



Matamata-Piako District Plan

Plan Change 47

Proposed Rezoning of Kuranui Road

DECISION REPORT

23 February 2018

Ref: 18/2309

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1. Introduction

This decision report addresses the final matter to be determined in relation to Plan Change 47 which is the zoning along Kuranui Road. Plan Change 47 proposed to rezone the subject properties from the Rural Zone to Rural-Residential 1 Zone.

Appendix 1 shows the area of Kuranui Road under consideration.

It is noted that the Kuranui Road and Horrell Road rezoning proposals were deferred from the matters heard by Council in June last year, primarily due to the need to further review traffic effects. In this regard, the Horrell Road area faced the most significant challenges which ultimately led to the Council decision to withdraw this proposal from Plan Change 47 in December 2017.

2. Statutory Requirements

The statutory requirements for assessing and determining private plan change were comprehensively described in the Section 32 report which supported the Plan Change notification. These provisions were also presented to Council as part of the planning report and recommendation.

In summary, Section 73 of the RMA gives Council the authority to change its District Plan after considering the matters in Parts 2 and 5 and Schedule 1 of the Act.

3. Assessment

3.1 Matters Reviewed and Considered

As none of the submitters or further submitters require to be heard, then a hearing is not required and Council is able to consider and determine the final part of the Plan Change 47 based on the written submissions and report material which has been presented. For the record, Council has taken into account and considered the following material in making its decision:

- The notified Plan Change proposal including the Section 32 Report;
- Submissions and Further submissions to the Kuranui Road rezoning proposal;
- The planning report prepared by Consultant Planner, Todd Whittaker, and Council staff.

The planning report advised that Council staff had reached an agreement with the New Zealand Transport Agency with respect to some minor mitigation works and that the Transport Agency now supports the Kuranui Road Rural-Residential 1 rezoning proposal.

The recommendation from the planning report is that the proposed rezoning of Kuranui Road from Rural Zone to Rural-Residential 1 Zone be adopted in accordance with the notified provisions of Plan Change 47.

3.2 Overview of Rezoning Proposal

The rezoning proposal for Kuranui Road involves approximately 55ha of land between Kuranui Road and Waitakaruru Stream. This area is currently held in 15 land holdings ranging in size from approximately 0.4ha to 7.7ha.

The rezoning proposal sought to rezone the area from Rural Zone to Rural-Residential 1 Zone. Under the existing Rural Zone provisions, no further subdivision development would be available as the minimum lot size for Rural Zone subdivision is 28ha. If the Rural-Residential 1 Zone is adopted, then there would be a theoretical yield of 29 additional lots based on the minimum 1ha density or average lot size for Rural-Residential 1 land holdings.

The subdivision provisions enable a minimum lot size of 2,500m², subject to the density provision being maintained. As the existing topography and occupation of the existing land parcels have not been examined in terms of the subdivision potential, Council considers that it may not be practical to develop the full yield of 29 lots. In addition, landowners may choose not to utilise any subdivision opportunities which become available as a result of rezoning.

3.3 Land Budgets and Land Supply

Population projections were reviewed and an assessment was made of available land supply to meet forward projections as part of the Plan Change 47 research and review of zoning options for each of the district's three towns.

A full account of the population projections and land budgets were presented in Part G of the Section 32 Report dated 28 September 2016 and have not been repeated here. The population projections were further considered by Council at the hearing held in June 2017. At this hearing Council considered a number of submissions in relation to the supply of Rural-Residential land and the decision was made to introduce a further 17ha of Rural-Residential zoning at Stockmans Road. The Council decision to withdraw Horrell Road from being zoned Rural-Residential has reduced the land supply from that which was notified as part of the plan change.

It is considered that the 55ha of Rural-Residential 1 zoned land at Kuranui Road is consistent with the principles and reasoning for land supply as promoted under Plan Change 47. These principles included ensuring that an 'over' supply of both residential and Rural-Residential land was available and that there was a choice of areas and rural living options available.

3.4 Environmental Considerations

A high level assessment of environmental effects for the proposed rezoning of Kuranui Road was presented to Council as part of the planning report. This assessed the Kuranui Road area as being suitable for Rural-Residential 1 land use and subdivision and advised that there were no environmental considerations that would undermine or compromise this zoning over the subject area. The assessment also took into account that any subdivision consent application would also provide additional assessment of environmental effects and a more detailed consideration of ground conditions and servicing/access requirements based on the final lot configuration and house site locations.

Council has considered this assessment and the submissions and further submission received and has adopted this assessment as part of its decision.

3.5 Planning Instruments

Council notes that Part F of the Section 32 Report identified the statutory planning instruments that were considered as part of Plan Change 47. The Council decisions issued last year following the June 2017 hearing broadly determined that Plan Change 47 was consistent with the national and regional policy instruments in terms of the principles underpinning the plan change and the approach that was undertaken in terms of establishing the land budgets and changes to zoning.

The assessment presented in the Section 32 report identified the statutory linkages and hierarchy between the regional policy statements district plan provisions. This assessment is directly relevant to the proposed rezoning of Kuranui Road.

Council notes that the Operative Waikato Regional Policy Statement (RPS) sets out a broad range of objectives relevant to land use activities within the District and it also includes specific provisions for plan changes and Rural-Residential development. Policy 6.1 and Implementation Method 6.1.5 are specifically relevant to Rural-Residential development.

Policy 6.1

*Subdivision, use and development of the **built environment**, including transport, occurs in a planned and co-ordinated manner which:*

- a. has regard to the principles in section 6A;*
- b. recognises and addresses potential cumulative effects of subdivision, use and development;*
- c. is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and*
- d. has regard to the existing built environment.*

Implementation Method 6.1.5

*Rural-residential development should be directed to areas identified in the district plan for rural-residential development. District plans shall ensure that rural-residential development is directed away from **natural hazard areas, regionally significant industry, high class soils, primary production** activities on those high class soils, electricity transmission, locations identified as likely renewable energy generation sites and from identified **significant mineral resources** (as identified through Method 6.8.1) and their identified access routes.*

Council is satisfied that the area of Kuranui Road is consistent with the criteria identified in Method 6.1.5 as this area does not contain significant industry or electricity transmission corridors. While there is some primary production land use, the size and location of the lots is not indicative of prime rural production land and any specific natural hazard mitigation will be able to be assessed as part of any future subdivision and building consent process.

With respect to the broader requirements for integrated management, resource use, sustainable and efficient use of resources, Council also has determined that a Rural-Residential zone over the subject area will be consistent with the RPS for the reasons outlined in the Section 32 report.

3.6 Submissions and Further Submissions

Council has considered the following submissions and further submissions in relation to the rezoning proposal.

Submitter/Further Submitter	Submission Summary
<u>Semmens (Sub 5 and FS:01)</u>	Semmens made an original submission and a further submission discussing the provision of Rural-Residential land around Morrinsville and discussed issues in relation to future residential development and the loss of productive soil. The primary subject of the submission was related to Horrell Road with the further submission putting forward the view that Kuranui Road should be zoned Residential and not Horrell Road.
<u>Bowen (Sub 4)</u>	Bowen made a submission regarding the need to provide more flexibility for Rural-Residential subdivision of small blocks around the town centre. The two key reasons for seeking more subdivision was to help with the housing shortage and to enable further subdivision of rural lots where the economic value of the land resource was already compromised. While the submission did not specifically refer to Kuranui Road, it broadly covers a geographic area which does include Kuranui Road.

KiwiRail (Sub 40)	Kiwirail made a submission to retain the changes for rezoning of the proposed Rural-Residential 1 areas at Morrinsville 'as notified'. This was on the proviso that the existing District Plan mechanism in relation to acoustic insulation and setbacks from the rail corridor also being retained alongside any new subdivision opportunities.
New Zealand Transport Agency (Sub 37)	The New Zealand Transport Agency made submissions to a wide range of Plan Change 47 topics. With respect to Kuranui Road, the Transport Agency identified that the rezoning will result in additional traffic using the SH26/Avenue Road South intersection and that further information was required on the traffic effects and possible mitigation measures.
Waikato Regional Council – (WRC) - (Sub 51 and FS: 04)	<p>The original WRC submission provided a neutral submission to the proposed Rural-Residential zones at Morrinsville; however, the submission also sought that the proposed Rural-Residential zones be retained as notified.</p> <p>The further submission was made to the Bowen (Sub: 04) submission and sought that the submission be rejected in relation to greater subdivision options for all lots between 2,500m² and 4,000m².</p>
Fonterra (FS:10)	Fonterra made a number of further submissions including to the Waikato Regional Council (Sub 51), the NZ Transport Agency (Sub 37), Bowen (Sub 4) and Kiwirail (Sub 40). The Fonterra further submission opposed the Bowen submission and generally supported the other submissions insofar as they supported Fonterra original submission which sought to ensure that any additional subdivision or development did not compromise or affect its existing dairy factory sites.

In response to the submissions and further submissions, Council has reached the following determinations.

- (i) Kuranui Road has not been assessed for Residential development and it is considered that its location, land use and topography is more suited to Rural-Residential land use.
- (ii) Plan Change 47 has introduced greater flexibility for Rural-Residential living by providing two types of Rural-Residential zones and a variety of areas has been promoted to increase choice for the community. No other changes to the subdivision rule provisions are considered necessary.
- (iii) The performance standards for any new rural dwellings adjacent to the rail corridor will apply to all new Rural-Residential areas. The proposed Kuranui Road rezoning is unlikely to result in any new house sites that would be in close proximity to the railway corridor.

- (iv) Council staff have advised that some minor intersection improvements have been identified for the SH26/Avenue Road South intersection. The correspondence with the New Zealand Transport Agency and mitigation measures are provided in **Appendix 2**. The Transport Agency has endorsed the plan change based on the provision of these mitigation works. Council has determined that these mitigation measure are appropriate and its decision adopts the mitigations measures identified.
- (v) The Kuranui Road rezoning is unlikely to affect any of the Fonterra sites and the other matters associated with the submissions have been addressed through the earlier hearing and decision on Plan Change 47 last year.

4. Section 32AA Assessment

Section 32AA of the Resource Management Act 1991 (RMA) provides for an evaluation report to be prepared to support the decision-making process as a result of the submissions and further submissions.

This 32AA report is supplementary to the original evaluations report (Section 32 Report) which was prepared as part of the notification of the Plan Change. It discusses the key changes which have been made by Council on the Plan Change and provides a further evaluation of these changes in accordance with Section 32AA.

It is Council's decision that the rezoning proposal for Kuranui Road be adopted in accordance with the notified provisions of Plan Change 47. There have been no substantive changes to the rezoning proposal or to the rules or mitigation measures proposed and therefore the original Section 32 analysis is by and large adopted as the Section 32AA assessment.

5. Conclusions

The proposed rezoning of Kuranui Road from Rural Zone to Rural-Residential 1 will provide an alternative area for Rural-Residential living. Council has determined that there are no environmental or servicing matters which would compromise the change in zoning. The Kuranui Road area is close to the town centre and amenities and it is considered that the rezoning will not adversely affect high quality soils or the rural land resource.

The submissions and further submissions are largely concerned with the broader approaches to land supply and subdivision however they are relevant to the consideration of the Kuranui Road proposal. It is determined that the matters raised in submissions can be addressed through mitigation measures including the rule frameworks within the District Plan for future land use and development.

It is determined that the proposed rezoning will give effect to the relevant planning instruments including the Operative Regional Policy Statement.

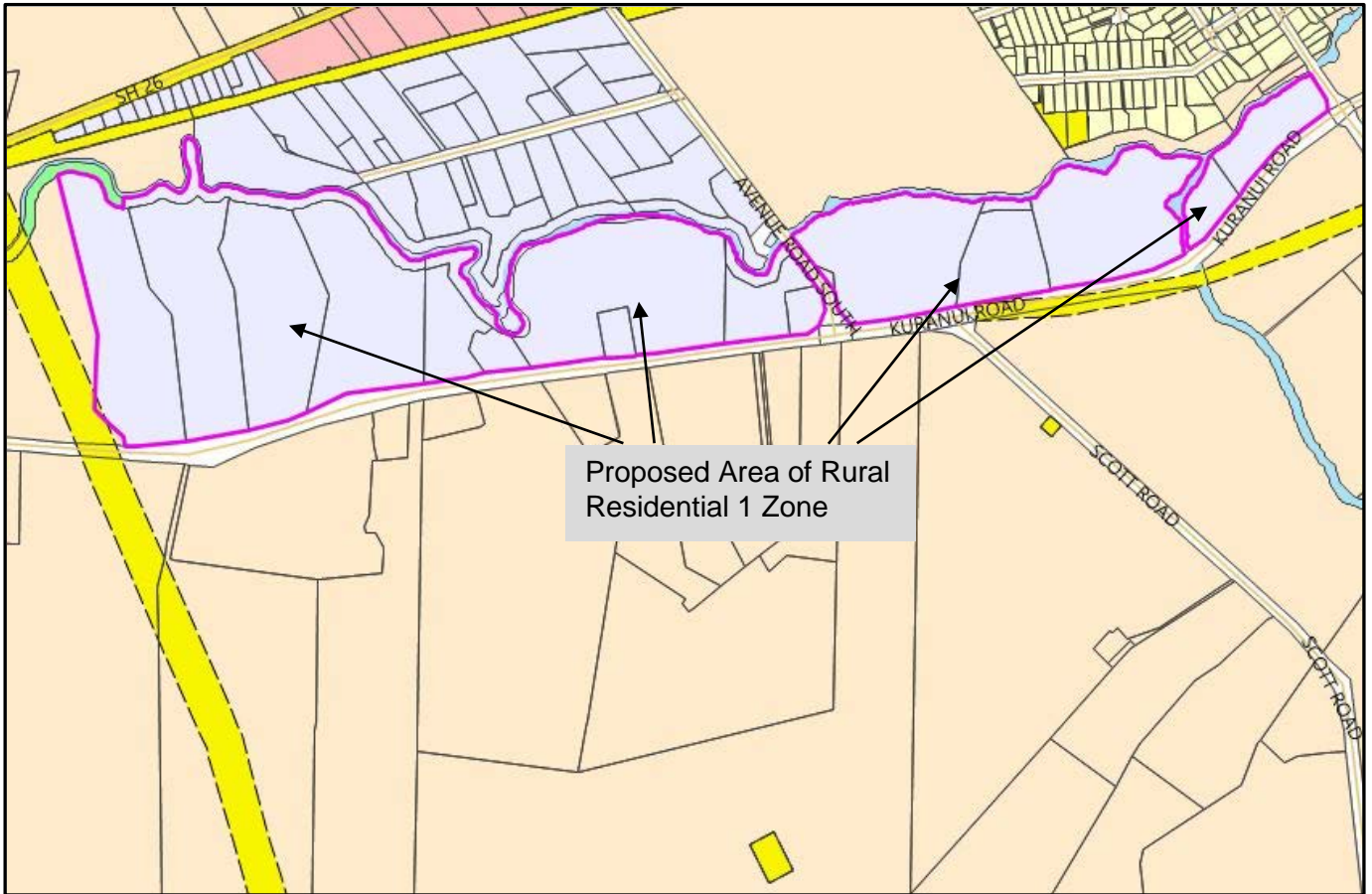
Council Decision

That, pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991, the rezoning of the Kuranui Road area (as identified in Appendix 1) from Rural Zone to Rural-Residential 1 Zone be adopted with the following recommendations on submissions and further submissions insofar as these are relevant to the rezoning, and including the upgrade works at the SH26/Avenue Road intersection as referenced in Council's letter to the New Zealand Transport Agency, dated 22 January 2018.

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 5	FS: 01	Semmens	Accept in part
Sub: 4		Bowen	Reject
	FS: 04	Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept
Sub: 40		Kiwirail	Accept
	FS: 10	Fonterra	Accept
Sub: 37		NZ Transport Agency	Accept in part
	FS: 10	Fonterra	Accept in part
Sub: 51		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept

APPENDIX 1

Plan of Proposed Kuranui Road Rural-Residential 1 Area



APPENDIX 2

NZ Transport Agency Correspondence

Our Ref: NR - 1048 – Plan Change 47
 Enquiries to: Ally van Kuijk



22 January 2018

New Zealand Transport Agency Hamilton
 PO Box 973
 Waikato Mail Centre
 Hamilton 3240

Dear Jenni

Plan Change 47 – Kuranui Road Stirling Street rezoning options – Follow up

As you will most likely be aware, Council has completed all hearings associated with Plan Change 47 apart from the matters associated with the proposed rezoning of properties along Kuranui Road from Rural Zone to Rural Residential Zone. Given the limited number of submitters and outstanding matters, Council is seeking to have the remaining parts of the Plan Change determined without a hearing.

The NZ Transport Agency was a submitter with respect to Kuranui Road and there has been previous communications regarding the mitigation works proposed at the SH26/Avenue Road South intersection. We have copied the email from Jenni Fitzgerald dated 9 August 2017 regarding the works and agreement from the NZ Transport Agency (refer Attachment 1).

As some time has passed since this matter was last discussed, we would like to ensure that there is a clear understanding of the works and we also seek confirmation from the NZ Transport Agency that based on the agreed works, you do not wish to be heard in support of your submission.

Mitigation Works

We confirm that Council will undertake the works outlined in the attached email. Council will need to allocate funds for this work through the Annual Plan process and we provide an undertaking that the works will be completed within three years from the date of this letter.

District Plan Provisions

As the area for rezoning is relatively small with a subdivision yield of only approximately 30 lots from the rezoning, no specific planning controls were anticipated and no structure plan mechanisms have been promoted alongside the rezoning.

Given this situation, we propose that the agreement for the works be accepted as an agreement that is stand alone and sits outside any specific planning provisions contained within the District Plan.

Need for a Hearing

We would be pleased for the NZ Transport Agency to confirm that based on the above undertaken, that the NZ Transport Agency will not require to be heard. The NZ Transport Agency's submission will still be retained as a submission.

We would be please if you could provide a response to this letter reasonably quickly as we making arrangements to have the Kuranui Road part of the Plan Change placed on the next Council agenda which is in February.

Kind regards



Ally van Kuijk
District Planner



From: Jenni Fitzgerald [<mailto:Jenni.Fitzgerald@nzta.govt.nz>]
Sent: Wednesday, 09 August 2017 2:20
To: Ally van Kuijk
Subject: Kurauā

Hi Ally

Katherine has discussed the traffic report and findings with our safety engineer and I'm now able to confirm that, subject to the following, the Transport Agency will support Plan Change 47 with respect to the proposed Kurauā Road rezoning:

- We support the installation of a traffic island that is to be constructed at the SH26/Avenue Road South intersection in accordance with the Austroads Guide to Road Design series.*
- The traffic island is to have lighting designed to comply with AS/NZS 1158.1 Road lighting - Vehicular traffic (Category V) lighting.*
- The developer shall arrange for an independent safety audit of the detailed design of the traffic island that is to be reviewed and accepted by the NZ Transport Agency in accordance with the NZ Transport Agency Road Safety Audit Procedures for Projects Guidelines.*
- Detailed engineering design plans which include heavy vehicle turning paths shall be submitted to the Transport Agency for approval prior to construction. The Safety Team requests to review these design plans.*

Note: The NZ Transport Agency has a minor safety improvement project to install a traffic island at the SH26/Avenue Road North intersection programmed for 2017/18. This project is currently on-hold until Matamata Piako District Council installs a large stormwater pipe in this location.

Thanks
Jenni

Jenni Fitzgerald / Principal Planning Advisor
Consents & Approvals / System Design & Delivery

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