

UNDER

the Resource Management Act 1991
("RMA")

IN THE MATTER

of Waikato District Plan Review– Hearing 25
Zone Extents.

**STATEMENT OF EVIDENCE OF FRASER MCNUTT ON BEHALF OF MOWBRAY
GROUP LIMITED AND ANDREW MOWBRAY**

[Submission 404, 563]

[PLANNING]

1. INTRODUCTION

- 1.1 My full name is Fraser Guy McNutt. I am a planning consultant and hold the position of Associate at Barker & Associates Limited (**B&A**), an independent planning consultancy operating throughout New Zealand. As part of my role, I am Manager of B&A's Hamilton office; a position which I have held since June 2019. My qualifications and relevant experience are set out below.
- 1.2 I am a Full Member of the New Zealand Planning Institute. I have a Bachelor in Social Sciences (Resources and Environmental Planning), (REP) from the University of Waikato. I have 14 years' experience in Resource Management and Local Government.
- 1.3 My experience is broad, I have processed and been involved with a range of land and subdivision resource consents, notices of requirement, outline plans and plan changes within my former role as Planning Guidance Manager at Hamilton City Council. As stated above I now prepare such applications for clients in the private sector and have done so for just under two years.
- 1.4 I have been commissioned by Harry and Andrew Mowbray (**Mowbray Group - MG**) to prepare this statement of evidence to address matters raised in their submissions by Mowbray Group and Harry and Andrew Mowbray to Waikato District Council's ("**WDC**") District Plan review. The submissions are very similar and seek the same outcomes. Subsequently, I have referred to Mowbray Group throughout this evidence which is a representation of both Harry and Andrew Mowbray.

- 1.5 The subject site (**Site**) of the submissions to which this evidence relates is known as 452,452B, 456 & 462 Tauwhare Road, RD 3, Matangi. The Site is legally described as per table 1 below and shown within Plans A1-A5 contained in **Appendix 4**.

Involvement with the Matangi Mixed Use Zone (MMUZ) Project

- 1.6 Note, I was not party to the Mowbray Group's submissions which were lodged in August 2018, nor did I provide advice on or to those submissions or otherwise in relation to the Site as my engagement came some months after.
- 1.7 I was first approached by Mr Mowbray in early 2019 for planning advice on how to best consent or otherwise authorise development of their land holdings commonly known as the Matangi Dairy Factory. Mr Mowbray, through the Mowbray Group's submissions, in summary, sought to achieve flexibility through future land use provisions, while incorporating the ability to relocate old railway buildings (some historic) to site which he would repurpose and ultimately maintain.
- 1.8 For reasons which I address in more detail in the evidence that follows, I advised him that the appropriate approach would be to seek appropriate provisions for the land in the district plan rather than seek resource consents. As the Proposed Waikato District Plan (**PDP**) had been notified in July 2018, I advised that the notification of the PDP effectively precluded a private plan change application. Therefore, the best approach would be to seek a change to the district plan provisions for the Site through the scope of the Mowbray Group's submissions on the PDP.
- 1.9 I have regularly visited the site over the last year to both meet with Mr Mowbray but also to attend meetings with Heritage New Zealand, Matangi School and the Matangi Residents Association in relation to the proposed MMUZ. I am familiar with the sites surrounds, flat topography, built environment and its locational proximity within the Waikato.
- 1.10 The purpose of this evidence is to evaluate the consistency of the PDP provisions as sought in the Mowbray Group submissions with the applicable strategic planning framework. It is also to recommend a complete set of plan provisions that provides a viable framework to best support and manage both existing and future development of the site.

Purpose and Scope of Evidence

- 1.11 Specifically, my evidence will cover:
- (a) Context and background (**Section 3**).
 - (b) An overview of the Matangi Mixed Use Zone (**Section 4**).
 - (c) Relevant statutory and policy context (**Section 5**).
 - (d) Strategic analysis (**Section 6**).
 - (e) Other relevant documents (**Section 7**)
 - (f) Planning Analysis (**Section 8**)
 - (g) Comment on issues raised by submitters relevant to my area of expertise (**Section 9**).
 - (h) Provide a brief conclusion (**Section 10**).
- 1.12 A summary of my evidence is contained in **Section 2**.
- 1.13 My evidence relies on the evidence of the following technical experts:
- (a) Cameron Inder – Transport
 - (b) Trisha Simonson – Wastewater
 - (c) Harry Mowbray – Owner/Applicant
- 1.14 My evidence addresses strategic and statutory planning matters and only addresses environmental effects to the extent that such analysis is necessary to inform my opinion on the strategic issues. Where necessary I have relied upon the opinions that have been provided by the above experts, in particular the detailed and unique history of the site that Mr Mowbray has described. For this reason, I have not elaborated further in section 3 of my evidence on these matters. I have relied upon the evidence of Mr Mowbray in relation to background information that relates to the history of the Matangi Dairy Factory in particular.

Expert Witness Code of Conduct

1.15 I confirm that I have read the Expert Witness Code of Conduct set out in the Environment Court's Practice Note 2014. I have complied with the Code of Conduct in preparing this evidence and agree to comply with it while giving evidence. Except where I state that I am relying on the evidence of another person, this written evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed in this evidence.

2. SUMMARY OF MY EVIDENCE

2.1 This evidence has been prepared in support of submissions from Mowbray Group regarding the proposed zoning and future use of 452,452B, 456 & 462 Tauwhare Road, RD 3 Tauwhare Road, Matangi.

2.2 The history of the Site and the vision for a MMUZ has been robustly covered in Mr Mowbray's evidence. The supporting objectives, polices and rule framework provided in **Appendix 2 and 3** enable this vision to occur while giving effect to the higher order policy documents covered in this evidence.

2.3 Sections 32 and 32AA of the Resource Management Act 1991 (RMA) require an evaluation that must, in summary, consider the efficiency and effectiveness of a (plan change) proposal, taking into consideration benefits and costs and the risk of acting or not acting where there is uncertain information. A comprehensive s32AA assessment is contained in Appendix 1.

2.4 Under the broader assessment of the benefits and costs of the environmental, economic, social and cultural effects of the zoning, section 32(2) of the RMA specifically requires assessment of the opportunities for economic growth and employment to be provided or reduced.

2.5 The site has a significant amount of built form already established and in use. The risk of not acting (i.e. not zoning the land for mixed use) is that:

- (a) MG will be unable to rationalise or repurpose existing buildings and provide for future employment and alternative living; and
- (b) A range of mixed land use activity (see list of proposed permitted activities in Appendix 3) will be forced to be accommodated elsewhere outside of Matangi.

As a result, the economic, social and employment opportunities would be largely lost. This is the opportunity cost of the zoning proposal.

- 2.6 Alternatively, activities could run through the consenting process for 'out of zone' activities but this is costly, time consuming and in my view uncertain if the zoning remained predominantly industrial.
- 2.7 My s32AA analysis (**Appendix 1**) concludes "the proposed MMUZ rezoning will be efficient and effective in achieving the objectives of the PDP for the following reasons" The MMUZ will:
- (a) Give effect to the growth direction of Future Proof, the RPS and Community Plans.
 - (b) Provide additional capacity for business and residential development giving effect to the National Policy Statement Urban Development (**NPS UD**).
 - (c) Result in environmental, social and economic benefits, beyond those of the notified zoning.
 - (d) Give effect to the PDP district wide objectives.
- 2.8 The key strategic framework in which a decision is to be made is in the objectives and policies of the Waikato Regional Policy Statement (**WRPS**), PDP and subservient planning instruments including Future Proof 2017 and Waikato 2070, the Waikato District Growth Strategy, all of which I have demonstrated below that our proposal is consistent with.
- 2.9 Matangi is not incorporated nor listed as a strategic Industrial node within the Future Proof Area. The proposed MMUZ will still encapsulate some of the lighter industrial uses but discourage heavy industrial land use.
- 2.10 The PDP did not include a proposed 'Mixed Use Zone', and the notified zones, in my opinion do not provide sufficient flexibility to enable the comprehensive development of the Matangi Dairy Factory site.
- 2.11 The MMUZ will allow for current land use activities and enhances the opportunity to repurpose and use the large amount of vacant land and buildings within the site for alternative uses such as multi-unit residential, community events and functions as well as providing additional commercial opportunity to support the growing suburb.

3. CONTEXT AND BACKGROUND

3.1 Mowbray Group and Andrew Mowbray are the owners of the Site. The following table sets out the relevant Record of Titles, current and proposed zoning under the Operative District Plan (**ODP**) and PDP.

Record of Title	Current Zoning (ODP)	Proposed Zoning (PDP)
Lot 1 DPS 319280, held under RT 75850 (452 Tauwhare Road)	Light Industrial	Business
Lot 2 DPS 319280, held under RT 75851 (452B Tauwhare Road) Andrew Mowbray's Property	Light Industrial	Industrial
Part Allotment 45 Parish of Tamahere, held under RT SA53C/770 (456 Tauwhare Road)	Light Industrial	Business
Lot 1 DPS 61203 & Section 2 SOP 465505, held under RT 638699 (458 Tauwhare Road)	Light Industrial	Industrial
Lot 2 DPS 72565 & Section 1 SOP 465505, held under RT 638698 (462 Tauwhare Road)	Rural	Industrial
Lot 1 DPS 72565, held under RT SA58B/679	Rural	Rural

Table 1: Table showing Records of Title and zone changes under the Waikato ODP and PDP also shown on the set of Plans in Appendix 4.

3.2 Mr Mowbray (Harry) has submitted against the proposed zoning of the Site in the PDP with the intention of zoning the entire land holdings a Special Purpose Zone under the National Planning Standards (Matangi Mixed Use Zone), as per outlined in Section 3.3 below.

3.3 Mr Mowbray through his submissions in summary sought to achieve the following (emphasis added):

- (a) Provision for historic railway cottages to be moved to 452B Tauwhare Road. (Submission 404.1 and Submission 404.2)
- (b) Retain the ability for Industrial use but for the surrounding area/properties to work towards Business Town Centre zoning. (Submission 404.2 and Submission 404.3)

- (c) Provide for existing buildings located at 452B Tauwhare Road to allow for several buildings to remain at their current height after a change of use occurs. (Submission 404.4)
 - (d) Sought **special and flexible zoning** to allow **development of a historic business town centre**. (Submission 404.5)
- 3.4 Andrew Mowbray's submissions are very similar to the above and essentially support Mowbray Groups submissions and states that industrial zone is not a good fit for the site or the vision for Matangi Village. He also sought a reduction in the lot size for subdivision from 5000m² to 3000m².
- 3.5 The outcome sought by the submissions is to provide a planning framework within the PDP that enables development to occur within the subject site, consistent with non-industrial land use activities that currently are not provided for. The submissions seek provision to allow the relocation of historic railway cottages. More specifically, the amendments seek to provide a planning framework to better enable development of the subject site, predominantly through the reuse and repurposing of the current buildings on site.

Site Context

- 3.6 The site is currently situated on land zoned both rural and light industrial which contains the former 'Matangi Dairy Factory' and has policy overlays of; Heritage Item and Waikato River Catchment. There are no know hazard overlays either operative or proposed via the PDP. A Gas Line travelling north-east is positioned approximately 70m from the site, on the opposite side of the Railway Line. No other sensitive infrastructure is located in the surrounding environment.
- 3.7 The New Zealand Co-operative Dairy Company Limited Factory (Former) (Dairy Factory) is listed as a Category 2 Historic Place on the Heritage NZ list. The Dairy Factory was built in 1919 and stood as a symbol of the growth and investment in the dairy industry. The building was architecturally designed and includes reinforced concrete column and beam construction with concrete panel walls and timber trussed roofs. The Dairy Factory was predominantly used for milk powder production and was regarded as a model factory and showplace to overseas visitors. The Dairy Factory stopped operating in 1987 and has since been home to a number of small businesses from 2004 onwards.

Locality Context

- 3.8 The site is largely flat with multiple buildings and structures existing. The total land area for which the Mowbray Group wishes to create the special purpose 'Matangi Mixed Use Zone' spans approximately 5.2 hectares and contains six records of titles (see table 1 above). The site is bound by rural zoning to the north-east and south. Residential properties/zoning occupy the land south-west and north-west of the site. Immediately north of the site on the opposite side of Tauwhare Road is a small-scale Commercial Business Zone.
- 3.9 The wider environment is predominantly used for rural purposes with rural zoned land encompassing the site in all directions with majority of the land being retained in pasture containing detached dwellings. The Cambridge Branch Railway Line (Designation 'L3') travels past the site in a north west/south east direction. Immediately to the north and north east is Rural zoned land, to the south, west and further north (Matangi Road) are living zones occupied by single-storey detached dwellings. On the corner of Tauwhare and Matangi Road are five sites zoned business that span an approximate area of 3,500m² and contain a range of uses such as a mechanic, a Four Square and dwellings.
- 3.10 Matangi School (Designation 'C39') is situated on the edge of the Living zone on the northern side of Matangi Road and covers an area of 1.6 hectares. Directly adjacent to Matangi School is "The Seven Sisters" heritage item at 584 to 596 Matangi Road. Community facilities such as St David's Church and Jack Foster Reserve are on the western adjoining sites to the school within the Rural zone. Adjoining the site to the south west is the Good Street Reserve, positioned in the midst of a Living zone. Matangi Hall (Designation 'M65') is situated further north on Tauwhare Road, just outside Matangi Village. North of the site is a Wastewater Treatment Site (Designation 'M64'), accessed off Robinsons Lane.

Matangi Village Context

- 3.11 Matangi is a smaller satellite settlement located south east of Hamilton City at the crossroads of Tauwhare Road and Matangi Road, just south of the Cambridge Branch Railway Line. The Matangi Dairy Factory signifies almost 100 years of dairy processing in Matangi and is now primarily occupied by several small businesses on site. Numerous community facilities and commercial businesses are present in the area, providing for the small residential community living in Matangi Village.

- 3.12 Due to the history of the area, several sites within Matangi are recognised as Heritage Items and are protected under the ODP, giving residents the opportunity to learn more about the history of the village. There are seven historic sites protected under the District Plan in Matangi. As mentioned previously, the Matangi Dairy Factory is listed as a Heritage Item, “The Seven Sisters” located north west of the subject site on Matangi Road, St David’s Anglican Church (591 Matangi Road), Matangi House (391 Tauwhare Road), Briarly House (8 Titoki Drive), Woodside House (94B Webster Road) and the Former Public Works Building (78 Matangi Road). All of these buildings are protected for their general or gabled form.

Operative Waikato District Plan Zone

- 3.13 The current zoning of the site is a mixture of Light Industrial and Rural. With the Cambridge Branch Railway Line (Designation ‘L3’) dissecting the site in a north west/south east direction.

Proposed Waikato District Plan Zone

- 3.14 Under the PDP, the site is to be zoned Industrial and falls within the Hamilton Basin Ecological Management Area and the Waikato River Catchment. Sites to the west (Good Street) and to the north (Matangi Road) are zoned Residential and are occupied by single detached dwellings. Jack Foster Reserve (adjacent to the School) is rezoned as a Reserve Zone as opposed to previously being zoned as Rural. The adjoining sites (452 and 456 Tauwhare Road) are proposed to be zoned Business and contain a Café (Bus Stop Café) and dwelling on 456 and a dwelling on 452 Tauwhare Road. Other than these several changes, the majority of the land in the wider environment is proposed to remain zoned rural.
- 3.15 The site (and the wider environment) falls within Designation ‘A1’ (Air Navigation Aid). Matangi School, Matangi Hall, Cambridge Branch Railway and a Wastewater Treatment Site remain as listed Designations under the Proposed District Plan. To the north of the site at 608 Matangi Road is Designation ‘U15’, for Telecommunication and radio communication and ancillary purposes.

4. OVERVIEW OF MOWBRAY GROUP SUBMISSION

- 4.1 To enable MG’s vision to be realised and in response to the opportunity presented by the PDP process, MG lodged a submission on the PDP that seeks to enable a variety of current and future land use activities to operate on site through a Mixed Zone.

- 4.2 The purpose of the MMUZ zone is to provide a planning framework within the PDP that enables a range of different land use to occur and enable Mr Mowbray's vision for the site that provides for community events, visitor's accommodation and relocation and reuse of historic buildings (such as railway houses and structures). The framework provides suitable ceilings (consenting triggers) that, through future consenting, will be able to manage any future potential effects that relate to infrastructure, traffic, amenity and centres hierarchy. I explain this further in section 8 of my evidence.
- 4.3 The evaluation of options in my 32 and 32AA analysis has concluded that rezoning the land in accordance with MG's submission on the PDP is the most efficient and effective method of implementing the development outcomes sought. The changes can be readily accounted for within the PDP via a MMUZ zoning and embedding a suite of special purpose zone specific objectives and policies, rules and planning maps with cross references to city wide chapters where necessary. Where I have been able, I have adopted the definitions, provisions and layouts that fit within the s42A report recommendations and National Planning Standards guidelines.
- 4.4 The changes are consistent with the policy and rule framework of the PDP.

5. STATUTORY AND POLICY CONTEXT

- 5.1 The MG submission is subject to a range of the provisions in the Resource Management Act 1991 ('RMA'), including:
- (a) The 'sustainable management' purpose and principles in Part 2 (sections 5 – 8); of the Act;
 - (b) Section 31 - functions of territorial authorities;
 - (c) Sections 32 and 32AA requirement for evaluation reports;
 - (d) Section 74 - matters to be considered; and
 - (e) Part 1 of Schedule 1 - requirements relevant to plan processes.
- 5.2 I comment on each of these matters below.

Section 31

- 5.3 Under s 31(1) of the RMA, WDC as a territorial authority has a number of functions for the purpose of giving effect to the RMA in its district, including the establishment,

implementation, and review of objectives, policies and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the Waikato District.

Section 32 Evaluation

- 5.4 As the MG submission seeks to make changes to the notified PDP a section 32AA evaluation is required. That evaluation is to be undertaken in accordance with section 32 (1)-(4) of the RMA.
- 5.5 The evaluation must examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of the RMA under subsection 32 (1)(a), and whether the provisions in the proposal (i.e. policies, rules and other methods) are the “most appropriate” way of achieving the objectives under section 32(1)(b).
- 5.6 The content of my s32AA is contained in Appendix 1 of this evidence and discussed in 2.7 of my summary above.
- 5.7 A key aspect of the section 32 evaluation is that the proposed MMUZ zoning does not require any amendments to the high-level PDP strategic directions set out in section 1.12. The proposal to apply a MMUZ rather than the Light Industrial and Business Zone is broadly consistent with them as they in turn largely reflect the Future Proof Growth strategy, which I address in detail in section 6.10 below and within **Appendix 6** attached to this evidence.
- 5.8 Through the evidence of Mrs Simonson, it has become evident that the site requires a regional discharge consent for wastewater. The MG proposal relies on the ability for the site to be serviced adequately via the Innoflow system that Mrs Simonson has described in her evidence. To allow the site to be zoned predominantly Industrial (as proposed in the PDP) would be in my view be less appropriate than what has been sought in the MG submissions (MMUZ) and evaluated through my s32 analysis as a range of additional uses are able to be established that are less likely to generate high wastewater discharges i.e., ‘wet industries’.
- 5.9 In addition, there was no need to amend objectives and policies for the Industrial, Business and Residential zones; the proposal can be accommodated within the existing policy framework. As noted, the only policy amendment is to introduce a specific set of specific special purpose Matangi Mixed Zone objectives and policies

(**Appendix 2**) in Chapter 9 of the PDP ‘Specific Zones’, to provide recognition of the intent for mixed use development within the Matangi Factory site, in the same way that other specific areas are recognised in that section of the PDP.

- 5.10 In my view, the zoning the Site MMUZ to allow for mixed use through a special purpose zone is a good fit in terms of being able to be inserted into the PDP with minimal impact on the Plan as a whole, while also contributing to the achievement of wider objectives within it.
- 5.11 In terms of section 32 of the RMA as a whole, it is my opinion that the economic and employment growth and associated social and cultural benefits of the proposed MMUZ zoning far outweigh the potential costs and associated risks, which along with any adverse effects are able to be mitigated.

Part 2 Purpose and Principles of the RMA

- 5.12 The rezoning must be in accordance with the provisions of Part 2 of the RMA. The RMA has a singular purpose which is to promote the sustainable management of natural and physical resources (section 5 RMA).

I note that the subject site is a natural and physical resource in itself and thus in terms of section 5 on the RMA needs to be sustainably managed “while”:

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

- 5.13 The Supreme Court in *King Salmon*, in the context of a plan change, held that there was no need to refer back up the hierarchy of planning instruments to Part 2 to determine a plan change, unless there was some invalidity, uncertainty, or incomplete coverage in the documents promulgated under it, because other high level planning instruments (in that case the New Zealand Coastal Policy Statement) were deemed to have given effect to Part 2 at the national, regional and district level.

5.14 This is a submission against the PDP and not a private plan change. For completeness I have assessed the proposal in more detail against two evolving documents being the NPS UD 2020 and the settlement pattern contained in Future Proof 2009, updated in 2017 and scheduled to be re-evaluated in mid-2021. I address both of these below in section 6.

5.15 Overall, the proposal to enable a mixed use zone throughout the subject site in conjunction with the proposed planning provisions, in my view is consistent with the purpose of the Act.

5.16 In my opinion the proposed MMUZ is consistent with Part 2 of the RMA, in particular:

- (i) **Section 6(e)** ‘the relationship of Maori and their culture and traditions with the ancestral lands, water, sites waahi tapu and other taonga’ is to be recognised and provide for.

The MMUZ identifies and manages within the site it’s wastewater discharge, while improving a historic and existing discharge. It provides, through proposed provisions, for onsite stormwater disposal via soakage and lastly provides for a range of uses within the site including community events and activities that support the local catchment.

- (ii) **Section 6(f)** The protection of historic heritage from inappropriate subdivision, use, and development.

The MMUZ respects the existing built heritage, surrounds and themes through the proposed provisions. The MMUZ through its proposed objectives, provides a supportive framework for section 6(f) of the RMA. Subdivision is not promoted in the MMUZ.

- (iii) **Section 7(c)** – the maintenance and enhancement of amenity values & (f) maintenance and enhancement of the quality of the environment.

Provisions are included in the MMUZ to ensure the maintenance and enhancement of amenity values and the quality of the environment.

- (iv) **Section 8** – principles of the Treaty of Waitangi.

Comment on matters relating to Treaty matters is provided in later section of my evidence.

Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010

- 5.17 The Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 ('Settlement Act') gives effect to the Deed of Settlement entered into by the Crown and Waikato-Tainui in relation to Treaty of Waitangi claims in relation to the Waikato River on 17 December 2009. The Settlement Act has the overarching purpose of restoring and protecting the health and wellbeing of the Waikato River for future generations.
- 5.18 Section 9(2) of the Settlement Act confirms that Te Ture Whaimana, the Vision and Strategy for the Waikato River, applies to the Waikato River and activities within its catchment affecting the Waikato River.
- 5.19 The subject site falls within the river catchment. The MMUZ proposal is subject to Vision and Strategy for the Waikato River. This is addressed in section 6.30 below.

National Planning Standards

- 5.20 The first set of National Planning Standards were approved under section 58E of the RMA and gazetted on 5 April 2019. These National Planning Standards specify the structure and form for policy statements and plans specify definitions, and other administrative requirements.
- 5.21 The standards have been adopted as far as practicable, by using the standard terms and format that is proposed (See **Appendix 3**). Where practical, I have adopted Section 42a recommended wording for standards and provisions from the following WDC Hearings in association with:
- (i) Hearing 5: Definitions
 - (ii) Hearing 7: Industrial Zone
 - (iii) Hearing 10: Residential Zone
 - (iv) Hearing 14: Historic Heritage
 - (v) Hearing 22: Infrastructure

6. STRATEGIC ANALYSIS

National Policy Statement for Urban Development 2020

- 6.1 In August 2020 the NPS UD came into effect replacing the National Policy Statement on Urban Development Capacity. The NPS UD contains objectives and policies that require councils to carry out long term planning to accommodate growth and ensure well-functioning cities.
- 6.2 Under Policy 2 Tier 1 local authorities, which includes Waikato District Council, must provide at least sufficient development capacity to meet expected demand for housing in the short, medium and long term. Tier 1 local authorities must now set a bottom line in their plans, to allow for the total development capacity needed to meet estimates for demand and additional margins as calculated in the Housing and Business Development Capacity Assessments (Policy 7). The term 'bottom line' replaces the previous use of 'target' under the NPS-Urban Development Capacity, to reflect that this is a minimum amount, and that more is better.
- 6.3 The Hamilton Tier 1 local authorities which include Waikato District Council have until July 2021 to complete their Housing and Business Development Capacity Assessment which will determine if the RMA planning documents are providing for sufficient development capacity within the region. It is anticipated however, given the change in emphasis under Policy 2 to provide "at least sufficient development capacity" and the requirement for the assessment to include higher competitive margins. It is likely that the Housing Bottom Lines which will eventually replace the housing targets in the WRPS will likely increase.
- 6.4 The proposal to accommodate a mixed use zone is not inconsistent with the NPS UD and instead provides for additional housing and business capacity within the Matangi catchment. In my view, and in reliance on evidence from Mr Inder and Mrs Simonson, the site can provide for sufficient development capacity without generating significant adverse environmental effects.

Waikato Regional Policy Statement

- 6.5 The WRPS became operative in May 2016 and includes a strategic objective which ensures development in the built environment occurs in an integrated, sustainable and planned manner. In particular development of the built environment should be

integrated with infrastructure and water planning, minimise land use conflicts and anticipate and respond to changing land use pressures outside the Waikato Region.

6.6 Of relevance are the objectives and policies of the WRPS for the Built Environment which are outlined within the objective and policies of 3.12 of WRPS. The strategic direction of Future Proof is embedded within the WRPS objectives and policies for the built environment. The subject site is within the WRPS and Future Proof village limits for Matangi. Matangi is not a recognised future growth cell within the Future Proof area i.e., not a listed 'growth management area'. The introduction of a mixed use zone, in my view provides for several of the fundamental principles described in 3.12 of the WRPS being:

- (a) *Integration of land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors; (3.12 (g) WRPS)*
- (b) *The minimising of land use conflicts, including minimising potential for reverse sensitivity; (3.12 (g) WRPS)*
- (c) *The growth of the community that provides for a range of commercial development to support the social and economic wellbeing of the region; (3.12 (k) WRPS)*

6.7 By virtue of aligning and not undermining the intent of built environments within the region i.e.

“Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes”

6.8 It is my view that the proposed MMUZ is giving effect to the WRPS, particularly Policy 6.3 'Co-ordinating growth and infrastructure'. This occurs through the suite of proposed provisions that manage within the site, infrastructure provision for onsite wastewater, promotes onsite stormwater treatment through soakage, discourages fragmentation of the land prior to public reticulation arrival and minimises the potential for reverse sensitivity effects by recommending a more appropriate mix of uses throughout the site than what is promoted via the proposed PDP.

- 6.9 The provision of servicing the site via a private waste water system will not compromise the function of existing, or the planned provision of, infrastructure provided by central, regional and local government agencies. There is no planned upgrades of the existing Matangi wastewater infrastructure or associated funding in the Long-term Plan (LTP) that the MMUZ can be assessed against. Instead, Mowbray Group engineers have calculated the current usage onsite in addition to a reasonable amount of future capacity that could occur through the proposed provisions of the proposed MMUZ and provided for this through additional onsite capacity. (see Mrs Simonson's evidence).
- 6.10 I have also placed weight on the current zoning, which establishes the urban (industrial) activities can occur now as of right and in addition what was originally proposed in the PDP (to a lesser degree) from a wastewater perspective. The current zoning, through a permitted baseline allows for a 70% site coverage of industrial land use which currently sits at circa 20% site coverage with the existing built form. This means as of right, the site under the current provisions could be substantially intensified further.
- 6.11 Though the evidence of Mr Mowbray, the listed Heritage New Zealand (HNZ) New Zealand Co-operative Dairy Company Limited Factory (Former) section 3.18 Historic and cultural heritage of the WRPS becomes a relevant objective for the MMUZ. The objective seeks to ensure areas or places of historic and cultural heritage are protected, maintained or enhanced in order to retain the identity and integrity of the Waikato region's and New Zealand's history and culture.
- 6.12 The proposed MMUZ and vision that Mr Mowbray has detailed in his evidence supports the maintenance and enhancement of the site as a whole which includes the listed 'Factory' building. Given the site is no longer used as a dairy factory and through Mrs Simonson's evidence, it has become apparent the site would not be suitable for a large scale 'wet industry' land use. It is imperative that provision be made through an appropriate framework to promote the reuse of this building and the surrounding buildings for alternative non-industrial use. The factory buildings and their shell have been present for many decades and become part of the village's identity. This identity is maintained and further enhanced by their reuse which promotes both the maintenance of the buildings and celebration of them, though the pedestrian and community events that are held within and around them.
- 6.13 Future Proof has been embedded within the WRPS and therefore there is a policy direction to ensure that new urban development within Matangi is within the urban

limits (Policy 6.14). Additionally, the policy direction for urban growth seeks to ensure that urban greenfield development will over time become more compact through setting density targets (Policy 6.15). Policy 6.15 requires 8 – 10 households per hectare for greenfield development in Waikato District’s rural villages where sewerage is reticulated. Although residential is not the prime focus of the MMUZ, apartment living is provided for as a permitted activity. Subdivision is discouraged until public reticulated infrastructure is present.

- 6.14 The WRPS also includes a policy direction for the management of commercial development within the Future Proof area (Policy 6.16). Essentially this policy direction seeks to ensure integrated planning of commercial land use and infrastructure while providing for the anticipated future population growth.
- 6.15 The proposed MMUZ is consistent with the policy direction of Policy 6.16 as it is a more efficient use of land within the village limits and provides for the wider community’s needs without undermining the function of Future Proof and WRPS hierarchy of major commercial centres (7.3 table 4 Future Proof 2017) with Hamilton City being the primary commercial, civic and social centre for the entire Future Proof area. The MMUZ provisions cap the commercial and office gross floor area (GFA) at the same level of what was notified through the PDP to ensure the site manages it’s onsite and wider environmental effects. This is further explained in section 8 below.
- 6.16 Policy 6.19 identifies that the Waikato Regional Council will consider the need to review Policy 6.14, including the extent, location and release of land for development. In addition, it sets out a list of key development principles that new development should consider referred to as “6A Development principles”. A comprehensive assessment against WRPS 6A Development Principles is contained in **Appendix 6**.

Future Proof Strategy

- 6.17 The Future Proof Strategy is a 30-year growth management and implementation plan specific to the Hamilton, Waipa and Waikato sub-region. The Strategy provides a framework to manage growth in a coordinated way across the sub-region by enabling the majority of development to occur within existing urban areas and towns. The Strategy also aims to achieve integration between the settlement pattern, environment, infrastructure and funding. The Strategy was first adopted in 2009. Since adoption, the Strategy has been in an implementation phase and has been embedded within relevant statutory documents, including the WRPS which incorporates the Future Proof

settlement pattern, key principles and urban limits. In 2017, the Strategy entered an update phase which is again followed by a further update scheduled for mid-2021. A comprehensive assessment against WRPS 6A Development Principles is contained in **Appendix 6**.

- 6.18 The population of the Future Proof sub-region is projected to reach between 371,000 and 411,000 by 2045. The Strategy provides for an additional, 99,000 to 137,000 people in sub-region from 2016 to 2045. The Strategy aims to achieve around 80% of growth into Pokeno, Tuakau, Te Kauwhata, Huntly, Ngaruawahia, Raglan and various villages.
- 6.19 As stated, the Strategy doesn't recognise Matangi as a key future growth cell, therefore there is no specific guidance on how Matangi Village should develop in the future. Indicative village limits have been provided for Matangi Village and the land is only to be developed if reticulated wastewater is available in the area and only one commercial centre is necessary to provide for the daily convenience of resident's needs.
- 6.20 A key feature of the strategy is supporting the sub-region's towns to have thriving business centres that provide local employment opportunities relevant to the local needs and aspirations which also includes housing and employment options along with a range of social and recreational activities. Although not a 'town' and instead deemed a 'village' I have applied this principle to Matangi and note through my s32 analysis the appropriateness of the mixed use nature that the site can accommodate.
- 6.21 I also note that this development will not rely upon reticulated wastewater. It can be easily retrofitted once appropriate services are funded and provided for. The commercial needs of the village have been indicated by the additional business land notified in the PDP, which the MMUZ seeks to respect but equally redistribute spatially within the site (see section 8 below).
- 6.22 The site is located within the identified village limits with the additional commercial provision located in close proximity (across the road) from the existing small business zone to promote spatial conglomeration of retail and commercial land use in Matangi Village. The MMUZ gives effect to this vision and additionally supportive of two key features of the Future Proof Strategy:
- (a) Ensure the sub-region's towns have thriving business centres that provide local employment opportunities relevant to the local needs and aspirations which

also includes housing and employment options along with a range of social and recreational activities.

- (b) Building strong and sustainable communities through place-making initiatives, the provision of recreational, leisure, social, health, education, community, arts and cultural facilities and activities, and the ability for people to participate, collaborate and feel part of a community.

6.23 Within the Waikato District, indicative village limits have been proposed for the villages on the Hamilton City periphery, including Taupiri, Gordonton, Whatawhata, Te Kowhai, **Matangi**, Tamahere and Horotiu. These are shown on Maps 1 and 2 (Future Proof Strategy 2017) but are still indicative and will remain so until further development analysis, for example District Plan review or structure planning has been completed.

6.24 The Strategy expectation is that land within an indicative village limit may be developed to a rural-residential density only unless reticulated wastewater is available, with a single commercial centre providing for the daily convenience needs of residents in the immediate area. The Waikato District is currently facing significant pressures in relation to some of its villages. This is likely to intensify post the Waikato Expressway completion in 2020. To manage this, show leadership and avoid a potential proliferation of private plan changes, as a part of the Future Proof update to further investigate whether it is desirable to select one or two villages and prioritise these for future growth and servicing.

6.25 The MMUZ The MG submissions to which this evidence relates are not for a private plan change and are addressing existing zoned land. The MMUZ when considered in conjunction with the proposed provisions (contained in **Appendix 2 & 3**) does not undermine the intent of the Future Proof settlement pattern. The absence of guidance in the settlement plan is indicative of the current zoning in Matangi village and its ability to generate significant adverse effects as a result of the baseline of activities provided for. The proposed MMUZ maintains that level of potential effect while sympathetically proposing a range of less intensive activities that are able to be accommodated on site than what was proposed through the PDP while providing for onsite servicing of wastewater.

Future Proof Strategy (Industrial loss)

6.26 As a result of the proposed MMUZ there will be a maximum potential regional loss of Industrial zoned land (as notified) of approximately 3.5 hectares. Future Proof through

Table 6-2 of the WRPS provides Industrial land allocations which is updated through a business and land review.

- 6.27 Matangi is not incorporated nor listed as a strategic Industrial node within the Future Proof Area. The loss of 'Industrial land' is already anticipated to an extent through the notified PDP as business zoned land is proposed fronting Tauwhare Road. Furthermore, the proposed MMUZ provisions provide for light industry and a range of other activities that are unlikely to generate reverse sensitivity effects on neighbouring land. I do not consider the proposed MMUZ will be contrary to 7.4 of Future Proof settlement pattern for Industrial Business land.

Vision and Strategy for the Waikato River

- 6.28 The Waikato River Authority is recognised as the custodian of the Vision and Strategy for the Waikato River in 2010. The Vision and Strategy identifies four key issues, all commonly related to the degradation of the River (through natural processes and human activities) and moving towards restoration and protection of the River. The Vision and Strategy identifies various objectives and strategies to be implemented that will help restore the Waikato River to optimal health.
- 6.29 The Vision and Strategy is set out in Chapter 2 of the WRPS, but there are also several interrelated provisions, being Chapters 8 and 10 and Objective 3.4. The overall vision is captured in clause 2.5.1 which is;

" Our vision is for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn are all responsible for restoring and protecting the health and wellbeing of the Waikato river, and all it embraces, for generations to come."

- 6.30 The MMUZ will through the proposed provisions will give effect to the vision and strategy, particularly as the site is already operational and functioning with considerable built form. Soakage is promoted as the primary stormwater treatment efficiency with a new onsite wastewater system that will replace the existing discharge. This aligns with the vision of *restoring and protecting the health and wellbeing of the Waikato river*.
- 6.31 The proposal to rezone the site from Industrial land (with built form) to MMUZ, will not directly result in physical development and the associated effects, positive and negative. Rather, it qualifies development. With the development form being guided by

District Plan provisions, and future effects being administered by future detailed design and resource consents or alternatively anticipated via existing use rights or permitted activity status.

- 6.32 This broad approach is consistent with the Vision, whereby the physical health of the river ('abundant life') sits alongside the non-physical 'prosperous communities' and the shared responsibilities for restoring and protecting it.

Waikato District Operative Plan 2013

- 6.33 The southern portion of the Waikato District is subject to the ODP that became operative in March 2013. The ODP applies the Light Industrial and Rural zones to the subject site.

7. OTHER RELEVANT DOCUMENTS

Eureka, Matangi, Newstead and Tauwhare Plan 2013 - 2023

- 7.1 The Eureka, Matangi, Newstead and Tauwhare Community Plan (the Community Plan) provides clear direction for the future development of the Eureka Ward and helps frame relevant Waikato District planning documents. The Community Plan highlights key issues and projects the communities aim to focus on in the forthcoming years till 2023.
- 7.2 The Community Plan projects that the population of Matangi will grow from 350 in 2006 to 1400 in 2061. Key outcomes for Matangi Village include:
- Refuse and recycling;
 - Upgrading public transport options and further development of walking and cycling routes;
 - Improving the existing wastewater and stormwater infrastructure;
 - Progression of community development and community facilities available.
- 7.3 The Community Plan proposes to develop business and retail activity in order to strengthen the village community and continue developing Matangi. The Community Plan proffers two options for development with the biggest proposed change being a business zone on the fringe of the urban limits – located north of the subject site off Matangi Road and a bus stop. The proposed business zone is located within close

proximity to the subject site but is of a significantly smaller size and is currently occupied by residential dwellings.

- 7.4 The first option proposes the bus stop and public toilet to be situated on Matangi Road near the existing public reserve. The second option proposes a new recreation reserve off Tauwhare Road on the opposite side of the Railway with a carpark, bus stop and a public toilet. The proposed bus stop increases accessibility and improves transport options for those travelling to/from Matangi into nearby urban centres. The purpose of the proposed changes is to strengthen the village community and create a compact urban area, as consistent with Future Proof aims.
- 7.5 The proposed MMUZ is consistent with the future development of Matangi as outlined in the Community Plan. The mixed use zone will allow for a variety of businesses to locate in the heart of the village and provide for some of the anticipated population growth of Matangi. Through the proposed provisions, development within the MMUZ will require onsite treatment while utilising the existing trickle feed and stormwater connections (see services plan in **Appendix 5**). Subdivision is discouraged and would require discretionary consent unless connected to public reticulation (waste water). Development of buildings within the MMUZ is likely to require extensions to the existing wastewater and stormwater infrastructure.
- 7.6 The MMUZ will give effect to the vision that is specifically addressed in the plan as follows:

“Vision to rejuvenate the Matangi Dairy Factory industrial site as a historic destination

Matangi Factory is an excellent example of the work of Fredrick Daniell, an architect who has New Zealand wide recognition through this period of New Zealand history. The factory building is not only highly significant to the Waikato region but to New Zealand’s history for aesthetic, architectural, cultural, scientific, technological and economic reasons. The dairy industry has played a major part in New Zealand’s commercial viability. The restoration of this factory will remind the community of those early roots.”

Matangi Area Blueprint

- 7.7 The Waikato Area Blueprints are non-statutory documents developed by WDC in 2018. The intent of the Blueprints was to provide a high-level spatial picture of how the district

could develop over the next 30 years. They were developed through a series of 'inquiry-by-design' community workshops. The Blueprints have less weight than Future Proof and Waikato 2070, as they are non-statutory documents.

7.8 The top priority initiatives for Matangi include:

- (a) Produce a village centre plan;
- (b) Provide traffic calming and improved parking opportunities along the central section of Tauwhare Road;
- (c) Construct a footpath along Matangi Road up to Fuchsia Lane and create further connections to accommodate walking from the village centre to Hillcrest;
- (d) Establish a Heritage, Cultural and New Economy Business Cluster;
- (e) Moved to district-wide, but still top: build a strong identity.

7.9 The MMUZ gives effect to the Matangi Area Blueprint by providing vibrancy within the centre of the village, managing traffic effects through a zone that is not orientated towards predominantly industrial purpose, supports heritage and new businesses and builds on the village's historic identity through the reuse and repurposing of existing and relocated buildings.

Hamilton to Auckland Corridor Plan

7.10 The Hamilton to Auckland Corridor Statement of Spatial Intent ('H2A') was launched in August 2019 as part of the Government's Urban Growth Agenda and focus on spatial planning. The plan for the corridor was completed in December 2018 and updated in November 2020. The plan sets the vision, growth management objectives and programme for the corridor.



7.11 The proposed MMUZ will not be inconsistent with the H2A vision as will provide for improved housing choices, enhance the built form within the site through repurposing, create employment opportunities and is also strategically advantageous in being situated within the rail corridor.

Hamilton-Waikato Metro Spatial Plan

7.12 The Hamilton-Waikato Metropolitan Plan (**MSP**) is being delivered through the Future Proof partnership and is one of the initiatives being delivered as part of the broader Hamilton to Auckland Corridor Plan. The MSP is a document that describes how the Waikato wider metropolitan area can best plan for our long-term future to maintain and improve our liveability through the way we grow and how we move around. It includes a 100+ year vision and spatial framework and a 30-year plan for delivery.

7.13 In my opinion, the MMUZ will not undermine the intent and vision of the MSP. Matangi is not identified within this document as a 'priority development area' within the southern corridor (page 41 of the MSP) and is primarily referred to because of the rail connection the village has.

Waikato 2070 Plan

7.14 The Waikato 2070 Plan provides a long-term plan to achieve the Council's vision of creating liveable, thriving and connected communities within the Waikato District. Four key focus areas of the Waikato 2070 Plan are:

- Grow Our Communities;
- Build Our Businesses;
- Embrace Our Identity;
- Empower Our People.

7.15 The Plan identifies key towns where growth can occur and outlines implementation methods and tools to achieve said growth. The purpose of the Plan is to deliver well-planned communities able to support the projected business and population growth while supporting the social, cultural and economic wellbeing of the community.

7.16 The proposed MMUZ supports the economic and social growth of Matangi Village by providing additional space through predominantly existing and potentially some new buildings to be used for commercial/commercial service purposes to serve the community. The variety of activities provided for includes: provision for large community events, multiple live and work type land use activities, all while maintaining the identity of the built heritage.

Waikato Tainui Environmental Plan – Tai Tumu, Tai Pari, Tai Ao

7.17 The Waikato Tainui Environmental Plan is a long-term development approach to building the capacity of Waikato-Tainui marae, hapuu and iwi. With the introduction of this Plan, Waikato-Tainui aims to achieve a consistent approach to environmental management across the Waikato-Tainui area (rohe). The Plan provides a baseline for approaching environmental matters of importance to Waikato-Tainui to assist in further discussions, consultation and engagement to focus on areas of alignment and to resolve any inconsistencies.

7.18 The purpose of the Plan is to return the land to the modern-day equivalent of the environmental state that it was in during the late 1800's through environmental management techniques, such as consultation and engagement. The proposed MMUZ will not dramatically alter the existing environment as it has already been used for industrial and commercial purposes for many years. More so, the zone change will

encourage the agglomeration of businesses in a designated area that is already well-established.

8. PLANNING ANALYSIS

Planning Opportunities for Mixed Use Zoning of the Site

- 8.1 The proposed MMUZ gives the community additional commercial and business opportunity than what would be possible if it were to be an Industrial zoning. The site is directly opposite an existing Four Square and mechanic, the agglomeration of commercial activities will create a hub that is easily accessible for residents and those travelling through Matangi. Along the western boundary of the site are established residential uses and Matangi School is just north of the site off Matangi Road. The MMUZ is more compatible with the surrounding land uses and would meet community needs as opposed to the industrial zoning under the PDP.

Availability of Infrastructure

- 8.2 The Community Plan confirmed that improvements to the wastewater infrastructure is a key outcome that will ensure the residential and commercial development of Matangi continues in the forthcoming years. Any necessary improvements to the infrastructure have been anticipated for the area based off what was mentioned in the Community Plan. In lieu of this infrastructure and respecting the lack of certainty currently provided in the LTP an onsite wastewater management system is key to unlocking the potential of the site for further use in the medium to short term remembering this is an existing zoned piece of land. Through the evidence of Mrs Simonson this this is given certainty and that in her opinion the relevant Waikato Regional Council discharge consents would be forthcoming.

Separation between Incompatible Land Uses

- 8.3 Any reverse sensitivity effects emerging due to the proposed zoning (MMUZ) will be highly unlikely as opposed to the PDP industrial zoning which could lead to reverse sensitivity effects on the adjoining residential land. The proposed MMUZ provisions promote land use activities, that are in my view are compatible with the surrounding land uses and will not promote look visually out of place due to the small road frontage, deep site and existing built environment.
- 8.4 The current and proposed zoning under the Waikato District Plan will have a greater effect on residential amenity than the proposed MMUZ in my view (see S32 analysis

attached in **Appendix 1**). As mentioned previously, the MMUZ will promote commercial activities to be located within close proximity to one another (within the proposed 'commercial area'), forming a small commercial node with the pre-existing commercial activities on the opposite side of Tauwhare Road.

PROPOSED PLAN PROVISIONS

8.5 A proposed set of plan provisions are attached as **Appendix 2** and **3**. They have been developed as a stand-alone set of provisions that will sit within the relevant PDP sections:

- (a) Section B – Specific Zone objectives and policies
- (b) Section C – Rules 'Matangi Mixed Use Zone' **MMUZ**
- (c) Cross references to Sections D and E to manage City Wide effects such as natural hazards and Hazardous Substances similar to the way the PDP provides for the *Rangitahi Peninula*.
- (d) I have attached to this evidence the relevant plans that will be included in the District Planning Maps. They are:
 - I. The Commercial Area Plan which is **Attachment 4** to his evidence.
 - II. The MMUZ zoning plan which is attached as **Attachment 4** to his evidence. **This is intended to be overlayed without the building outlines*

8.6 As stated in 5.21 above, where practical I have adopted (for continuity) the Section 42a recommended wording for standards and provisions from the following WDC Hearings in association with:

- (i) Hearing 5: Definitions
- (ii) Hearing 7: Industrial Zone
- (iii) Hearing 10: Residential Zone
- (iv) Hearing 14: Historic Heritage
- (v) Hearing 22: Infrastructure

8.7 Key issues that are managed through the proposed objectives and policies through the provision of rules are:

- (a) Subdivision (other than by way of boundary adjustment) is a restricted discretionary (**RD**) activity to ensure there is scope to address the cumulative effects of staged development and to include consent conditions requiring staged infrastructure upgrades and connections. Subdivision that does not connect to Council reticulation is discouraged through the proposed provisions whereas reuse and repurposing of the existing buildings is promoted instead. See proposed **Rule 72**.
- (b) Traffic movements generated by land use activities are managed both individually with a permitted activity cap of 250 vehicle movements per day (vpd) and a combined total of 2200 vpd. Additionally, peak hour movements are managed and capped at 330 vph in peak periods. Heavy commercial vehicle movements are limited also to promote the light industry/non-industrial mixed use within the site. Failure to meet these standards result in a restricted discretionary resource consent coupled with an Integrated Traffic Assessment from a suitably qualified practitioner. This will ensure cumulative transport effects are captured and avoid incremental permitted development occurring without controls. See proposed **Rule 82**.
- (c) Commercial, office, apartment and multi unit residential is all promoted with the front of the site within a Commercial Area. These activities are permitted subject to standards within this area. The intent is to activate the Tauwhare Road frontage of the site while ensuring the community has ready access to typical convenience needs such as across the road in the Business Zone. Provision is still made to cater for the above activities throughout the site but via RD consent. A cap on commercial/office gross floor area (GFA) is proposed in line with what was proposed through the PDP which was 80% of the land area proposed to be zoned Business which equated to 3200m² total GFA. This has been split into 1600m² allocations between the aforementioned activities respectively. See proposed **Rule 1 and 2**

- (d) A new definition is proposed - **Matangi Light industry**: *Means small scale manufacturing, warehouse, bulk storage, service and repair activities which do not involve the use of heavy machinery, are carried out indoors that can contain ancillary retail. They include but limited to the following: printing works, brewery, furniture manufacture, car repairs, light engineering, tradesmen's depots and the like.*

This is proposed to allow for the existing light industrial activities operating from the site and to continue the ability for small scale light industry land use activities that have a lesser potential impact on infrastructure and reverse sensitivity effects than what was proposed through standard industrial. I note that this would be a new definition hence I have proposed it be specific to the MMUZ (hence the inclusion of Matangi in the definition). The definition as proposed accounts for activities such as the popular Bootleg brewery that currently operates from the site (under its own resource consent). The definition also allows a small amount of ancillary retail which is managed through proposed standards. The proposed definition aligns with the traffic evidence of Mr Inder and also acknowledges the WW constraints pointed out in Mrs Simonson's evidence.

9. ISSUES RAISED BY FURTHER SUBMISSIONS

- 9.1 Two submissions were made in relation to the Site that require comment.
- 9.2 The first was a primary submission in relation to the proposed zoning of 'Industrial' for the rear lot being Lot 2 72565 and SEC 1 SO 465505. The submission was on behalf of Amy and Andrew de Langen and opposed the rezoning of the land to the rear of their site from Rural to Industrial. Their submission refers to reverse sensitivity issues that could impact on their equestrian business in particular relation to noise effects.
- 9.3 The proposal to include a MMUZ that focuses on a range of uses rather primarily industrial will in my view appropriately alleviate that part of the de Langen's concerns. Similarly, the focus on reducing reverse sensitivity activities on site through the proposed provisions will also reduce the potential for adverse effects impacting their equestrian business.

- 9.4 I have viewed the de Langen's property from buildings F and G (**Appendix 4**) and in my view and mixed zone, taking into account the current built environment and the proposed suite of MMUZ provisions will be a better outcome than the proposed PDP.
- 9.5 I believe the MMUZ provisions will not promote activities within the referenced parcel of land that would inappropriately impact their equestrian business. This is because there are already two established dwellings situated on this land and being used for residential purposes and not industrial use (one currently being refurbished). There is physically not room for another building nor is it realistic in my view that those current buildings could be used for heavy industrial use that would generate adverse reverse sensitivity effects on the de Langen's adjoining properties.
- 9.6 The second was a further submission from Heritage New Zealand *Pouhere Taonga* (**HNZPT**) that opposed in part the changes sought from Mowbray Group and Andrew Mowbray's submissions. Concerns were raised around the unintended consequences that the proposed amendments may have on the existing HNZPT listed NZ Co-operative Dairy Company Limited Factory (former) List Nos 4935.
- 9.7 As confirmed through Harry Mowbray's evidence consultation has been ongoing with HNZPT. My view is that through the proposed suite of MMUZ objectives and associated provisions a fair balance between promoting and protecting the listed building and its setting is reached while allowing for a range of potential uses of the building to ensure the heritage of the Factory and its surrounds to survive. Bulk and location standards have been proposed that restrict new buildings being placed in front of the front building line and I propose a 10m standard setback for side and rear facades which I consider appropriate to mitigate any potential effects new buildings may have on the setting of listed buildings on site.
- 9.8 The vision that Harry Mowbray has delivered on from his ownership of the site in 2003 is only partly complete and through the MMUZ proposal, will be able to be given the flexibility to further restore and reuse many of the Factory's old buildings in a form that is sympathetic to the history of the site.

10. CONCLUSION

10.1 Overall, I consider that the Matangi Mixed Use Zone proposed for the site at 452,452B, 456 & 462 Tauwhare Road, Matangi appropriately achieves the purpose of the RMA and the higher order objectives of the WRPS.

Fraser McNutt

A handwritten signature in black ink, appearing to read 'Fraser McNutt', with a long horizontal flourish extending to the right.

17 February 2021