

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF Proposed Private Plan Change 58 – Avenue Business Park to the Matamata Piako District Plan by Warwick & Marion Steffert to rezone land in Morrinsville from a Rural Zone to General Industrial Zone with supporting Development Area Plan.

**STATEMENT OF EVIDENCE OF KATHRYN ANNE DREW
ON BEHALF OF CALCUTTA FARMS NO 2 LTD**

21 February 2024

1. INTRODUCTION

Qualification and Experience

- 1.1 My full name is Kathryn Anne Drew.
- 1.2 I am a principal planner at Bloxam Burnett & Olliver Ltd ('BBO'), a firm of consulting engineers, planners and surveyors, based in Hamilton and Tauranga. My qualifications are a Bachelor of Resource and Environmental Planning (Hons) from Massey University. I am also a full member of the New Zealand Planning Institute.
- 1.3 I have been employed in resource management and planning related positions in local government and the private sector for over 20 years, with the last 15 of those being at BBO.
- 1.4 I have experience in the preparation of plan changes, resource consent applications, assessment of environmental effects and presenting expert evidence at hearings. My recent experience, particularly relevant to this plan change hearing, is as follows:
 - (a) Preparation of a private plan change to Matamata Piako District Council to rezone 49ha of land in Matamata from Rural to General Industrial, known as the Calcutta Plan Change ('PC57'). This plan change is still going through the Schedule 1 process and involves issues relating to serviceability, industrial land supply/demand, transportation connections off a state highway network and use of highly productive land.
 - (b) Provided evidence in support of submissions on the Waikato District Plan review on behalf of Hamilton Airport. Those submissions focused on potential reverse sensitivity effects that might arise from additional residential development in Tamahere.
 - (c) As s42A reporting officer for Waikato District Council on a private plan change to rezone 26ha land of land to the south-west of the existing Pokeno village from Rural to Residential. This plan change was known as PC21 – Graham Block Development Ltd and included issues relating to protected trees, wetlands, and appropriateness of overlays.
- 1.5 In relation to this hearing I am authorised to give evidence on behalf of Calcutta Farms No.2 Ltd ('Calcutta').

Code of Conduct

- 1.6 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 affect or detract from the opinions expressed.

Purpose and scope of evidence

1.7 The purpose of this evidence is to:

- (a) Provide a brief overview of the Calcutta Plan Change;
- (b) Provide an overview of Calcutta submission; and
- (c) Comment on the rule framework proposed in PC58, as relevant to Calcutta.

2. CALCUTTA PLAN CHANGE

- 2.1 Calcutta is the proponent for a similar plan change in Matamata, located on the southern side of State highway 24¹, as one enters Matamata from the east, and directly opposite the existing industrial zoning in Matamata. That plan change is Plan Change 57 – Calcutta Farms Ltd.
- 2.2 PC57 seeks to rezone approximately 49ha of land from Rural Zone to General Industrial Zone ('GIZ'). Of that 49ha, 32.9ha is developed with the balance being set aside for roading, landscaping and stormwater purposes.
- 2.3 The format and content of the PC57 provisions is consistent with the National Planning Standards, including the introduction of a new GIZ. While there is no "Industrial Zone" listed in the Zone Framework Standard (Part 8), the GIZ is listed and is described in table 12 to mean "*areas used predominately 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 was proposed as opposed to rolling over the industrial zoning and associated provisions which are currently in the Operative Matamata-Piako District Plan ('ODP').
- 2.4 PC57 proposes to introduce a new Chapter 18 for the GIZ in Part B of the ODP, including new objectives, policies, rules, matters of discretion and reasons. Other changes are also proposed to the ODP to address matters such as subdivision and signage that sit outside of the GIZ provisions. PC57 also proposes to include the Calcutta Development Area Plan ('CDAP'). The CDAP is intended to guide future development and establish the key planned outcomes, in a similar fashion to how other Structure Plans and Development Area Plans have been included in the ODP².
- 2.5 PC57 was lodged in August 2022, was accepted for notification on the 28 September 2022, has been notified for both submissions and further submissions.
- 2.6 PC57 initially proceeded the proposed Plan Change 58 ('PC58').
- 2.7 At this time a hearing for PC57 is expected in mid to late 2024 and after decisions on PC58 have been made.

¹ at 194 Tauranga Road and 17b Weraiti Drive, Matamata and across part of a larger title (98ha) legally described as Lot 12 DP 548995 9RT: 942417).

² See Part 6 – Appendix 9: Schedule of Works

2.8 Further details on the Calcutta Plan Change and its relevance to this hearing are set out in the section 3.4 of the s42A report and are not repeated here.

3. CALCUTTA SUBMISSION

3.1 BBO was engaged by Calcutta to lodge a submission on the PC58. That submission is recorded as number 5. See **Attachment 1** for a copy of that submission.

3.2 As noted in the evidence of Mr Inger³, PC58 modelled their provisions based on the proposed provisions for PC57 because the base work had been done as to the form and content for the GIZ chapter.

3.3 As the PC57 and PC58 both rely on the new GIZ provisions, any changes proposed by PC58 to those provisions, may influence and affect the development of the PC57 land. For this reason, Calcutta has an interest in the outcome of PC58 for the purpose of ensuring that any amendments to the GIZ provisions (or other provisions of the ODP) sought by PC58 do not have unintended consequences for the future development of the PC57 site.

3.4 Calcutta recorded in their submission that they generally supported the GIZ provisions that are being proposed by PC58 being that they generally reflected the latest set of provisions that had been agreed, in principle, with Matamata Piako District Council ('MPDC').

3.5 The submission also recorded that should the provisions be refined further, Calcutta would like to be part of that process to have the ability to seek further changes/amendments, due to the interrelated nature of the two plan changes.

3.6 Calcutta also sought specific changes to the GIZ landscaping requirements (GIZ -R2(5)) to remove PC58 specific requirements from the rule in favour of such being included in the Development Area Plan requirements for PC58.

4. POST SUBMISSION ENGAGEMENT

4.1 Since the close of submissions, and on Calcutta's behalf, I have had dialogue and engagement with the Mr Inger, on behalf of the PC58 proponents to work through the GIZ provisions. That engagement has also included a collaborative session with MPDC and the circulation of updated GIZ provisions.

4.2 As a result of this engagement and agreements reached, it is my opinion, that there is general alignment on the rule framework between that being sought in PC57 and PC58.

³ Inger EIC para. 43

5. SECTION 42 REPORT

- 5.1 I have reviewed the s42 report and the supporting technical assessments.
- 5.2 Of relevance to Calcutta, from that review, is the commentary and suggested changes proposed in relation to the proposed noise standards contained in the GIZ.
- 5.3 Council has engaged Savoury Acoustics to provide technical noise advice on PC58. In their review of the PC58 provisions, they have recommended that a noise control boundary ('NCB') be established around the PC58 site, and across the adjoining rural land. The NCB has a width of between 100-20m depending on its location.
- 5.4 The purpose of the NCB, as described by Mr Savory, would be to require any dwelling constructed within it to be subject to noise insulation requirements to address any actual or perceived reverse sensitivity effects between new dwellings and the adjacent industrial activities.
- 5.5 The NCB approach is proposed as an alternative to the 'date' approach currently proposed in both PC57 and PC58. The date approach proposed in PC57 and PC58 seeks to limit industrial noise at the notional boundary of residential units in the Rural Zone, at the time the plan change was notified. The approach is to avoid the potential for a dwelling constructed in the rural zone, after notification of the plan change, to unreasonably restrict industrial activities.
- 5.6 Calcutta's site is very similar to the PC58 site, being that it too is surrounded by rural zoned land. The key difference being that directly west of the Calcutta site is a small enclave of developing rural sections. These sections are located off Weraiti Drive and Maea Lane and sit within 100-250m from the PC58 boundary. For this reason Calcutta has an interest in the noise provisions, as the approach adopted for PC58 is likely to be rolled over into PC57 and may have impacts on the development of those sections or the PC57 site.
- 5.7 Calcutta has not engaged acoustic evidence on this matter, for this hearing, however I have reviewed the Council and the PC58 proponents' evidence in this regard and make the following comments:
 - a) The proposed GIZ provisions follow the National Planning Standard format in adoption the L_{Aeq} parameter and referring to the latest versions of the relevant standards for noise emissions, which is understood to addresses some of the shortcomings of the ODPs current standards.
 - b) Calcutta are not fundamentally opposed to an increase in the night-time noise standards for the GIZ, but would like the ability comment, at the hearing, on the specifics of those changes which may be presented.

- c) Mr Inger⁴ sets out various planning reasons why the NCB is not supported, highlighting that it is inconsistent with MPDC current and intended approach for managing noise for all other industrial areas. I concur with Mr Inger's opinion.
- d) It is not clear whether a similar recommendation for a NCB would be made for PC57. I am concerned that a wholesale rolling out of this approach may have unintended consequences on the PC57 site. Whilst PC57 is not the subject of this hearing, it would be useful if this matter could be clarified by Council.

6. PROPOSED RULE FRAMEWORK

- 6.1 The evidence of Mr Inger sets out in detail the proposed changes to the ODP proposed by PC58, including changes that have been made in response to matters raised in the evidence of their experts and the s42 report, as well as some drafting improvements.
- 6.2 I have reviewed those changes make comments below.
 - a) The changes to Policy GIZ-P4 are supported. I concur with Mr Inger's reasoning⁵ for those changes.
 - b) PC58 seeks to remove reference to several provisions relating to 'Key Transport Corridors', including an objective and policy and some standards, which are only relevant to PC57. These changes are accepted and as Mr Inger notes, can be reintroduced through the PC57 process.
 - c) I also note that, as requested in the submission, the landscaping requirements for PC58 now sit outside of GIZ standards and are include in the rules directly relevant to PC58.

7. CONCLUSION

- 7.1 I appreciate the opportunities to engage in the PC58 provisions that have been afforded to us to ensure seamless integration between the two plan changes.
- 7.2 I support the GIZ provisions that form part of PC58, subject to further clarification and understanding around the noise provisions.

Kathryn Drew



21 February 2024

⁴ Inger, EIC para.123

⁵ Inger, EIC para. 35

Attachment 1 - Calcutta Farms No.2 Ltd Submission

CALCUTTA FARMS NO 2 LTD
SUBMISSION ON PRIVATE PLAN CHANGE 58: AVENUE BUSINESS PARK
TO THE MATAMATA-PIAKO DISTRICT PLAN

under Schedule 1, Resource Management Act 1991 (RMA)

To: Matamata Piako District Council
35 Kenrick Street
Te Aroha
(by email: submissions@mpdc.govt.nz)

Submitter Details: Calcutta Farms No 2 Ltd

Address for Service: Bloxam Burnett & Olliver
Po Box 9041
Hamilton 3240

Attn: Kathryn Drew
Email: kdrew@bbo.co.nz
Phone: 027 251 0009

Background

1. This submission is made by Calcutta Farms No 2 Ltd (the Submitter) on Plan Change 58 (PC58) to the Operative Matamata Piako District Plan (ODP).
2. The Submitter is the owner of a property at 194 Tauranga Road and 17b Weraiti Drive, Matamata, which is the subject to Plan Change 57 – Calcutta Farms Ltd (PC57).
3. PC57 seeks to rezone approximately 49ha of land located at the above properties from Rural Zone to General Industrial Zone (GIZ) in conjunction with the inclusion of the Calcutta Development Area Plan (CDAP). As part of PC57 new GIZ provisions have been prepared in accordance with the National Planning Standards along with consequential amendments to the ODP.
4. PC57 was lodged in August 2022, was accepted for notification on the 28 September 2022, has been notified for both submissions and further submissions and a hearing is expected in the last quarter of 2023.

Reason for Submission

5. PC58 seeks to utilise the same GIZ provisions that are been introduced by PC57, along with the other consequential amendments that being introduced into the ODP to reflect those new provisions.
6. Although those provisions are not yet operative, any changes proposed by PC58 to those provisions, may influence the development of the PC57 land. For this reason, the Submitter has an interest in PC58 for the purpose of ensuring that any amendments to the GIZ provisions (or other provisions of the ODP) sought by PC58 do not have unintended consequences for the future development of the Submitters property.

Submission

7. The Submitter generally supports the GIZ provisions that are proposed through PC58, being that they generally reflect the latest set of provisions that have been agreed, in principle, with Matamata Piako District Council for PC57.
8. Should the provisions be refined further, through PC58, the Submitter would like to be part of those discussions and have the ability to seek further changes/amendments, due to the interrelated nature of the two plan changes. To enable this, this submission relates to the whole plan change and all provisions.
9. One additional change is also sought, to improve clarity of the landscaping requirements that apply within the GIZ and specifically to the PC58 land. This change is summarised in the following table.

	Section of Plan and Provision Reference	Support/Oppose	Reason	Decision Sought
1	GIZ-R2(5) Landscaping	Oppose in part	<p>This provision includes a site-specific landscaping requirement for the Avenue Business Park at clause (b) that requires their boundary with the rural zone to be landscaped to a minimum depth of 5m.</p> <p>Although clause (b) only relates to the Avenue Business Park, clause (c) specifies what that planting is to include, being one planted tree for every 10m of rural zone boundary length. Although the intention is not that the PC57 land would be subject to the same planting requirements, where it adjoins the rural zone, this is not abundantly clear. There are consequently two ways to rectify this as described in the following column.</p>	<p>Option 1 would be to remove the specific landscaping requirement from GIZ-R2(5) and relocate it to the site-specific requirements under proposed Rule 9.6.3 – Landscaping, being provisions that only apply to the Avenue Business Park. The location of this planting could also be defined on the Avenue Business Park Development Area Plan. This approach would be consistent with how PC57 has addressed site specific landscaping requirements that affect the CDAP land. It would also ensure that Rule 9.6.3 provides the full picture of what is required being that it currently refers location and expected height from this planting. This option is the Submitters preference.</p> <p>Option 2 is that GIZ-R2(5) could be amended to make is abundantly clear via the following minor drafting amendment.</p> <p><i>(c) Where landscaping For any landscaping that is required by (a) or (b), the landscaping must consist of a combination of grass and trees or groundcovers, shrubs and trees. The landscaping Landscaping required by (a) must also include at least one tree for every 10m of road frontage or Rural Zone boundary length. Landscaping required by (b) must include at least one tree for every 10m of Rural Zone boundary length.</i></p>

Decisions Sought

10. The Submitter neither supports nor opposes PC58 in its entirety.
11. The Submitter seeks to be involved in any further refinements to the GIZ provisions that may directly impact on PC57.
12. The Submitter seeks the decision from Council as set out in the column "Decision Sought" in the above table, as well as any consequential or further amendments to give effect to the relief sought and reasons given.
13. The Submitter will not gain an advantage in trade competition through this submission.
14. The Submitter wishes to be heard in support of this submission.
15. If others make similar submissions, the Submitter will consider presenting a joint case with them at any hearing.

Dated: 17 July 2023

Calcutta Farms No 2 Ltd by their duly authorised agent:

Bloxam Burnett & Olliver



Kathryn Drew
Land Development Manager