

BEFORE A HEARING COMMISSIONER

IN THE MATTER of the Resource Management Act 1991 (RMA)

AND

IN THE MATTER of hearing submissions and further submissions in respect
of Matamata-Piako District Council - Plan Change 58 -
Avenue Business Park

**STATEMENT OF BEN MAXWELL INGER ON BEHALF OF WARWICK AND
MARION STEFFERT**

PLANNING

14 FEBRUARY 2024

INTRODUCTION

- 1 My full name is Ben Maxwell Inger.
- 2 I am a Senior Planner and Director at Monocle, in Hamilton. I hold the qualifications of Bachelor of Planning (Honours) from the University of Auckland. I am a Full Member of the New Zealand Planning Institute.
- 3 I have 17 years' planning experience. Over this time, I have been employed in private consultancies working for both private and public sector clients, including developers and local authorities in the Waikato region. In my previous role at Harrison Grierson, which I held until November 2020, I was responsible for managing the company's operations in the Waikato region.
- 4 My experience includes preparation of plan changes and submissions and planning evidence related to proposed district plans, as well as preparation and processing of resource consent applications for residential, commercial and infrastructure projects. I am a current member of Hamilton City Council's Urban Design Panel.
- 5 My recent experience relevant to the proposed plan change includes:
 - (a) Preparation of subdivision and land use consent applications for Stage 1 of the Avenue Business Park (2021-2022);
 - (b) Master planning inputs, consultation, planning evidence and involvement in Environment Court mediation for private Plan Change 20 to the Waipa District Plan involving a 130 hectare extension of the business park surrounding Hamilton Airport on behalf of Titanium Park Ltd and Rukuhia Properties Ltd (2019-present);
 - (c) Close liaison with Hamilton City Council on behalf of The Adare Company Ltd as a contributor to draft provisions for Plan Change 5 – Peacocke to the Hamilton City District Plan, as well as preparation of submissions and further submissions and involvement in expert conferencing (2021-2022);
 - (d) Preparation of submissions and planning evidence on behalf of The Adare Company Limited for Plan Change 9 – Historic Heritage

and Natural Environment to the Hamilton City District Plan (2022-present); and

- (e) Preparation of submissions, further submissions and planning evidence on behalf of Rangitahi Limited and Ohinewai Lands Limited for the Proposed Waikato District Plan related to urban growth in Raglan and Ohinewai respectively (2019-2022).

6 In relation to this hearing I am authorised to give evidence on behalf of Warwick and Marion Steffert (**Steffert**).

CODE OF CONDUCT

7 I have read the Environment Court's 'Code of Conduct for Expert Witnesses' as contained in the Environment Court's Consolidated Practice Note 2023 and agree to comply with it. I have complied with it when preparing my written statement of evidence and I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

EXECUTIVE SUMMARY

8 Proposed Plan Change 58 (**PC58**) for land near the western edge of Morrinsville proposes to rezone 13.4ha from Rural Zone to General Industrial Zone. The plan change will provide for approximately 10.1ha of additional developable land to the industrial land supply for Morrinsville once expected non-developable areas such as roads, stormwater and wastewater infrastructure are excluded.

9 Below is a summary of the position reached in this evidence on the significant matters:

- (a) PC58 proposes to introduce a new Chapter 18 for the GIZ in Part B of the Operative Matamata-Piako District Plan (**ODP**), including new objectives, policies, rules, matters of discretion and reasons. The format and content of the PC58 provisions is consistent with the National Planning Standards. Other changes are also proposed, including the inclusion of the Avenue Business Park Development Area Plan (**ADAP**) in the ODP to guide future development and establish the key planned outcomes.
- (b) Consultation was undertaken with Matamata-Piako District Council (**MPDC**) staff, neighbouring landowners, Ngati Haua Iwi Trust

(**NHIT**), Waikato-Tainui, Waka Kotahi and WRC prior to lodgement of the Plan Change Request. The Applicant has continued to engage regularly with MPDC staff and further meetings and discussions have been held with several submitters (Davenport, Hexter, Calcutta Farms and MPDC).

- (c) PC58 will give effect to the National Policy Statement on Urban Development 2020 (**NPS-UD**). The Applicant's economic evidence determines that the proposed rezoning is required to provide sufficient development capacity for industrial land in Morrinsville in the short-medium term (1-10 years). PC58 will also contribute to a well-functioning urban environment.
- (d) PC58 meets the requirements for urban rezoning of highly productive land under clauses 3.6(4) and 3.6(5) of the National Policy Statement for Highly Productive Land 2022 (**NPS-HPL**). The proposed rezoning is consistent with policy 5 which relates to urban rezoning.
- (e) PC58 is consistent with the Operative Waikato Regional Policy Statement (**WRPS**), including recent changes introduced through Change 1. The proposed rezoning is consistent with the development principles in APP11 of the WRPS and with other provisions related to new urban development in Tier 3 areas (which includes Morrinsville). Particular regard must be had to the development capacity that PC58 will provide because the proposed rezoning is consistent with the responsive planning criteria in APP14.
- (f) PC58 is also consistent with other relevant plans and policies, including the Emissions Reduction Plan, National Adaptation Plan, Waikato-Tainui Environmental Plan, Ngati Haua Environmental Management Plan, Future Proof Growth Strategy 2022 and strategic growth objectives and policies within the ODP. While the Morrinsville Town Growth Strategy 2013 (**MTS**) does not identify the PC58 site as land for industrial expansion, the proposed rezoning does not create any conflicts with other urban growth outcomes which are identified in the strategy.
- (g) The environmental effects that are most relevant to PC58 and matters raised in submissions relate to loss of highly productive

land, infrastructure, traffic, landscape and visual and noise effects (including associated effects on amenity values). Effects associated with the loss of approximately 7.9ha of highly productive land will be low. Effects associated with the other matters can be avoided, remedied and mitigated, as required through the proposed PC58 provisions and future resource consents.

- (h) The s42A Report recommends that PC58 is approved but identifies several matters where responses and clarification have been sought. These are matters of detail which have subsequently been addressed in the technical evidence for the Applicant and in my planning evidence.
- (i) I consider that that the PC58 site is well suited for the proposed rezoning and industrial development and that it is appropriate for the Plan Change Request to be approved.

BACKGROUND

- 10 I have been engaged by the Stefferts in relation to the proposed Plan Change since 2021. Over this time, I have regularly liaised with MPDC staff and consultants and I have been involved in consultation with neighbours and stakeholders. I was the author of the planning inputs into the Plan Change Request dated 22 December 2022. I also contributed to the further information response dated 1 May 2023 and I prepared the planning inputs into the Plan Change Request Addendum dated 30 November 2023.
- 11 I am familiar with the application site and the surrounding locality. I grew up in Morrinsville and have visited the site and the locality on multiple occasions since 2021.

SCOPE OF EVIDENCE

- 12 This evidence has been prepared on behalf of the applicants, the Stefferts, who have requested a private plan change to the Matamata-Piako District Plan to rezone approximately 13.4ha of rural land from Rural Zone to General Industrial Zone (**GIZ**) on the western side of Morrinsville, between Avenue Road North and SH26.
- 13 My evidence addresses planning matters and responds to submissions made on the PC58 application and relevant parts of the s42A Report.

- 14 My evidence covers:
- (a) Application site and surrounding area;
 - (b) Overview of Plan Change proposal;
 - (c) Statutory assessment;
 - (d) Assessment of Environmental Effects;
 - (e) Response to matters raised in submissions;
 - (f) Response to matters raised in s42A Report; and
 - (g) Conclusion.
- 15 In the course of preparing this evidence I have considered:
- (a) The application lodged with Council on 22 December 2022, further information provided on 1 May 2023 and the Plan Change Request Addendum dated 30 November 2023;
 - (b) The 14 submissions and 1 further submission; and
 - (c) The s42A Report dated 7 February 2024.
- 16 My evidence is to be read in conjunction with the PC58 application and further information referred to above, and the evidence presented by the following persons:
- (a) Mr Chris Steffert who has provided a statement on behalf of the Applicant;
 - (b) Mr Kevin Counsell of NERA Economic Consulting who has provided expert evidence on economic matters;
 - (c) Mr Dali Suljic of Tekus Consultants Limited who has provided expert evidence on engineering and servicing matters;
 - (d) Ms Tara Hills of Direction Traffic Design Limited who has provided expert evidence on traffic and transportation matters;
 - (e) Mr Jeremy Hunt of AgFirst who has provided expert evidence on soil resource matters;
 - (f) Ms Joanna Soanes of Boffa Miskell who has provided expert evidence on visual and landscape matters; and

- (g) Mr Mathew Cottle of Marshall Day Acoustics who has provided expert evidence on noise and vibration matters.

APPLICATION SITE AND SURROUNDING AREA

- 17 The Stefferts own 14.265ha of land which is currently zoned Rural under the ODP. The family has owned this land for approximately 35 years. PC58 proposes to rezone 13.4ha of this land from Rural to GIZ. The balance of the land, which is approximately 8650m² and fronts State Highway 26 (SH26), contains the Stefferts' existing dwelling. That balance land will retain its Rural zoning.
- 18 The site is located on the western side of Morrinsville. It immediately adjoins Industrial zoned land to the east, including Stage 1 of the Avenue Business Park and part of the Bowers Concrete site, and Rural zoned land to the north, south and west (**Figure 1**). There is also Business zoned land located on both sides of SH26. The Business zoned land extends slightly further west on the southern side of SH26 than on the northern side of SH26.
- 19 The PC58 site is currently predominantly in pasture and is used as a small drystock beef farm. It comprises a flat area in the south (approximately 8.8ha) and a moderately sloping area in the north (approximately 4.6ha). There are farm drains within the site but no natural waterways.
- 20 The Stefferts are part-owners/developers of Stage 1 of the Avenue Business Park. The Stage 1 development consists of a site of approximately 10.7ha. Resource consent was granted by MPDC for the Stage 1 subdivision in 2022 and titles are being created in two sub-stages.

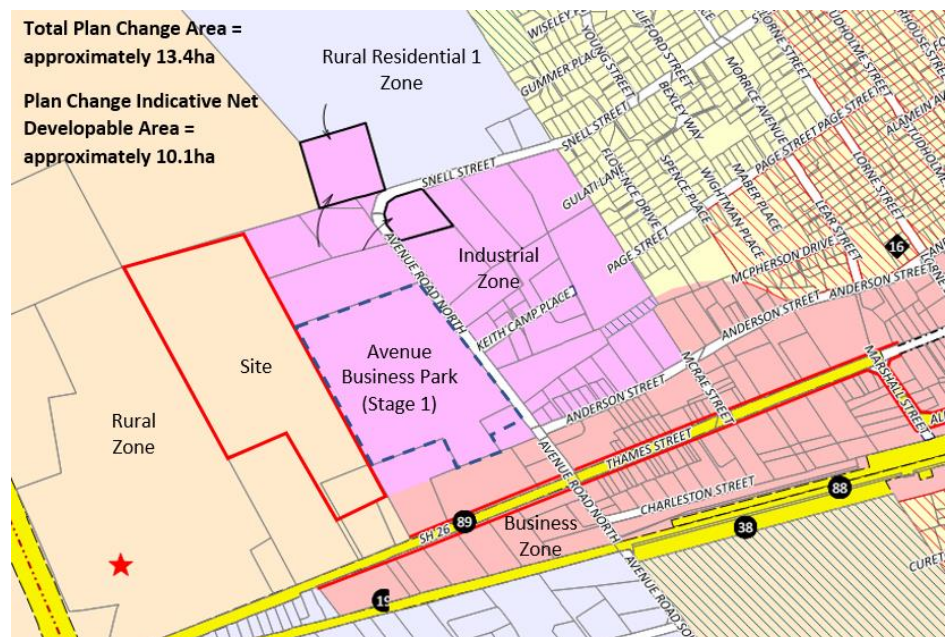


Figure 1: PC58 Site and Current Zoning

- 21 Titles for the first sub-stage were issued in late-November 2023. All eleven of the industrial lots within that sub-stage have been sold. Development of two of the lots has commenced and development of other lots is likely to commence shortly. Titles for the second sub-stage are expected to issue in mid-2024. Three of the eight industrial lots within the second sub-stage have been sold. The remaining five titles have not been put on the market for sale yet.
- 22 The earthworks associated with the Stage 1 development have involved modification of the northern part of the PC58 site, principally to provide a source of fill material. The earthworks within the PC58 site were authorised under the resource consents which were granted for the Stage 1 development by Waikato Regional Council (**WRC**) in March 2022 and by MPDC in April 2022.
- 23 The Stage 1 development includes provision for access to the PC58 site through a new road from Avenue Road North which is called Magistrate Avenue. The Stage 1 development and Magistrate Avenue are shown in **Figure 2**.
- 24 Other land east of the PC58 site has also recently been developed as part of an approximately 5.4ha extension of Bowers Concrete's operations. The Avenue Business Park Stage 1 and Bowers Concrete developments, together with other existing industrial development to the east of Avenue Road North, collectively contribute to an environment surrounding the PC58 site that is increasingly characterised by industrial land use.



Figure 2: Avenue Business Park Stage 1 (December 2023)

OVERVIEW OF PLAN CHANGE PROPOSAL

Industrial Land Supply and Demand

- 25 The Industrial zoned land which is located east of the PC58 site (on both sides of Avenue Road North) is the largest Industrial zoned area under the ODP within the Morrinsville township, with a total area of approximately 38.2ha. I recently prepared an assessment¹ which identifies that only 11.9ha of this land remains vacant for future development, including 6.5ha of land within Avenue Business Park Stage 1 which has already been sold. There is no vacant industrial land supply anywhere else within Morrinsville, nor is there any vacant industrial land supply within the industrial area south of the township on Morrinsville-Walton Road (also referred to as Morrinsville South).
- 26 The proposed rezoning of the PC58 site will provide approximately 10.1ha of additional developable land to assist in meeting future demand. If approved, PC58 will form Stage 2 of the Avenue Business Park development. Mr Steffert has explained that it is the Applicant's intention to develop the Stage 2 land within 2-3 years, which allows time for resource consents to be obtained². His statement describes the strong demand which has been experienced for Stage 1 and the factors influencing that demand, including the proximity of Morrinsville to the Waikato Expressway and the Ruakura Inland Port and the high cost of industrial land and development contributions in Hamilton.
- 27 The Applicant's economic expert, Mr Counsell, estimates demand for 24.9ha of industrial land in Morrinsville over the short-medium term period (2023-2033) in a high employee density scenario with no competitiveness margins under the NPS-UD³. This demand would result in a supply shortfall of 13ha without PC58⁴. If competitiveness margins were added the shortfall would be 18ha.
- 28 The Business Demand and Capacity Assessment (**BDCA**), which was prepared for MPDC by Market Economics in November 2023, estimates demand for 19ha of industrial land in Morrinsville over the short-medium

¹ 'Morrinsville Industrial Land Supply Memo' by Monocle dated 23 November 2023. Refer to Appendix A of the 'Updated Economic Analysis of Plan Change 58' by Nera Consulting dated 23 November 2023.

² Steffert EIC para. [17].

³ Counsell EIC Table 2.

⁴ Counsell EIC para. [49(b)].

term (2023-2033) in a high employee density scenario with no competitiveness margins under the NPS-UD. Mr Counsell has also assessed the sufficiency of industrial land supply based on a scenario that utilises the demand side analysis from the BDCA combined with the supply side analysis that I undertook (as discussed above). In this scenario, Mr Counsell has identified that there would be a shortfall of 7.1ha without PC58⁵.

- 29 Mr Counsell has urged caution with the risk of a false sense of precision being applied to demand estimates⁶. He considers that a high employee density scenario is appropriate to use for determining sufficiency to err on the side of caution⁷.
- 30 It is important to consider the inherent difficulties with estimating industrial land demand, including the possibility that available supply could quickly be consumed by one or two large developments. Mr Steffert's statement provides an example of this where he has received enquiry for sites as large as 6ha, which he is currently unable to accommodate⁸.
- 31 The industrial land supply should be able to accommodate a variety of sites that are suitable for different businesses.

Proposed Changes to ODP

- 32 The proposed changes to the ODP are included in **Attachment 1** of my evidence. These provisions include several further changes in response to matters raised in the evidence of the Applicant's experts and the s42A Report, as well as some drafting improvements. The provisions are summarised below⁹:
- (a) Rezone the PC58 site from Rural to GIZ by amending the planning maps in Part C;
 - (b) Introduce a new Chapter 18 for the GIZ in Part B, including new objectives, policies, rules, matters of discretion and reasons;

⁵ Counsell EIC Table 5.

⁶ Counsell EIC para. 44.

⁷ Counsell EIC para. [69].

⁸ Steffert EIC para. 22.

⁹ Attachment 1 includes the version of the proposed changes dated 30 November 2023 which was included in the Plan Change Request Addendum (Appendix 4). The Plan Change Request Addendum also contains a further evaluation of the post-notification changes in accordance with section 32AA RMA (Appendix 5).

- (c) Amendments to signage rules in Section 3.9;
 - (d) Amendments to noise and vibration rules in Section 5;
 - (e) Amendments to subdivision rules in Section 6, including new standards for subdivision in the GIZ and in the Avenue Business Park Development Area Plan (**ADAP**) area;
 - (f) An amendment to a works and network utilities rule in Section 8;
 - (g) Amendments to Appendix 9 to introduce new schedule of works requirements for the ADAP;
 - (h) Amendments to introduce new definitions in Section 15; and
 - (i) Insert the ADAP into Part C, including the overall plan for the PC58 site and the landscape buffer cross-section diagram¹⁰.
- 33 There are two proposed objectives and six proposed policies for the GIZ. The objectives and policies seek to enable industrial activities and non-industrial activities that are ancillary to, support or are consistent with industrial activities to establish and operate within the GIZ. Adverse effects on adjoining non-industrial zones and reserves must be avoided or mitigated and roading and three waters infrastructure is required to be provided.
- 34 I have recommended some changes to policy GIZ-P4, as follows:
- ~~“The adverse effects of industrial and non-industrial activities are contained within the GIZ boundary shall be managed to avoid or mitigate adverse effects on amenity within other zones, including existing residential units”.~~*
- 35 This is because it is not practical to expect that all effects associated with activities within the GIZ will be contained within the GIZ boundary. For example, noise is proposed to be measured at the notional boundary of dwellings in the Rural Zone and industrial development cannot be fully screened such that there will be no adverse effects whatsoever beyond the GIZ. This is a normal situation at the interface of any industrial and non-industrial area. The amended wording that I have recommended for

¹⁰ The ADAP and landscape cross-sections are contained in Attachment 1 of my evidence.

the policy requires effects on amenity within other zones from industrial and non-industrial activities within the GIZ to be avoided or mitigated.

- 36 The proposed rules provide for a range of Permitted Activities¹¹ subject to compliance with relevant standards. The Permitted Activities include (but are not limited to) any industrial activity excluding those requiring an air discharge consent, building improvement centres, yard based retail, wholesale retail and trade supply, small cafes and takeaway food outlets, service stations and veterinary clinics. Most other activities are Non-Complying Activities¹², except for educational facilities, places of assembly and boarding kennels and catteries which are all Discretionary Activities¹³. The Non-Complying Activities specifically include wet industry¹⁴ and industrial activity that requires an air discharge consent.
- 37 The proposed standards for the GIZ¹⁵ address a range of matters, including height, yards, height in relation to boundary, fencing and retaining walls, landscaping, noise, service and outdoor storage areas, site layout and water management. Infringement of the standards results in a resource consent being required as either a Restricted Discretionary Activity where one or two standards are not met¹⁶ or as a Discretionary Activity where three or more standards are not met¹⁷.
- 38 Performance standards in other chapters of the ODP are also relevant¹⁸. For example, signage, noise, vibration, lighting and glare and transportation (amongst others).
- 39 Subdivision is proposed to be a Restricted Discretionary Activity¹⁹ where relevant standards are met, except for boundary adjustments which are a Controlled Activity²⁰. The minimum lot size is 1000m² with a minimum dimension of 20m, except for access and reserve lots which have no minimum lot size or shape requirements²¹. This compares with Controlled

¹¹ GIZ-R1(1).

¹² GIZ-R1(4).

¹³ GIZ-R1(3).

¹⁴ The proposed definition for 'wet industry' includes any activity that requires more than 10,000 litres of water per day from the municipal supply and/or that discharges more than 10,000 litres of wastewater per day.

¹⁵ GIZ-R2.

¹⁶ GIZ-R1(2)(a).

¹⁷ GIZ-R1(3)(a).

¹⁸ The relevant sections are listed in GIZ-R2(12).

¹⁹ Rule 6.1.2(l).

²⁰ Rule 6.1.1(a).

²¹ Rule 6.3.15(i)(a).

- Activity status and 500m² minimum lot size for subdivision in the Industrial Zone.
- 40 Subdivision which does not comply with the ADAP is a Discretionary Activity²² and subdivision of lots less than the minimum lot size is a Non-Complying Activity²³.
- 41 The purpose of the ADAP, which will be included in Part C of the ODP, is to guide future development and establish the key planned outcomes for the PC58 site. The ADAP includes an overall plan which identifies features such as the location of access to Avenue Road North, a 5m landscape buffer along boundaries with neighbouring sites in the Rural Zone, indicative local road networks, an indicative stormwater management reserve and an indicative utility reserve (for a potential wastewater pump station). Cross sections for the landscape buffer are also proposed to be included.
- 42 Proposed Appendix 9.6.1 contains a Schedule of Works for the ADAP which addresses specific transportation, walking and cycling, landscaping, three waters and earthworks requirements.
- 43 The PC58 provisions have been modelled on the proposed provisions for Plan Change 57 (**PC57**) which is a separate private plan change that seeks to rezone land from Rural Zone to GIZ in Matamata. This was because a lot of work had already been undertaken between Calcutta Farms (the applicant for PC57) and MPDC staff on the GIZ provisions when work on PC58 began and MPDC staff requested that the draft provisions be used for PC58. PC57 was notified before PC58 but it is currently on-hold so it is likely that the decision on PC58 will be issued first.
- 44 There are several provisions related to 'Key Transport Corridors' which I am now recommending be deleted because they were relevant to PC57 but not to PC58. The term Key Transport Corridors was defined in the notified provisions as meaning a state highway, arterial road or collector road. None of these roads are proposed within or adjacent to the PC58 site. If PC57 proceeds then the provisions can potentially be introduced through that plan change.

²² Rule 6.3.3(iii).

²³ Rule 6.3.15(iii).

- 45 Numerous discussions have been held between the PC57 and PC58 proponents and MPDC staff to ensure a consistent drafting approach such that there are relatively few differences between the proposed GIZ provisions for the two plan changes. It is likely that the GIZ provisions may eventually apply to other industrial areas in the District, although this would require a separate change to the ODP.

Consultation

- 46 Consultation was undertaken with MPDC staff, neighbouring landowners, Ngati Haua Iwi Trust (**NHIT**), Waikato-Tainui, Waka Kotahi and WRC prior to lodgement of the Plan Change Request. The consultation outcomes are summarised in Section 4 of the Plan Change Request. The summary explains that no significant issues or objections were raised during the pre-lodgement consultation.
- 47 The Plan Change Request includes a Cultural Values Assessment (**CVA**) which was prepared by NHIT. The CVA confirms that NHIT is not opposed to PC58 provided the recommendations in the CVA are addressed. The Plan Change Request describes how this has occurred²⁴. Prior to lodgement of the Plan Change Request, Waikato-Tainui confirmed that they are happy with the recommendations in the CVA and had no specific comments to make. Neither NHIT nor Waikato-Tainui has submitted on PC58.
- 48 In the period following lodgement of the Plan Change Request, the Applicant has continued to engage regularly with MPDC staff and meetings and discussions have been held with several submitters (Davenport, Hexter, Calcutta Farms and MPDC).

STATUTORY ASSESSMENT

- 49 The Plan Change Request is made in accordance with Parts 1 and 2 of Schedule 1 to the RMA. The Plan Change Request also refers to the relevant requirements in 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) of the RMA. The Plan Change Request Addendum addresses section 32AA (requirements for

²⁴ Section 7.1.9, Plan Change 58 – Avenue Business Park Request for Plan Change.

undertaking and publishing further evaluations) and an updated version of the section 32AA evaluation is included in **Attachment 2** of my evidence.

- 50 The statutory documents which are relevant to PC58 are addressed in full in Section 8 of the Plan Change Request. The Plan Change Request Addendum contains an updated assessment of PC58 in relation to the NPS-UD, NPS-HPL and Change 1 to the WRPS.
- 51 The following part of my evidence addresses the relevance of Part 2 of the RMA and provides a summary of the assessments against the relevant statutory documents.

Part 2 of the RMA

- 52 The relevance of Part 2 of the RMA to an assessment of the Plan Change request is subject to the findings of the Supreme Court's decision in *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38. That decision confirmed that there is no need for recourse up the hierarchy of provisions to Part 2 except where higher order planning documents are invalid, have incomplete coverage or have uncertain meaning.
- 53 In my opinion it is unnecessary for recourse to be had to Part 2 because the higher order planning documents are not invalid, incomplete or uncertain in their meaning. The higher order documents have been prepared in accordance with Part 2 of the RMA.

National Planning Standards

- 54 The purpose of national planning standards is to provide national consistency for RMA plans. The format and content of the PC58 provisions is consistent with the National Planning Standards, including the introduction of a new GIZ which is proposed to apply to the PC58 site. While there is no "Industrial Zone" listed in the Zone Framework Standard (Part 8), the GIZ is listed and is described in Table 13 to mean "*Areas used predominantly for a range of industrial activities. The zone may also be used for activities that are compatible with the adverse effects generated from industrial activities*". It is for this reason that a new GIZ chapter is proposed for PC58, rather than adoption of the existing Industrial zoning and associated provisions which are currently in the ODP.

National Policy Statement on Urban Development 2020

55 The NPS-UD is an important policy which PC58 is required to “give effect” to²⁵. A detailed assessment of PC58 in terms of the NPS-UD is provided in the Plan Change Request²⁶ and Plan Change Request Addendum²⁷. In summary:

- (a) MPDC is a Tier 3 local authority under the NPS-UD. Clause 3.3 requires that every Tier 3 local authority must provide at least sufficient development capacity in its region or district to meet expected demand for business land from different business sectors in the short-term, medium-term and long-term. To be sufficient to meet expected demand, the development capacity must be plan-enabled and infrastructure-ready. Of particular relevance to PC58 is that for the short-term land must be zoned in a district plan and there must be adequate existing infrastructure to support development of the land. For the medium-term land must be zoned in either a district plan or a proposed district plan and there must either be adequate existing infrastructure to support development of the land or funding for the infrastructure must be identified in a long-term plan.
- (b) Clause 3.3 also requires Tier 1 and 2 local authorities to provide development capacity to meet expected demand plus a ‘competitiveness margin’ which is 20% for the short-term and medium-term. Tier 3 local authorities, such as MPDC, are not required to provide for a competitiveness margin, although clause 1.5 strongly encourages Tier 3 local authorities to do things that Tier 1 and 2 local authorities are required to do under the NPS-UD.
- (c) The demand and supply assessments which are detailed in Mr Counsell’s evidence conclude that the additional 10.1ha of industrial land supply that the PC58 rezoning will provide is required to meet expected demand for industrial land in Morrinsville in the short-medium term. Even with no competitiveness margins, there would be a shortfall of 13ha without the additional industrial land supply from PC58 based on Mr Counsell’s demand estimate. The shortfall would be 18ha with competitiveness margins applied.

²⁵ Section 75(3)(a) RMA.

²⁶ Section 8.2.1.

²⁷ Section 2.5.

- (d) Clause 3.7 requires that if a local authority determines that there is insufficient development capacity over the short, medium or long terms and the insufficiency is a result of RMA planning documents (such as a district plan) then it must change those documents as soon as practicable to increase development capacity.
- (e) Clause 3.8 and Policy 8 require that a responsive approach must be taken to unanticipated or out-of-sequence developments where they would provide significant development capacity and contribute to a well-functioning urban environment. Clause 3.8(3) requires criteria for determining what plan changes will be treated as adding significantly to development capacity to be included in regional policy statements. Those criteria have recently been added to the WRPS through Change 1 and they are contained in APP14. My assessment of PC58 against the criteria is provided in **Attachment 4** which demonstrates that the criteria are met. In my opinion, PC58 will also achieve a well-functioning urban environment. Therefore, a responsive approach to the Plan Change Request is required.
- (f) Local authorities must give effect to the relevant objectives and policies in Part 2 of the NPS-UD. PC58 is consistent with the objectives and policies. It will contribute to a well-functioning urban environment by enabling a logical expansion of an existing industrial area, providing good accessibility between housing and jobs, improving the competitiveness of land and development markets, enabling a variety of sites that are suitable for different business sectors and contributing to the requirement for at least sufficient development capacity to be provided to meet expected demand.

56 PC58 will therefore “give effect” to the NPS-UD. MPDC is required to address the current insufficiency with the supply of industrial land in Morrinsville as soon as practicable and must take a responsive approach to the Plan Change.

National Policy Statement for Highly Productive Land 2022

57 The NPS-HPL is also an important policy which PC58 is required to “give effect” to²⁸. A detailed assessment of PC58 in terms of the NPS-HPL is

²⁸ Section 75(3)(a) RMA.

provided in the Plan Change Request²⁹ and Plan Change Request Addendum³⁰. In summary:

- (a) Mr Hunt has concluded that approximately 7.9ha of the PC58 site consists of Land Use Capability 2 (LUC 2) soils which is defined as 'highly productive land' under the NPS-HPL.
- (b) The objective of the NPS-HPL is "*Highly productive land is protected for use in land-based primary production, both now and for future generations*". Policy 5 is "*The urban rezoning of highly productive land is avoided, except as provided in this National Policy Statement*".
- (c) Clause 3.6 relates to restricting urban rezoning of highly productive land. Clause 3.6(4) of the NPS-HPL applies to urban rezoning of highly productive land by territorial authorities that are not Tier 1 or 2. It is relevant to PC58 because MPDC is a Tier 3 authority. It states:

- "(4) *Territorial authorities that are not Tier 1 or 2 may allow urban rezoning of highly productive land only if:*
 - (a) *the urban zoning is required to provide sufficient development capacity to meet expected demand for housing or business land in the district; and*
 - (b) *there are no other reasonably practicable and feasible options for providing the required development capacity; and*
 - (c) *the environmental, social, cultural and economic benefits of rezoning outweigh the environmental, social, cultural and economic costs associated with the loss of highly productive land for land-based primary production, taking into account both tangible and intangible values*".

- (d) I consider the proposed urban rezoning meets the requirements in clause 3.6(4) for the following reasons:
 - i. As I have previously explained, Mr Counsell's evidence concludes that all the land that is proposed to be rezoned by

²⁹ Section 8.2.2.

³⁰ Section 2.6.

PC58 is required to provide sufficient development capacity for industrial land in Morrinsville in the short-medium term under the NPS-UD. Therefore, the requirement in clause 3.6(4)(a) is met.

- ii. Clause 3.6(4)(b) requires consideration of other reasonably practicable and feasible options for providing the required development capacity. Morrinsville currently has three Industrial zoned locations where expansion of industrial activities might be reasonably practicable and feasible. One of the locations is the industrial area around Avenue Road North which is proposed to be expanded through PC58. The other two locations are the Fonterra and Greenlea Sites on the southern edge of Morrinsville and the Morrinsville-Walton Road Industrial Area (also referred to as Morrinsville South). Mr Hunt's evidence concludes that the PC58 site has less highly productive land and a lower relative productive capacity than the other two locations. I do not consider establishing an entirely new industrial area somewhere else on the urban edge of Morrinsville to be a reasonably practicable and feasible option as co-location benefits would not be achieved and adverse effects associated with industrial development would be introduced into a new area. Therefore, the requirement in clause 3.6(4)(b) is met.
- iii. Clause 3.6(4)(c) requires consideration of the environmental, social, cultural and economic benefits and costs of rezoning in relation to the loss of highly productive land. It requires that the benefits must outweigh the costs. An assessment of the costs and benefits of the rezoning is provided in Table 3 of the Plan Change Request Addendum. The costs of the loss are low due to existing constraints on the productive use of the land, the very small area involved, the low economic return from the current use of the site as a 'hobby farm' and the soils not lending themselves to alternative productive uses. The benefits include addressing a shortfall of industrial land, local employment and business opportunities, access to services and much higher economic return from the land. The assessment concludes that the benefits of the rezoning will significantly outweigh the costs associated with the loss of 7.9ha of highly productive land. Therefore, the requirement in clause 3.6(4)(c) is met.

(e) Clause 3.6(5) of the NPS-HPL is also relevant and states:

“(5) Territorial authorities must take measures to ensure that the spatial extent of any urban zone covering highly productive land is the minimum necessary to provide the required development capacity while achieving a well-functioning urban environment.”

(f) I consider the proposed urban rezoning meets the requirements in clause 3.6(5) for the following reasons:

- i. Mr Counsell’s evidence concludes that the entire PC58 site is required to be rezoned to provide sufficient development capacity for industrial land in Morrinsville to meet short-medium term demand. There is obvious tension between clause 3.6(5) of the NPS-HPL and the strong encouragement for Tier 3 local authorities to provide for competitiveness margins under the NPS-UD. In this case, the additional industrial land supply is required to meet demand even without competitiveness margins under the NPS-UD being applied.
- ii. I consider that the location of the site and the proposed PC58 provisions will achieve a well-functioning urban environment (see paragraph 55(f)).

58 In my opinion, the proposed urban rezoning under PC58 meets the three requirements of Clause 3.6(4) and the requirements of Clause 3.6(5) of the NPS-HPL for the reasons above. PC58 will give effect to the NPS-HPL, including Policy 5 which relates to rezoning of highly productive land.

National Policy Statement for Freshwater Management 2020 and National Policy Statement for Indigenous Biodiversity 2023

59 The assessment of PC58 against the National Policy Statement for Freshwater Management 2020 (**NPS-FM**) identifies that the site does not contain any natural waterways and discusses how stormwater management is proposed to be addressed. I do not consider the NPS-FM to be a key policy for PC58.

60 Similarly, I do not consider the National Policy Statement for Indigenous Biodiversity 2023 (**NPS-IB**) to be a key policy for PC58. The NPS-IB came into force on 4 August 2023, after the Plan Change Request was made. There are no Significant Natural Areas or apparent features on the PC58

site which may have indigenous biodiversity values. No indigenous biodiversity related matters have been raised in submissions or in the s42A Report.

Emissions Reduction Plan and National Adaptation Plan

- 61 Section 74(2)(d) and (e) of the RMA require regard to be had to any emissions reduction plan and national adaptation plan made under the Climate Change Response Act 2022.
- 62 New Zealand's first emissions reduction plan was released in May 2022 and sets out strategies, policies and actions for achieving the emissions budget to limit warming to 1.5°C above pre-industrial levels. The plan will be achieved through the use of five system settings: emissions pricing, funding and finance, planning and infrastructure, research, science, innovation and technology and circular economy and bioeconomy.
- 63 New Zealand's first national adaptation plan was released in August 2022. It sets out long-term government-led strategies, policies and proposals that will help New Zealanders adapt to the changing climate and its effects. The plan's main goals are to reduce vulnerability to the impacts of climate change, strengthen resilience and enhance adaptive capacity and consider climate change in decisions at all levels. This plan is the first in a series of national adaptation plans that will be prepared every six years.
- 64 I consider that PC58 has due regard to both these plans, noting that:
- (a) The PC58 site is on the edge of the Morrinsville urban area and immediately adjoins existing Industrial zoned land. The location of the site will contribute to a compact settlement with good accessibility between industrial activities and other land uses, including housing.
 - (b) PC58 will provide local employment opportunities and services which will reduce demand for travel elsewhere, including Hamilton.
 - (c) Although development will be predominantly industrial, the proposed rules also enable complimentary non-industrial activities, such as small-scale food and beverage outlets, which will assist in reducing travel requirements.
 - (d) The PC58 provisions require provision to be made for walking and cycling, including access for pedestrians and cyclists to Avenue

Road North. Consideration must also be given to whether pedestrian crossing places on Avenue Road North are required at the time of subdivision.

- (e) The site is pastoral and contains little existing vegetation. New vegetation will be planted within the stormwater management reserve, streets and landscape buffers.
- (f) The PC58 site will be resilient to current and future effects of climate change by requiring on-site stormwater management measures to be implemented as part of the development of the site. Rainwater harvesting and grey water re-use is also required under the proposed rules.

Waikato Regional Policy Statement

- 65 District plans are required to give effect to regional policy statements under section 75(3)(c) of the RMA and regard must be had to a proposed regional policy statement under section 74(2)(a)(i).
- 66 Change 1 to the WRPS was notified on 18 October 2022 (just prior to the Plan Change Request for PC58 being lodged) and decisions were released on 15 November 2023. The purpose of Change 1 was to incorporate the requirements of the NPS-UD and to reflect the updated Future Proof strategy (2022) in the WRPS. The appeal period for Change 1 has recently closed with three appeals being lodged. The appeals are confined to matters relating to inclusionary zoning (which relates to housing), the way that strategic industrial nodes are identified on Map 43, the wording of Policy UFD-P11 in relation to new residential development, mapping of industrial land around Hamilton Airport and the application of wāhi toitū and wāhi toiora to Urban Enablement Areas. None of those matters directly affect the application of the WRPS provisions to the PC58 site. Provisions which are not under appeal must be treated as operative.
- 67 The Plan Change Request identifies a long list of objectives and policies from the WRPS which are relevant to PC58, including provisions related to integrated management, land and freshwater and urban form and development³¹. Key themes within these provisions are integration between land use and infrastructure, ensuring decisions on growth and new development are informed by sufficient information and address the

³¹ Section 8.3.1.

development principles in the WRPS, opportunities for involvement of tangata whenua in decision-making processes and recognition of the value of high class soils for primary production.

- 68 I comment specifically on the provisions relating to high class soils and urban form and development below. I have included the relevant provisions from the WRPS which relate to these matters in **Attachment 3** of my evidence and my assessments of PC58 against the development principles in APP11 and the responsive planning criteria in APP14 are contained in **Attachment 4**³². Many of these provisions were either introduced into the WRPS or amended through Change 1.
- 69 Objective LF-O5 requires the value of high class soils for primary production to be recognised and high class soils to be protected from inappropriate subdivision, use or development. Policy LF-P11 seeks to avoid a decline in the availability of high class soils for primary production due to inappropriate subdivision, use or development. The WRPS definition of primary production says that *“[i]t does not include hobby farms, rural residential blocks, or land used for mineral extraction”*.
- 70 Mr Hunt has characterised the PC58 site as a hobby farm in his evidence³³. PC58 will therefore not result in any decline in use of high class soils for primary production, as defined in the WRPS. Nevertheless, the appropriateness of the proposed urban development of the PC58 site has been considered through the Plan Change Request, including in relation to the NPS-UD and NPS-HPL. The urban form and development provisions in the WRPS are discussed below. The subdivision, use and development that will be enabled by the proposed rezoning is not inappropriate.
- 71 Objective UFD-O1 is an overarching objective for the built environment. It lists 12 matters that development of the built environment must address. I consider PC58 to be consistent with these matters. Infrastructure is available to service the proposed growth, land use conflicts can be minimised through the location of the site adjacent to existing industrial land and through the proposed rules which will apply to industrial

³² These assessments are from Appendix 6 of the Plan Change Request Addendum.

³³ Hunt EIC, paras [22] and [55].

development and the plan change will provide sufficient development capacity and a well-functioning urban environment.

- 72 Policy UFD-P1 relates to planned and co-ordinated subdivision, use and development. It requires regard to be had to the development principles in APP11, potential cumulative effects of subdivision, use and development to be recognised and addressed, planning to be based on sufficient information to assess long-term effects, and regard given to the existing built environment. In my view PC58 comprises comprehensive information regarding both existing and long-term future effects and addresses the existing built environment as required by the WRPS. My assessment in **Attachment 4** demonstrates that the proposal is consistent with the development principles.
- 73 Policy UFD-P2 relates to co-ordinating growth and infrastructure. It lists five matters that development of the built environment must ensure. In my opinion, PC58 is consistent with the relevant matters because the proposed growth can be serviced with appropriate infrastructure.
- 74 Policy UFD-P18 addresses the way in which new development in Tier 3 local authority areas (including Morrinsville) is required to be managed. I consider that PC58 is consistent with the matters listed in the policy. While the proposed rezoning is not set out in a council-approved growth strategy, it does not result in any outcomes which are incompatible with the MTS. The rezoning is required to contribute toward sufficient development capacity in the short-medium term under the NPS-UD. PC58 will focus new development in and around the existing Morrinsville settlement and will assist in preventing a dispersed settlement pattern. The location of the site enables efficient provision of infrastructure and good accessibility and a variety of site sizes will be capable of being provided. There are no development constraints which cannot be appropriately managed. The policy also requires regard to be had to the development principles in APP11, which I have assessed in **Attachment 4**.
- 75 Policy UFD-P19 applies in Tier 3 local environments (including Morrinsville) where alternative land release patterns are promoted which are either out-of-sequence or unanticipated by a council-approved growth strategy. It requires justification to be provided by demonstrating consistency with the development principles in APP11. It also says that particular regard shall be had to development capacity where the local

authority determines that the urban development proposal is significant in terms of the criteria in APP14. I consider that PC58 is consistent overall with these principles and criteria.

- 76 In summary, PC58 is consistent with the WRPS overall. Although the PC58 site is not identified in a council-approved growth strategy, the proposed rezoning is consistent with the development principles and other provisions related to new urban development in Tier 3 areas. Particular regard must be had to the development capacity that PC58 will provide because the proposed rezoning is consistent with the criteria in APP14.

Iwi Planning Documents

- 77 The Plan Change Request refers to relevant provisions in the Waikato-Tainui Environmental Plan and Ngati Haua Environmental Management Plan. These documents have been addressed through the consultation which has occurred with Waikato-Tainui and NHIT, through the preparation of a CVA and by addressing recommendations within the PC58 provisions, where practicable and appropriate.
- 78 For example, the PC58 provisions require that preference must be given to using native plant species for the landscape buffers, stormwater management reserve and public roads and that cultural narratives must be incorporated into the landscape design for the stormwater management reserve and public roads (Appendix 9.6.3). Stormwater provisions require a two-stage treatment process (Appendix 9.6.4) and consideration of erosion and sediment controls is required for earthworks to manage effects on water quality (Appendix 9.6.5(b)). Consideration must also be given to opportunities for cultural blessings and implementation of accidental discovery protocols for large-scale earthworks (Appendix 9.6.5(a)).

Future Proof Growth Strategy 2022

- 79 Although MPDC joined the Future Proof partnership in 2022, Morrinsville is outside of the sub-regional area which is directly addressed in the Future Proof Growth Strategy 2022 (**Future Proof**). While Future Proof is a plan that regard must be had to³⁴, there are few provisions in Future Proof which are relevant to industrial growth in Morrinsville.

³⁴ Section 74(2)(b)(i) RMA.

- 80 Morrinsville is recognised in Future Proof as an important adjacent area and neighbouring town. The strategy also refers to strategic industrial growth locations in the sub-region being strongly linked to significant greenfield industrial growth in Morrinsville. It recognises the opportunity to ensure a coordinated approach to growth planning due to the close relationship between the sub-region and Morrinsville and identifies the importance of working closely with MPDC on cross-boundary issues in relation to industrial land planning.
- 81 PC58 will meet local needs by contributing to addressing a demonstrated shortfall of industrial land in Morrinsville. The relatively small-scale of the proposed rezoning does not raise any significant cross-boundary issues with respect to other industrial areas in the sub-region.
- 82 The Future Proof partnership has recently released a consultation draft for a further update to Future Proof. The update will result in Future Proof becoming a Future Development Strategy under the NPS-UD. One of the proposed updates is to include Matamata-Piako District in the strategy.
- 83 A hearing is scheduled in late-March 2024 and a final updated strategy is scheduled to be released in June 2024. I do not consider the consultation draft to be a relevant consideration for PC58 given it is a draft strategy, the hearing has not been held and the updated strategy will not be finalised for several months.

Morrinsville Town Growth Strategy 2013

- 84 The MTS was prepared in 2013 with a 20-year planning horizon of 2013 to 2033 and included a spatial framework identifying the preferred location of future land uses. The key recommendations have largely already been incorporated into the ODP through previous plan changes. The MTS is now over 10 years old and no updates have been made to the strategy since it was originally prepared, despite subsequent land demand and supply assessments, introduction of the NPS-UD and Change 1 to the WRPS.
- 85 While the MTS does not identify the PC58 site as land for industrial expansion, the proposed rezoning does not create any conflicts with other urban growth outcomes which are identified in the strategy.

- 86 I agree with the s42A Report that limited weight should be placed on the MTS³⁵.

Matamata-Piako District Plan

- 87 There are strategic growth objectives and policies within Chapter 2 (Sustainable management strategy) and Chapter 3 (Environment) of the ODP.
- 88 The objectives and associated policies in Chapter 2 support an approach of accommodating industrial activities on land which is zoned specifically for industrial purposes, which is the approach that is proposed to be taken for PC58. They also set out the importance of integrating land-use and infrastructure. I consider that appropriate regard has been had to infrastructure that is required to service the PC58 site.
- 89 Chapter 3 of the ODP contains numerous objectives and policies related to the natural environment and heritage, natural hazards, land and development, subdivision, amenity, surface of water, works and network utilities, transportation and development contributions. The Plan Change Request includes an assessment, which I prepared, that concludes that PC58 will not be contrary to those objectives and policies³⁶.

ASSESSMENT OF ENVIRONMENTAL EFFECTS

- 90 Section 7 of the Plan Change Request includes a full assessment of the environmental effects of the proposed plan change. I do not repeat that assessment here but rather focus on the effects that are relevant to matters raised in submissions. These effects are also assessed in the evidence of the Applicant's experts where an issue raised in submissions is directly relevant to their expertise. This includes Mr Suljic (infrastructure), Ms Hills (traffic), Ms Soanes (landscape/visual) and Mr Cottle (noise).

Loss of Highly Productive Land

- 91 As I have explained in relation to the NPS-HPL, the adverse effects of the loss of approximately 7.9ha of highly productive land will be low due to existing constraints on the productive use of the land, the very small area involved, the low economic return from the current use of the site as a

³⁵ S42A Report, para. [217].

³⁶ Section 8.7.2, Plan Change 58 – Avenue Business Park Request for Plan Change.

'hobby farm' and the soils not lending themselves to alternative productive uses.

Infrastructure Effects

- 92 The Infrastructure Report³⁷ and Mr Suljic's evidence confirm that the PC58 site is suitable for industrial development in relation to earthworks and three waters (stormwater, wastewater and water supply). The PC58 provisions will ensure that these matters, and the associated environmental effects, will be comprehensively addressed as part of future resource consent applications for subdivision and development under the ODP. Resource consents are also likely to be required from WRC for earthworks and for stormwater discharge and disposal.
- 93 Mr Suljic has addressed some specific infrastructure related concerns which have been raised in submissions, including the location and potential effects associated with a wastewater pump station that is expected to be required within the PC58 site, flooding and stormwater management and water supply for firefighting. Based on his responses, I am satisfied that effects associated with these matters will be addressed through future design and resource consent processes.

Traffic Effects

- 94 The Integrated Transport Assessment³⁸ and Ms Hills' evidence confirm that the PC58 site is well suited for the proposed rezoning from a transportation perspective and that safe and efficient access can be provided for vehicles, pedestrians and cyclists. The proposed ADAP identifies the planned roading outcomes and transportation and walking and cycling requirements are well covered by the proposed provisions in Appendix 9.6.1 and Appendix 9.6.2 respectively.
- 95 Ms Hills' evidence addresses five submissions which refer to traffic related matters, including walking and cycling, electric vehicle charging, end of journey facilities, future road access to SH26 and the wider road network. I consider that her responses, and the transport related PC58 provisions, confirm that there are no significant traffic related issues and that detailed

³⁷ 'Infrastructure Report, Private Plan Change 58' by Tektus dated 22 December 2022. Refer to Appendix 5 of the Plan Change Request.

³⁸ 'Plan Change 58 Avenue Business Park Integrated Transport Assessment' by Direction Traffic Design dated October 2022 and further information by Direction Traffic Design dated 22 December 2022. Refer to Appendix 6 of the Plan Change Request.

matters will be appropriately addressed through future design and resource consent processes.

- 96 I comment on why I consider rules for electric vehicle charging and end of journey facilities to be unnecessary later in my evidence.
- 97 The s42A Report, including the transportation peer review by Gray Matter, raises several transportation related matters which Ms Hills has addressed in her evidence. I comment on this later in my evidence in my response to the s42A Report.

Landscape and Visual Effects

- 98 Ms Soanes' evidence concludes that the visual catchment of the site is generally well-contained, landscape effects will be moderate-low and visual effects will be low in relation to public roads and very low to moderate in relation to surrounding properties within the Rural Zone. Her evidence provides an updated assessment which considers changes in the area that have occurred since the Landscape and Visual Assessment³⁹ was prepared, including progress with development of Stage 1 of the Avenue Business Park.
- 99 A 5m landscape buffer is proposed to be established within the PC58 site in all locations where the site has an interface with the Rural Zone (i.e. the northern, western and southern boundaries). Ms Soanes has recommended a design for the landscape buffer which provides a variety of native and exotic trees and shrubs. The buffer planting will be capable of growing to 3-5m in height after 5 years and at least 9m after 10-15 years.
- 100 A cross section for the 5m landscape buffer is proposed to be included with the ADAP in Part C of the ODP, with an associated rule in Appendix 9.6.3. Landscaping must be in general accordance with the cross-section, must include trees capable of growing to at least 9m and preference must be given to native plant species, except where fast-growing exotic trees are required to achieve appropriate buffering. The landscaping must be designed in accordance with a landscape plan prepared by a landscape architect. The landscaping must be implemented at the time of subdivision.

³⁹ 'Avenue Business Park Plan Change Landscape and Visual Effects Assessment' by Boffa Miskell dated 20 October 2022. Refer to Appendix 10 of the Plan Change Request.

- 101 Together with Ms Soanes and Mr Steffert, I attended meetings with Mr Hexter and Mr and Mrs Davenport at their properties in October 2023 to discuss landscape-related concerns (and other matters) raised in their submissions. Draft cross-sections for the proposed landscape buffer were presented and discussed and Ms Soanes subsequently made some changes in consultation with Mrs Davenport.
- 102 I am satisfied that the proposed provisions address Ms Soanes' recommendations for management of the interface between the PC58 site and surrounding non-industrial sites. The proposal represents a stronger approach than the existing Industrial zoned provisions in the ODP which do not include any specific landscaping requirement at the interface of Industrial and Rural zones.

Noise Effects

- 103 The Acoustic Assessment⁴⁰ and Mr Cottle's evidence refer to the existing noise environment consisting of noise from traffic on SH26 and other roads and the existing Industrial Zone, with additional noise likely to be introduced as a result of recent and ongoing development of Stage 1 of the Avenue Business Park and new roads. Mr Cottle's evidence addresses three submissions which have raised noise effects as a concern.
- 104 Mr Cottle's evidence explains the proposed noise rule (GIZ-R2(6)) which requires noise from activities within the GIZ to be measured at the boundary of any land zoned Residential and Rural Residential and at the notional boundary⁴¹ of any residential unit which existed at the date of the notification of PC58 (15 June 2023) in the Rural Zone. Mr Cottle considers the noise limits to be appropriate for maintaining an appropriate level of amenity for neighbours, albeit conservative for Sundays, public holidays and night-time.
- 105 Mr Cottle's evidence sets out his opinion that the proposed noise provisions will enable industrial activities to occur whilst ensuring that noise effects will be avoided, remedied or mitigated. In the context of the

⁴⁰ 'Avenue Business Park Private Plan Change' by Marshall Day Acoustics dated 17 October 2022. Refer to Appendix 11 of the Plan Change Request.

⁴¹ The proposed definition for notional boundary is "*For the General Industrial Zone means a line 20 metres from any side of a residential unit or other building used for a noise sensitive activity, or the legal boundary where this is closer to such a building*". This definition is from the National Planning Standards.

existing noise environment, his evidence concludes that the potential noise effects associated with PC58 are of little appreciable significance.

- 106 I note that the s42A Report recommends an alternative rule for PC58 which would introduce a Noise Control Boundary over neighbouring properties. I comment on this in response to the s42A Report later in my evidence.

RESPONSE TO MATTERS RAISED IN SUBMISSIONS

- 107 A total of 14 submissions and one further submission were received. Eleven of the submissions are either in support or in support with amendment with only one submission in opposition (Hexter). One further submission is neutral (Calcutta Farms) and one submission does not state whether it is in support or opposition (WRC).
- 108 Some of the submissions raise concerns which I have addressed in the Assessment of Environmental Effects above. Key remaining submission points relating to planning matters are addressed under the following headings. Other technical evidence provided in support of PC58 addresses submissions relating to the relevant specific fields of expertise.

Statutory Assessments

- 109 The submission from WRC states an opinion that sites which are sold but not yet developed should not be excluded from the industrial land supply for the purposes of assessments under the NPS-UD and NPS-HPL. Mr Counsell's evidence is that existing land supply is insufficient to meet estimated demand for industrial land in Morrinsville even if land which has already been sold within the Stage 1 of the Avenue Business Park is considered as part of the available land supply. The completed sales demonstrate that the availability of that land is likely to quickly diminish as titles for the Stage 1 development are issued and development of the individual lots is progressed.
- 110 WRC's submission identifies that an assessment of APP14(b)(ii) of the WRPS should be provided. My assessment of APP14 is contained in **Attachment 4**.
- 111 WRC's submission also identifies that regard should be had to the emissions reduction plan and the national adaptation plan. I agree and have addressed these plans earlier in my evidence.

Access to/from SH26

- 112 The submissions from Waka Kotahi, Mr and Mrs Davenport and Mr Barker raise various concerns about access between the PC58 site and SH26. While access to SH26 has never been proposed through PC58, a 'Potential Future Vehicle Connection to SH26' was included in the notified ADAP and PC58 at the request of MPDC staff. The purpose of this was to assist in protecting the potential for road access to/from SH26 should it be required in future. The 'Potential Future Vehicle Connection to SH26' has now been removed from the ADAP in response to these submissions, including the concerns with access to SH26 which have been raised by Waka Kotahi in their submission. I note that the s42A Report confirms that this change is supported by MPDC⁴².
- 113 In relation to this matter, I have identified and made some further changes to Appendix 9.6.1 in the PC58 provisions (see **Attachment 1**) which are in addition to the most recent changes that were outlined in the Plan Change Request Addendum. The changes delete text that relates to the potential for the north-south aligned road through the PC58 site to be constructed to collector road standard. This would only have been required if a connection to SH26 was intended to be provided. Ms Hills' has supported these changes in her transportation evidence⁴³.

End of journey facilities and electric vehicle charging

- 114 WRC's submission requests new rules requiring end of journey facilities and electric vehicle charging facilities to be provided for activities in the GIZ. It is becoming more commonplace for modern workplaces to have end of journey facilities (such as staff showers) and electric vehicle charging facilities. However, the need for these types of facilities and the specific details about what is appropriate to be provided will depend on the nature and scale of individual activities that might establish within the GIZ. Furthermore, electric vehicle charging requirements may change as technology changes or as additional public charging facilities are provided.
- 115 As such, I consider that it would be more appropriate and efficient for the provision of end of journey facilities and electric vehicle charging facilities

⁴² S42A Report, para. [125].

⁴³ Hills EIC, paras. [25] and [53].

to be market led rather than regulated through district plan rules. They are incidental activities that would be permitted in the GIZ if they are associated with a Permitted Activity so there are no barriers to their provision. There are no other zones where these are required to be provided under the ODP.

Firefighting water supply

- 116 The submission by Fire and Emergency New Zealand requests a specific rule and advice note requiring all development in the plan change area to provide firefighting water supply in accordance with SNZ PAS 4509:2008.
- 117 I have added “Water supply for firefighting” as an additional water infrastructure and design requirement in Appendix 9.6.4 followed by a note that refers to SNZ PAS 4509:2008 providing guidance on firefighting water protection.

Impacts on property values

- 118 Mr Hexter’s submission raises concerns about the impact of PC58 on property values which he considers should have been addressed in the Economic Assessment provided with the Plan Change Request. Impacts on property values (either positive or negative) are not a relevant consideration for assessments and decision-making under the RMA.

Lighting from signage

- 119 Mr Hexter’s submission raises concern with lighting from signage and the potential for light pollution for adjoining properties. There are existing controls on lighting and glare in Rule 5.4 of the ODP which will apply to all forms of outdoor lighting within the PC58 site. They include maximum illuminance standards and a requirement that lighting must not cause a significant level of discomfort to occupants of non-industrial sites. The proposed 5m landscape buffer at the interface with the Rural Zone will also assist in screening some light from the PC58 site.

Other amendments requested to standards

- 120 Some submitters, including MPDC, Calcutta Farms and Mr and Mrs Davenport, have sought specific amendments to numerous standards in the notified PC58 provisions. These are largely matters of detail. I have made several changes to the PC58 provisions in response to these submissions which are summarised in the Plan Change Request

Addendum⁴⁴. Those changes are also included in **Attachment 1** of my evidence.

RESPONSE TO MATTERS RAISED IN S42A REPORT

121 The s42A Report recommends approval of PC58 but identifies several matters where responses and clarification are sought, which are helpfully summarised in Section 8. Responses to many of these matters have been provided in the technical evidence provided in support of PC58. There are several matters that I would like to comment on from a planning point of view.

Alternative noise rule

122 Mr Cottle's evidence explains the reasons why he does not agree with the alternative rule that the noise peer review has recommended, which involves establishing a Noise Control Boundary (**NCB**) on Rural zoned land surrounding the PC58 site.

123 While I defer to Mr Cottle on technical matters, I make the following planning related points:

(a) The noise peer review explains that MPDC is in the process of reviewing the noise standards in the ODP to bring the plan into line with National Planning Standards. The peer review includes a preliminary recommendation for a new noise rule which would apply to all GIZ land within the district. When it is included in the ODP, the new rule is likely to apply to the industrial area around Avenue Road North, including Stage 1 of the Avenue Business Park. Although the new noise rule is only a preliminary recommendation, there is an opportunity to seek to achieve general consistency between the new noise rule and the noise rule for PC58. Mr Cottle has identified some matters in the new noise rule which may have merit for PC58 and he intends to discuss this with the peer reviewer prior to the hearing. I will provide an updated version of the PC58 provisions if any changes are recommended following that discussion.

(b) Within this context, I do not understand the rationale for a NCB when that approach would be inconsistent with MPDC's current and intended approach for managing noise for all other industrial areas

⁴⁴ Section 4.1 and Appendix 5. The updated provisions in Appendix 5 note where changes have been made and which submission(s) the changes relate to.

in the district. The current rule in the ODP and the preliminary recommendation for the new noise rule are both based on limiting industrial noise at the notional boundary of residential units in the Rural Zone, which is also the proposed approach for PC58. The main difference is that PC58 includes a reference date for existing residential units. This is to avoid the potential for a dwelling constructed within the Rural Zone nearer to the GIZ to unreasonably restrict noise from activities within the GIZ⁴⁵. While this is unlikely given adjacent properties all contain existing dwellings, the proposed rule will manage this risk.

Landscape buffer details

- 124 The s42A Report requests clarification on several matters related to the 5m landscape buffer that is proposed along the Rural Zone boundaries. These matters have been addressed in Ms Soanes' and Mr Suljic's evidence. I consider that an appropriate level of information has been provided for a plan change and I am satisfied that the proposed provisions, including Appendix 9.6.3, require additional detail to be provided as part of the future resource consent stage.
- 125 I have proposed one minor change to Appendix 9.6.3 to specifically require that the landscape plan must include planting and maintenance specifications. This is consistent with the recommendation in Ms Soanes' evidence⁴⁶.

Water supply for firefighting

- 126 As I have previously explained in response to the submission by Fire and Emergency New Zealand, I have recommended additional changes to Appendix 9.6.4 in relation to water supply for firefighting (refer to paragraphs 116 and 117).

Wastewater servicing

- 127 The s42A Report recommends changes to Appendix 9.6.4 to identify that an upgrade of an existing pump station and main in Avenue Road North is the preferred wastewater option. Mr Suljic has addressed this matter in his evidence. He does not agree that the preferred wastewater option

⁴⁵ Under the ODP, the minimum building setback in the Rural Zone is only 10m for a side yard and there is no minimum setback standard for rear yards (Rule 3.2.1(iii)).

⁴⁶ Soanes EIC, para. [81].

should be determined at plan change stage. I agree with Mr Suljic that it is more appropriate for this to be determined at resource consent stage when more detailed information about the options will be available.

- 128 The s42A Report also recommends that Appendix 9.6.4 should refer to the wastewater infrastructure being installed at the developer's expense. I consider this is unnecessary and inappropriate. There is a range of infrastructure that will need to be installed by the developer and the ODP does not need to specifically state the infrastructure items that are a developer's cost.

Activity status for subdivision and development not in general accordance with the ADAP

- 129 The s42A Report recommends that subdivision and development that is not in general accordance with the ADAP should be a Non-Complying Activity. GIZ-R1(3)(f) classifies development that is not in general accordance with the ADAP as a Discretionary Activity. Rule 6.3.3 classifies subdivision that is not in compliance with the ADAP as a Discretionary Activity.
- 130 I disagree with the recommendation in the s42A Report and consider that Discretionary Activity status (as proposed) is appropriate for the following reasons:
- (a) In my experience, a Non-Complying Activity status is sometimes used as a default activity status where specific matters are identified that require 'locking down' with a high level of certainty. For example, this sometimes occurs where shared infrastructure is required for multiple landowners/developers in a structure plan area. That is not the case for PC58 where the site will be developed by one landowner;
 - (b) There needs to be sufficient flexibility for changes to be able to be considered at resource consent stage, if they are proven to be appropriate through further assessment and design that will occur at that time;
 - (c) Discretionary Activity status would afford MPDC unlimited discretion to consider any departures from the ADAP, as well as the ability to decline the application. There is no need for the default status to be elevated to Non-Complying Activity;

- (d) While many of the features identified on the ADAP are labelled as 'indicative', any assessment of "general accordance" or "compliance" with the ADAP will require a degree of subjectiveness on behalf of the planners assessing the resource consent application. The transportation peer review is a good example of the indicative nature of the roads being misconstrued where it suggests specific rules for the design of the 'loop road' that is shown on the ADAP at the northern end of the site. The 'loop road' road may or may not be built, depending on factors such as detailed design and purchaser requirements; and
- (e) I am not persuaded that a Non-Complying Activity status is required simply to ensure consistency with the activity status for other structure plan and development area plan locations in the district. The ADAP and associated provisions are specific to the PC58 site. There would be no plan integrity issues with a Discretionary Activity status.

131 Accordingly, it is my opinion that the proposed Discretionary Activity status in GIZ-R1(3)(f) and Rule 6.3.3 should be retained.

Key Transport Corridors

132 The s42A Report requests clarification on whether Key Transport Corridor provisions are required for PC58. I have addressed this matter in paragraph 44. References to Key Transport Corridors have been deleted in the updated provisions which are included in **Attachment 1**.

Provisions for Transportation Works, Walking and Cycling

133 Ms Hills, the Applicant's traffic expert, does not agree with several matters raised in the transportation peer review. The matters that I understand are not agreed relate to the width of paths on future roads within the PC58 site and along the recently constructed Magistrate Avenue, pedestrian crossing requirements on Avenue Road North and the suggestion in the peer review for road cross sections to be included in the ADAP.

134 I have made several changes to the provisions related to Transportation Works (Appendix 9.6.1) to reflect other suggestions in the peer review that Ms Hills does agree with. The changes include requirements to upgrade the Avenue Road North/Magistrate Avenue intersection, increasing the minimum width for footpaths on new roads in the PC58 site (from 1.5m to

1.8m) and allowing for a financial contribution to be paid to MPDC toward pavement improvements on Magistrate Avenue if a pavement assessment that is required to be undertaken at resource consent stage finds that this is necessary.

Previous earthworks on the PC58 site

135 Paragraph 73 of the s42A Report states that it is unclear how earthworks associated with the Stage 1 development which have been undertaken on the PC58 site have been consented and seeks clarification about whether there are any issues with these earthworks in terms of the NPS-HPL. As I have explained in paragraph 22 of my evidence, resource consents for the earthworks were granted by MPDC and WRC in March/April 2022. This was prior to the NPS-HPL being published and taking effect.

Updated s32AA evaluation

136 The s42A Report notes the need for an updated evaluation in accordance with section 32AA of the RMA to take into account any further changes to the proposed provisions. An updated evaluation is provided in **Attachment 2** of my evidence.

CONCLUSION

137 PC58 will assist in addressing a short-medium term shortfall of industrial land supply in Morrinsville by rezoning 13.4ha of land from Rural Zone to GIZ to provide approximately 10.1ha of additional industrial land. Development of the site will be guided by the ADAP which is proposed to be included in the ODP, together with other provisions which will manage future subdivision and development of the site.

138 In my opinion, the Plan Change request along with the supporting evidence, has demonstrated that PC58 will give effect to relevant National Policy Statements and the WRPS and that potential adverse effects associated with PC58 can be appropriately avoided, remedied or mitigated through application of the new and amended ODP provisions which are proposed.

139 The s42A Report recommends approval of PC58 but identifies several matters where responses and clarification are sought. These relate to matters of detail, which have subsequently been addressed in the Applicant's evidence.

140 Taking all the above into account, I consider that the Hearing Commissioners have sufficient information to decide on PC58 and that it is appropriate for the request to be approved.

A handwritten signature in blue ink, consisting of a stylized 'B' followed by a loop and a long horizontal stroke extending to the right.

Ben Inger

14 February 2024

Attachment 1: Updated PC58 Provisions

Attachment 2: Updated s32AA Evaluation

Attachment 3: Key WRPS Provisions

Attachment 4: WRPS APP11 and APP 14 Assessments