Joanna Soanes has provided expert landscape and visual assessment on behalf of the Applicant and has also provided additional information and discussion of the matters raised in my S.42A planning report.
24. The recommendation from the Applicant is now that the 'mixed planting' approach (Option 1) is adopted and the Cryptomeria Hedge (Option 2) is abandoned. Additional

² Suljic – Statement of Evidence dated 14 February 2024, para39.

³ Ibid, para.57.

⁴ Sutherland – Statement of Evidence dated 21 February 2024, Section 5.9.

discussion around the effective and purpose of the landscape buffer is also presented including a new cross section showing planting at a maturity of 10 – 15 years – refer **Figure 1**.



Figure 1: Landscape Cross-section – Statement of Evidence 14 February – Graphic Supplement Figure 4.

25. I accept and concur with the position of Ms Soanes that the purpose of the landscape buffer is not to provide full screening of future industrial development⁵ and I support details of the landscape buffer being included within the DAP. This will ensure a level of certainty on the type and nature of buffer planting which is required.
26. In terms of the landscaping buffer, I am broadly satisfied with the landscape response and additional discussion set out in the Applicants' evidence. The only reservations that I retain are as follows:
- (i) The landscape cross section in **Figure 1** shows the planting at maturity extending some distance outside the 5m landscape corridor. This would seem to be inconsistent with the assessment in Ms Soanes evidence that the 5m buffer width is sufficient⁶. Unless there can be assurance that the planting can provide effective mitigation over the long term and be maintained in a healthy condition within the 5m buffer, then it may be necessary for the buffer to be increased in width to 6 or 7m.

⁵ Soanes – Statement of Evidence dated 14 February 2024, para.70.

⁶ Ibid, para.77.

- (ii) There will need to be further consideration of the planting type and road reserve width if the landscape buffer is to form part of the road reserve in the lower section of the DAP. In my opinion, the DAP provisions would benefit from the following amendments;

9.6.1 Transportation Works

Subdivision and development within the Avenue Business Park Development Area Plan (ADAP) shall provide:

- (c) *All public roads within the ADAP shall be constructed to local road standard with a minimum 20m wide road reserve width, a minimum 10m wide carriageway made up of two traffic lanes and parking on one side and a minimum 1.8m footpath on one side. The public roads shall include stormwater provision which may need additional space. Where the landscape buffer is proposed within the road reserve, additional road reserve width shall also be required.*

9.6.3 Landscaping

- b) *Landscaping within the stormwater management reserve area which is identified on the ADAP and within public roads. Preference shall be given to native plant species and cultural narratives shall be incorporated within the landscaping design. Any landscape buffer planting within a road reserve will specifically need to address long term maintenance and any potential effects on road infrastructure and services within the road corridor.*

6 LAND SUPPLY AND NPS-HPL

27. As discussed in the S.42A planning report and also the planning evidence from Ben Inger, the assessment of industrial land supply and the NPS-HPL are key matters for consideration by the Commissioners.
28. The Applicant has presented assessment and evidence on land supply from Kevin Counsell with Fraser Colegrave appointed to provide independent review and analysis as part of the S.42 assessment and reporting. Mr Counsell has reached a view that there is a *strong economic case* to provide additional industrial land in Morrinsville⁷. Mr Colegrave presents a more nuanced assessment of land supply⁸ and considers that while it is difficult to determine the extent of shortfall with certainty, there are sufficient grounds to support higher growth models which identify a shortfall of industrial land in Morrinsville⁹ in the medium term.

⁷ Counsell – Statement of Evidence dated 14 February 2024, para.50.

⁸ Insight Economic Peer Review dated 6 February 2024, Section 4.3.

⁹ Ibid, Section 4.4

29. Overall, both economic experts reach a conclusion that the plan change request can be supported from an economic and land supply perspective and that the additional industrial land supply will help to address an otherwise unmet demand. This assessment is necessary given the provisions within Clause 3.6(4) and 3.6(5) of the NPS-HPL.
30. I also note that Waikato Regional Council lodged a submission addressing the provisions of the NPS-HPL, and that they have advised subsequent to the issue of the S.42A planning report that they no longer wish to attend the hearing while confirming that their submission points stand.

7 PLANNING EVIDENCE

31. There is little material difference in the overall planning assessment and analysis presented by Ben Inger on behalf of the Applicant and myself as the S.42A reporting planner.
32. We have both referred to and relied upon technical advice and input to support the plan change assessment and there are some relatively narrow issues which have not been fully resolved.
33. There also remains a difference of opinion between Mr Inger and myself on the activity status for subdivision and activities which are not *in general accordance* with the DAP. Our respective positions have been set out in our evidence and do not need to be repeated. Mr Sutherland has also addressed this in evidence for MPDC as submitter.
34. I continue to hold a preference for a non-complying activity status for the reasons set out in my S.42A report. This includes aligning this plan change with the other structure plans/DAPs in the District Plan as set out in Rule 6.3.3 below

6.3.3 Structure Plan Areas and Development Area Plans

i. Additional Performance Standards

Compliance with the relevant Structure Plan or Development Area Plan for subdivision within the following areas:

- Eldonwood South Structure Plan
- Tower Road Structure Plan
- Banks Road, Matamata Structure Plan
- Banks Road to Mangawhero Road Structure Plan
- Lockerbie Development Area Plan

Note: The Structure Plans and Development Area Plans provide important rules that affect the type of subdivision which may be granted including in some cases, restrictions on the number of lots that may be consented.

ii. Restricted Discretionary Assessment Criteria

See Section 6.5.

iii. Non-compliance

Subdivisions within the Structure Plan areas and Development Area Plans that fail to comply with the additional restricted discretionary standard in 6.3.3(i) above shall be a non-complying activity.

7 CONCLUSION

35. In conjunction with the S.42A planning report and recommendation, I support the granting of the plan change request. I note that there are some remaining differences of opinion on relatively narrow issues associated with the final rule methods which will need to be considered and determined by the Commissioners should you decide to approve the plan change. In terms of the off-site infrastructure matters, it may be useful for the Commissioners to set directions for caucusing to establish whether a final agreement can be reached on the DAP provision or the alternate method for a Developer Agreement.



Todd Whittaker (MNZPI)
Independent Planning Consultant
26 February 2024