

Proposed Private Plan Change 35: Te Awamutu Large Format Retail Centre

Section 42A Report

20 July 2026

EXECUTIVE SUMMARY

On 8 August 2025, requester 638 Limited lodged a private plan change request seeking to amend the provisions of the Waipā District Plan for the Te Awamutu Large Format Retail Centre (TALFRC) at 670 Cambridge Road, Te Awamutu, the rezoning of adjacent land at 638 Cambridge Road from Medium Density Residential to Commercial Zone, and to include this land as part of the centre. This plan change request is referred to as Proposed Private Plan Change 35 – Te Awamutu Large Format Retail Centre (PC35).

On 6 October 2025, PC35 was accepted and approved for public notification in accordance with Clauses 25(2)(b) and 26 of Schedule 1 to the Resource Management Act 1991 (RMA) under delegated authority by the Group Manager – District Growth and Regulatory Services, Waipā District Council.

PC35 was publicly notified on 16 October 2025, with submissions closing on 14 November 2025. During the submission period a total of five (5) submissions were received. The summary of decisions sought was notified on 12 February 2026, and during the further submission period two (2) further submissions were received. The submissions received raise matters relating to:

- Consultation and engagement
- Urban growth
- Transportation
- Stormwater / flood hazard management
- Ecological values and landscaping
- Rezoning of adjoining land
- Proposed provisions

Since the close of the submission periods, the 638 Limited of the plan change has engaged further with the submitters on the matters of concerns raised. In relation to this:

- New Zealand Transport Authority advised Council on 01 April 2026 that they now consider the effects on NZTA to be acceptable and as a result they do not wish to be heard in support of their submission.
- During June 2026, the 638 Limited advised Council that the matters of concern raised by both Waikato Regional Council and Foodstuffs North Island Limited had been addressed.

No submitter has formally withdrawn their submission.

This report is prepared under Section 42A of the RMA and assesses the information provided in the submissions and further submissions to PC35. The purpose of this report is to provide the Hearing Commissioner with a summary and analysis of the submissions and further submissions, and to make recommendations on possible amendments to the plan change in response to those submissions.

Pursuant to Clause 10 of Schedule 1 to the RMA, it is recommended that PC35 be confirmed, subject to amendments to associated plan provisions.

Table of Contents

EXECUTIVE SUMMARY	2
1. INTRODUCTION.....	5
2. BACKGROUND TO PLAN CHANGE 35	6
2.1 SITE AND LOCATION	6
2.2 BACKGROUND	7
2.2.3 PLAN CHANGE PROPOSAL.....	8
3. STATUTORY AND POLICY CONTEXT	9
3.1 EXISTING PLAN PROVISIONS	9
3.2 RESOURCE MANAGEMENT ACT 1991	10
3.3 NATIONAL POLICY STATEMENTS (NPS) and NATIONAL ENVIRONMENTAL STANDARDS (NES).....	12
3.4 TE TURE WHAIMANA O TE AWA O WAIKATO – WAIKATO RIVER VISION AND STRATEGY	17
3.5 WAIKATO REGIONAL POLICY STATEMENT / TE TAUĀKĪ KAUPAPAHARE TE-ROHE O WAIKATO (INCORPORATING CHANGE 1)	18
3.6 FUTURE PROOF DEVELOPMENT STRATEGY	22
3.7 WAIPĀ 2050 DISTRICT GROWTH STRATEGY	22
3.8 IWI / Mana Whenua.....	23
4. ANALYSIS OF SUBMISSIONS.....	23
4.1 TOPIC 1 - Consultation and Engagement.....	24
4.2 TOPIC 2 - Urban Growth.....	25
4.3 TOPIC 3 – Transportation	25
4.4 TOPIC 4 – Stormwater/Flood Hazard Management	35
4.5 TOPIC 5 – Ecological Values and Landscaping	38
4.6 TOPIC 6 – Rezoning of the ROW leg of 650 Cambridge Road	40
4.7 TOPIC 7 – Performance Standards	41
4.8 TOPIC 8 – CONSEQUENTIAL CHANGES	46
5. CONCLUSION AND RECOMMENDATION	48
5.1 CONCLUSION	48
5.2 RECOMMENDATION	48

Appendices

Appendix 1	Summary of Decisions Requested and Recommendations by Topic
Appendix 2	Recommended Track Change Amendments to Plan Change 35
Appendix 3	Transportation analysis (Gray Matter Limited)
Appendix 4	Waikato Regional Policy Statement Assessment
Appendix 5	Flood Hazards - Correspondence from 638 Limited and Waikato Regional Council (submission #2)
Appendix 6	Correspondence from New Zealand Transport Agency (submission #1)
Appendix 7	Correspondence from 638 Limited in relation to addressing matters of concern raised by Foodstuffs North Island Limited (submission #4)

1. INTRODUCTION

- 1.0.1 This report, prepared in accordance with Section 42A of the Resource Management Act 1991 (RMA), assesses and provides recommendations on the submissions and further submissions (submissions) that were received by Waipā District Council (Council) in relation to Proposed Private Plan Change 35 – Te Awamutu Large Format Retail Centre (PC35) to the Waipā District Plan (District Plan).
- 1.0.2 Section 2 of this report provides the background to PC35.
- 1.0.3 Section 3 of this report provides the statutory and policy context for the matters to be considered and determined through the hearing process.
- 1.0.4 Section 4 of this report provides an analysis of the submissions including recommendations. For ease of reporting, the submissions for this hearing have been grouped into various topics. Analysis, discussion and recommendations on each submission and further submission are contained in the paragraphs for each topic, with Appendix 1 containing the summary of submission tables grouped by topic for ease of reference.
- 1.0.5 For clarity, the recommendations made in this report are not the decision of the Hearing Commissioner.
- 1.0.6 It is recommended that PC35 be confirmed subject to amendments. A track-changed version of the amendments recommended to the District Plan as part of PC35 are provided in Appendix 2 to this report.

2. BACKGROUND TO PLAN CHANGE 35

2.1 SITE AND LOCATION



- 2.1.1 The plan change documents outlines the nature of the site, location and the surrounding environs of the land subject to PC35. For ease of reference the subject land is referred to throughout this report as Area A and Area B.
- 2.1.2 Area A (670 Cambridge Road) accommodates the existing Te Awamutu Large Format Retail Centre area (TALFRC) and has a land area of approximately 6.0599 hectares. The site is developed in accordance with existing resource consents granted for the establishment of the existing buildings, associated carparking and vehicle accesses that support the mix of commercial activities on site, including a supermarket, medical centre, Mitre 10, and food outlets. There are three existing points of vehicle access to Cambridge Road which serve the TALFRC. This includes a right of way over neighbouring land (650 Cambridge Road).
- 2.1.3 Area B (638 Cambridge Road) has a land area of approximately 4 hectares and contains two dwellings and other accessory buildings. This property is used for grazing purposes and adjoins land containing established dwellings to the north. Legal access for Area B to Cambridge Road is achieved via existing right of way over neighbouring land (650 Cambridge Road), which also serves Area A. There is a tall dense Leyland cypress shelterbelt which screens Area B from the right of way.
- 2.1.4 Areas A and B are affected by the following planning notations:
- Commercial Zone (Area A)
 - Appendix S6 – Te Awamutu Large Format Retail Site Plan – Appendix S6 (Area

- A)
 - Medium Density Residential Zone (Area B)
 - Infrastructure Constraint Qualifying Matter Overlay (Area B)
 - River / Gully Proximity Overlay (Area B)
 - Stormwater Constraint Qualifying Matter Overlay (Area B)
 - Appendix S25 – Te Awamutu T11 Growth Cell Structure Plan (Area B)
 - Flood Hazard Area (Area B)
 - Biodiversity Corridor – 250m River Stream Corridor (Area B)

2.2 BACKGROUND

2.2.1 The physical development of Area A (670 Cambridge Road) occurred between 2009-2026 under the resource consents (land use and subdivision) listed below:

- LU/0197/09 – Construct and Operate Supermarket and Fuel Facility on the western half of the site, and earthworks over the entire site (granted November 2009). This consent established two public vehicle access points to Cambridge Road (including the use, formation and construction of the adjoining right of way over 650 Cambridge Road).
- SP/090/10 – provided boundary adjustment/relocations between 7 existing titles to reduce the number of titles to 6. This accommodated the development proposals (LU/0197/09 and LU/0119/10) and associated ROWs and easements providing for access, car parking and service requirements (granted July 2010). This subdivision also created a series of reciprocal easements between each of the titles created to ensure that vehicle access and carparking for the public occurred so the overall site could operate as one comprehensive retail centre.
- LU/0119/10 – Establish a Mitre 10 Mega Store, ten retail units and two café/restaurants with ancillary signs, carparking and loading areas on the remaining eastern vacant site area (granted August 2014). This consent established a third private access to Cambridge Road to facilitate private and service vehicle access to each tenancy.
- LU/0119/10.01 – s.127 application to amend LU/0119/10 to reflect updated tenancies in T2-4 (Medical Centre) and T12 (Birthing Centre). (granted February 2015).
- LU/0260/25 – land use consent for additions to existing Pak'n Save building to accommodate a click and collect area (granted February 2026).

2.2.2 Presently there are a total of fifteen businesses located within the five distinctive buildings on 670 Cambridge.

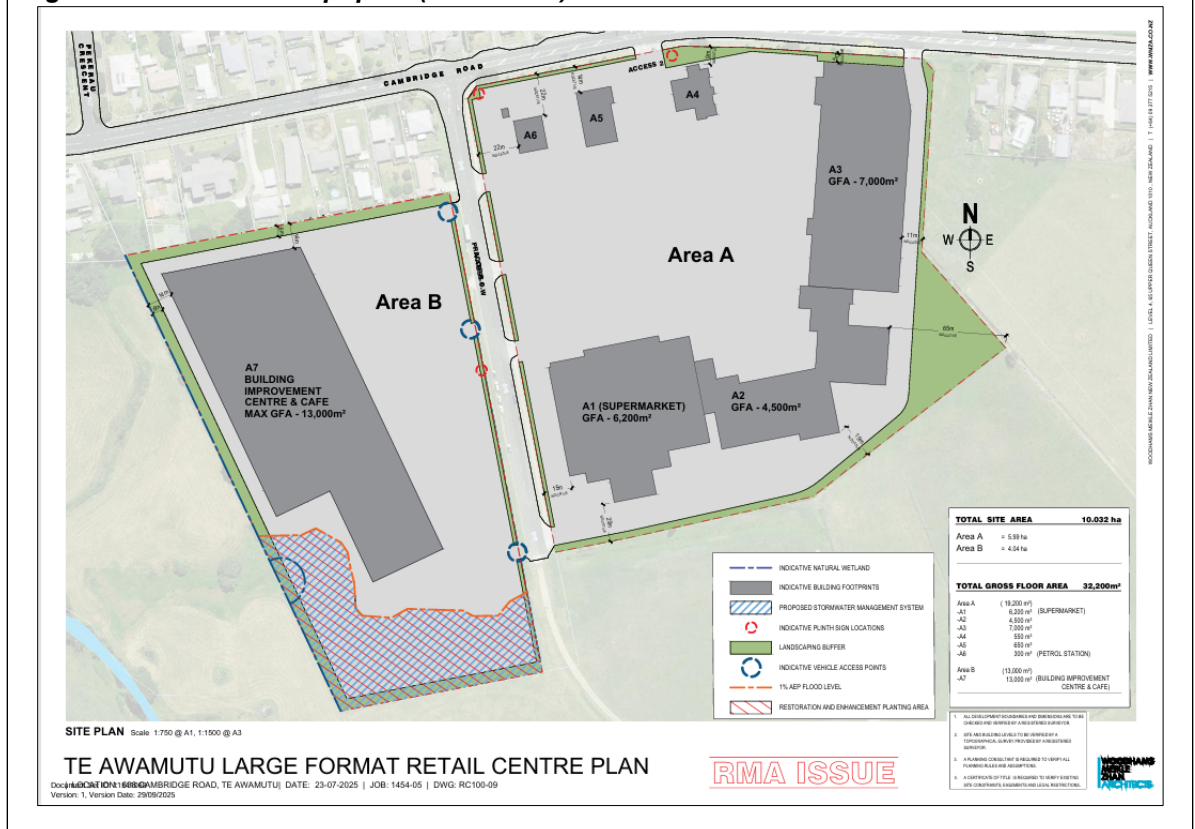
2.2.3 PLAN CHANGE PROPOSAL

2.2.4 The specific changes proposed by PC35 and the reasons for them are:

Provision	Reason
Planning Maps	
Amend Planning Maps	Rezone 638 Cambridge Road from Medium Density Residential Zone (MDRZ) to Commercial Zone to enable the construction of a new Mitre 10 store.
	Remove infrastructure constraint and river / gully proximity overlays. This is a consequential amendment as these overlays only apply in the MDRZ.
Section 6 – Commercial Zone	
Resource Management Issue	Include reference to 'large format retail area' in Resource Management Issue 6.2.3. This is so the existing centre is recognised as a location where opportunities for commercial activities are provided by the district plan.
Insert new Policy 6.3.1.8	New policy to identify situations where it is appropriate to enable new activities in the Te Awamutu large format retail centre.
Controlled Activity Rule 6.4.1.2.a	Amend existing rule to refer to the new Te Awamutu Large Format Retail Centre Plan (TALRCP), to link development with the standards in Rule 6.4.2.22 and update matters that control is reserved over.
Non-Complying Activity Rule 6.4.1.5.b	Amend rule to refer to new TALRCP and make it clear that any development not complying with the provisions of Rule 6.4.2.22 or any development including a department store is a non-complying activity.
Rule 6.4.2.14	Amend performance standard to exempt the TALRCP from requirement for tenancies to have a GFA greater than 1000m ² . The amendment makes it clear that Rule 6.4.2.22 applies to the TALRCP instead.
Rule 6.4.2.22.a	Amend performance standard to refer to TALRCP and increase total aggregate floor area within areas A and B to 32,200m ² subject to: • There being a maximum of one supermarket (6,200m²) • The maximum aggregate GFA for Area A (excluding supermarket and service station) to be 12,700m² • The maximum aggregate GFA for Area B being 13,000m² • Buildings in Area B only being used for trade supplier / building improvement centre and associated café.
Rule 6.4.2.22.b	Amend performance standard to clarify requirements applying to the 12,700m ² aggregate floor area of Area A to require that: • No more than 4 retail tenancies in Area A to be less than 400m². • Maximum size of any retail activity Area A not to exceed 2000m². • In addition to the 4 retail tenancies less than 400m², there may be a maximum of two restaurants or cafes in Area A. • Other performance standards for the commercial zone apply to Area A except those in Rules 6.4.2.6 and 6.4.2.27.
Rule 6.4.2.22.c	New performance standard requiring landscaping within landscape buffer and restoration and enhancement planting areas to consist of appropriate mixture of trees, shrubs and/or ground cover plants.
Rule 6.4.2.22.d	New performance standard setting out transport upgrades to be completed before activities in Area B can commence operation.
Rule 6.4.2.22.e	New performance standard requiring that stormwater management system to be constructed and operation before activities in Area B can commence operation.
Rule 6.4.2.23	Amend performance standard to refer to TALRCP and delete criterion c. within the rule
Rule 6.4.2.28.a	Amend performance standard to exempt signs in the TALRCP.
Rule 6.4.2.28.f	New performance standard setting requirements for signs in the TALRCP.

Provision	Reason
Section 21 – Assessment Criteria and Information Requirements	
Assessment Criteria 21.1.6.1	Amend and update matters of control to apply to controlled activity development in the TALRCP
Appendix S1	Amend Te Awamutu Growth Map and Table for T11 Growth Cell to remove Area B
	Change table for T11 Growth Cell to reduce cell area to 76ha and decrease dwelling capacity to 382 dwellings.
Appendix S25	Amend the T1Growth Cell Structure Plan to remove Area B
Appendix S6	Insert a new Te Awamutu Large Scale Format Retail Concept Plan

Figure 1 TALFRC concept plan (as notified)



- 2.2.5 The full set of changes to the District Plan as proposed by PC35 can be found in Appendices C and D of the notified PC35 Proposed Plan Change documentation.

3. STATUTORY AND POLICY CONTEXT

3.1 EXISTING PLAN PROVISIONS

- 3.1.1 The following sections of the District Plan are relevant to PC35, applying to the Te Awamutu Large Format Retail Centre (TALFRC) and/or 638 Cambridge Road:

Section 6 – Commercial Zone

- 3.1.2 Section 6 – Commercial Zone prescribes the activities which are able to be undertaken within the zone and performance standards that need to be met.

- 3.1.3 For the TALFRC area any development that is in general accordance with the TALFRC

Proposed Private Plan Change 35 (Te Awamutu Large Format Retail Centre) – 20 July 2026
s.42A Hearing Report

concept plan (Appendix S6 of the District Plan) and also complying with rule 6.4.2.22 is a controlled activity. Any development not in general accordance or failing to comply is a non-complying activity.

Appendix S1 – Future Growth Cells

- 3.1.4 Appendix S1 contains information about the locations of deferred zones and future growth cells and their activation. Presently, Area B is currently part of the T11 Residential Growth Cell area within Te Awamutu. This will need to be changed if PC35 is confirmed.

Appendix S6 – Te Awamutu Large Format Retail Site Plan

- 3.1.5 Appendix S6 contains the concept plan that was incorporated into the District Plan through Private Plan Change 53. Any development of Area A is required to be in general accordance with this plan. The plan will need to be updated if PC35 is confirmed.

Amend Appendix S25 – Te Awamutu T11 Growth Cell Structure Plan

- 3.1.6 Appendix S25 sets out the detail for the T11 Growth Cell, how it is intended to be developed and the associated constraints to be managed. Area B will need to be removed from the structure plan if PC35 is confirmed.

3.2 RESOURCE MANAGEMENT ACT 1991

- 3.2.1 The following sections of the RMA are relevant in the consideration of the decisions being sought by submissions, and the processes that are required to be undertaken.

Sections 32 and 32AA

- 3.2.2 Under Section 32 of the RMA an evaluation report must examine whether the objectives of the proposal (being the purpose of PC35) is the most appropriate way for achieving the purpose of the Act and whether the provisions of the proposal (being the changes to policies, rules and other provisions) are the most appropriate way to achieve the objectives. Section 11 and Appendix E of the plan change request report, submitted with and notified as part of PC35 contains the required Section 32 evaluation.
- 3.2.3 A further evaluation under Section 32AA of the Act is required to be completed by the Hearing Commissioner if their decisions alter the notified provisions of PC35.

Part 2 – Purpose and Principles

Section 5 - Purpose

- 3.2.4 The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means:

Managing the use, development and protection of natural and physical resources in a way and at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing and for their health and safety 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.*

3.2.5 In the context of this report, it is considered that the outcomes proposed by PC35, subject to appropriate rules and performance standards, will promote sustainable management of the natural and physical resources of Te Awamutu.

Section 6 – Matters of National Importance

3.2.6 All persons exercising functions and powers under the Act in relation to managing the use, development, and protection of natural and physical resources, are required to recognise and provide for the matters of national importance listed in Section 6. It is considered that PC35 does not compromise the achievement of any of the relevant listed matters in that:

- The subject land is not identified as forming part of any outstanding natural feature or landscape, or as containing significant indigenous vegetation or significant habitats of indigenous fauna.
- Iwi and mana whenua have not raised any concerns with PC35 with respect to the relationship of Māori and their culture with their ancestral lands, water and sites.
- Any flood hazards arising from the Mangaohio Stream in this location will be managed through ensuring that flood heights are above design flood levels and through the engineering design of stormwater devices at resource consent stage. In this respect no increased potential for flooding beyond the boundaries of Area B is expected to occur as a result of development enabled by PC35.

Section 7 – Other Matters

3.2.7 The RMA identifies other matters that particular regard is to be given to in making a decision. The matters of key relevance to the plan change include: '(a) kaitiakitanga', '(b) the efficient use and development of natural and physical resources', '(c) the maintenance and enhancement of amenity values' and '(i) the effects of climate change'.

3.2.8 Subject to future development complying with performance standards, it is considered that PC35 is consistent with the achievement of the relevant Section 7 matters.

Section 8 – Treaty of Waitangi (Te Tiriti o Waitangi)

3.2.9 The principles of the Treaty of Waitangi / Te Tiriti o Waitangi are required to be taken into account during decision-making. Mana whenua was engaged as part of the plan change development (refer PC35 application Section 6.3 – Correspondence with Mana Whenua, pages 20,21).

3.2.10 Overall, it is considered the principles of the Treaty have been taken into account and

are not compromised by PC35. No submissions were lodged by iwi or mana whenua.

Section 72 – Purpose of District Plan

- 3.2.11 The purpose of a district plan under Section 72 of the Act is to assist councils to carry out their functions in order to achieve the purpose of the Act. The functions of district councils are listed in Section 31 of the Act and include:
- Integrated management of the effects of the use, development and protection of land and associated natural and physical resources of the district.
 - The control of any actual or potential effects of the use, development, or protection of land including for the avoidance / mitigation of natural hazards and the maintenance of indigenous biodiversity.
- 3.2.12 The objectives of PC35 and its associated provisions are consistent with the purpose of the District Plan pursuant to Section 76 of the RMA.

3.3 NATIONAL POLICY STATEMENTS (NPS) and NATIONAL ENVIRONMENTAL STANDARDS (NES)

- 3.3.1 The following NPSs and NESs are relevant in the consideration of the decisions being sought by submissions, and the processes that are required to be undertaken:
- National Policy Statement on Urban Development 2020
 - National Policy Statement for Freshwater Management
 - National Policy Statement for Indigenous Biodiversity 2023
 - National Policy Statement for Natural Hazards 2025
 - Resource Management (National Environment Standards for Assessing and Managing Contaminants in Soil to protect Human Health) Regulations 2011

National Policy Statement on Urban Development (NPS-UD)

- 3.3.2 The National Policy Statement on Urban Development 2020 (NPS-UD) was gazetted on 23 July 2020, took legal effect on 20 August 2020 and was amended in May 2022. Under the NPS-UD, Waipā District is identified as a Tier 1 local authority. This means that the NPS applies to planning decisions by Council that effect an urban environment, and those decisions must give effect to it.
- 3.3.3 The objectives and policies of the NPS-UD relevant to PC35 are identified in Table 1 below.

Table 1: NPS-UD Objectives and Policies

Objective / Policy	Description and Commentary
Objective 1	New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and in the future.

Proposed Private Plan Change 35 (Te Awamutu Large Format Retail Centre) – 20 July 2026
s.42A Hearing Report

Objective / Policy	Description and Commentary
Objective 3	Regional policy statements and district plans enable more people to live in, and more businesses and community services to be located in, areas of an urban environment in which one or more of the following apply: (a) the area is in or near a centre zone or other area with many employment opportunities (b) the area is well-served by existing or planned public transport (c) there is high demand for housing or for business land in the area, relative to other areas within the urban environment.
Objective 4	New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
Objective 5	Planning decisions relating to urban environments, and FDSs, take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).
Objective 6	Local authority decisions on urban development that affect urban environments are: (a) integrated with infrastructure planning and funding decisions; and (b) strategic over the medium term and long term; and (c) responsive, particularly in relation to proposals that would supply significant development capacity.
Objective 8	New Zealand's urban environments: (a) support reductions in greenhouse gas emissions; and (b) are resilient to the current and future effects of climate change.
Policy 1	Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum: (a) have or enable a variety of homes that: (i) meet the needs, in terms of type, price, and location, of different households; and (ii) enable Māori to express their cultural traditions and norms; and (b) have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and (c) have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and (d) support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and (e) support reductions in greenhouse gas emissions; and (f) are resilient to the likely current and future effects of climate change.
Policy 2	Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.
Policy 6	When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters: (b) the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement (c) that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes: (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and (ii) are not, of themselves, an adverse effect (c) the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1) (d) any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realize development capacity (e) the likely current and future effects of climate change.

Objective / Policy	Description and Commentary
Policy 8	Local authority decisions affecting urban environments are responsive to plan changes that would add significantly to development capacity and contribute to well functioning urban environments, even if the development capacity is: (a) unanticipated by RMA planning documents; or (b) out-of-sequence with planned land release.
Policy 9	Local authorities, in taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi) in relation to urban environments, must: (a) involve hapū and iwi in the preparation of RMA planning documents and any FDSs by undertaking effective consultation that is early, meaningful and, as far as practicable, in accordance with tikanga Māori; and (b) when preparing RMA planning documents and FDSs, take into account the values and aspirations of a hapū and iwi for urban development; and (c) provide opportunities in appropriate circumstances for Māori involvement in decision-making on resource consents, designations, heritage orders, and water conservation orders, including in relation to sites of significant to Māori and issues of cultural significance; and (d) operate in a way that is consistent with iwi participation legislation.
Policy 11	In relation to car parking: (a) the district plans of tier 1, 2, and 3 territorial authorities do not set minimum car parking rate requirements, other than for accessible car parks; and (b) tier 1, 2, and 3 local authorities are strongly encouraged to manage effects associated with the supply and demand of car parking through comprehensive parking management plans.

3.3.4 It is considered that PC35 is consistent with achieving the outcomes sought by the NPS-UD in that:

- The proposed site is already within the urban limits for Te Awamutu, being live-zoned as Medium Residential Density Zone and located adjacent to an existing commercial centre.
- While the change in zoning will result in the loss of residential land, it will not significantly impact on the development capacity needed to meet expected demand for housing in Te Awamutu. This is because revised flood modelling has identified that a large part of Area B is subject to flood risk and may not be suitable for residential development. In addition to this the loss of 4 hectares of residential land does not result in any projected insufficiencies for meeting demand in the short, medium or long term.
- The change in zoning to facilitate the commercial development of 638 Cambridge Road, while unanticipated, can be supported because the commercial development will be incorporated into, and function as part of the existing TALFRC, utilising existing infrastructure, with modifications and upgrading as necessary (e.g. Access 1) and enable the management of stormwater/the identified flood hazards by a single landowner through one development. There are no other suitable locations within the commercial zone where a development the size of the proposed Mitre 10 could be accommodated.
- The re-location of the existing Mitre 10 business, post the rezoning 638 Cambridge Road, will enable additional commercial opportunities to occur within the existing Mitre 10 building. This will provide additional business floor space within Te Awamutu without impacts on either the town centre or existing and anticipated residential areas.

National Policy Statement for Freshwater Management 2020

- 3.3.5 The National Policy Statement for Freshwater Management (NPS-FM) came into force in 2020 and was amended in 2025. The objective of the NPS is to ensure that natural and physical resources are managed in a way that prioritises:
- (a) First, the health and well-being of waterbodies and freshwater ecosystems;
 - (b) Second, the health needs of people (such as drinking water);
 - (c) Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
- 3.3.6 The NPS-FM applies to all freshwater (including groundwater). The Waikato Regional Plan was changed on 09 June 2026 to include provisions relating to natural inland wetlands as required by clause 3.22 of the NPS. This includes ensuring that *“the loss of extent of natural inland wetlands is avoided, their values are protected and their restoration is promoted”*.
- 3.3.7 The Ecological Impact Assessment Report prepared by Ecology New Zealand for PC35 identifies that there is a wetland area on neighbouring land. A small part of this wetland extends into Area B. The assessment concludes that potential wetland effects, if unmanaged, would be moderate mainly because of earthworks activities. Because of this mitigation is recommended through:
- Areas of wetland habitat on-site (including stormwater area) are enhanced through a restoration plan to guide management planting (including native species planting) and pest animal and plant management; and
 - A sediment and erosion control plan being in place during construction
- 3.3.8 The proposed provisions include:
- Identification of restoration and enhancement planting area on the updated Te Awamutu Large Format Retail Site Plan; and
 - Identification of wetland restoration planting as a matter that control is reserved over in Rule 6.4.1.2.a; and
 - Inclusion of a performance standard for landscaping within the restoration and enhancement planting area to include mixture of trees, shrubs and/or ground cover plants.
- 3.3.9 The submission by Waipā District Council seeks to ensure that the recommendations of the ecological impact assessment are included as district plan provisions for Area B of the TALFRC. Provided that this occurs, it is considered that objective of the NPS-FW and the policies of the Waikato Regional Plan will not be compromised by PC35.

National Policy Statement for Indigenous Biodiversity 2023

- 3.3.10 The National Policy Statement for Indigenous Biodiversity (NPS-IB) came into force in

2023 and was amended in December 2025. The objective of the NPS-IB seeks to maintain indigenous biodiversity across New Zealand, so that there is at least no overall loss in indigenous biodiversity. This is intended to be achieved:

- (a) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and
- (b) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
- (c) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
- (d) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

3.3.11 The Ecological Impact Assessment Report concludes that *“with the implementation of ecological measures outlined in this report, the post management effect level associated with the proposal ranged from low to providing a net gain for ecological values on site. The inclusion of freshwater habitat in the form of a stormwater pond incorporating native species planting will provide a net gain for ecological values on site”*.

3.3.12 The recommendations of the report are aimed at ensuring that no indigenous species protected under the Wildlife Act 1953 are harmed during the enabling and construction phases of the proposal and to ensure that plans are in place to enhance habitat on the site.

3.3.13 Waipā District Council (as a submitter) has requested that the recommendations for the ecological impact assessment are included in the district plan provisions for Area B of the TALFRC. Provided that this occurs, it is considered that the NPS-IB will be give effect to by PC35.

National Policy Statement for Natural Hazards 2025 (NPS-NH)

3.3.14 The National Policy Statement – Natural Hazards came into force on 15 January 2026. The NPS applies to a number of natural hazards (including flooding) and to all activities managed under the RMA, except for infrastructure and primary production.

3.3.15 The objective of the NPS-NH is that natural hazard risk to people and property associated with subdivision, use and development is managed using a risk-based proportionate approach. Of relevance to decisions made by Waipā District Council is Clause 3.3 Proportional management of natural hazard risk which requires that:

1. *Decision-makers must consider the scale and detail of information necessary to assess the risk by having regard to the anticipated level of risk.*
2. *When managing natural hazard risk associated with subdivision, use and development, decision-makers must apply mitigation measures including location and design, for the purposes of ensuring that:*
 - (a) *very high natural hazard risk is avoided*
 - (b) *high or medium natural hazard risk is avoided or mitigated proportionate to the level of risk; and*
 - (c) *any creation of, or increase in, significant natural hazard risk on other sites is avoided or mitigated proportionate to the level of natural hazard risk*
3. *When applying the proportionate approach, decision maker must take into account the cost effectiveness of mitigation measures relative to the level of anticipated risk.*

- 3.3.16 Area B is known to be subject to flood hazards during 1% AEP flood events. The level of risk has been the subject of modelling undertaken by Te Miro Water. The flood risks in terms of the NPS are taken to range from low to medium.
- 3.3.17 Waikato Regional Council has submitted on PC35 in relation to flood hazard matters. They have engaged with the applicant and have subsequently advised that their concerns have been addressed (Refer email correspondence in Appendix 5).
- 3.3.18 Existing district plan provisions will ensure that hazard risks are appropriately considered and addressed at the time of resource consent for development on Area B. This is in accordance with the requirements of the NPS-NH.

Resource Management (National Environment Standards for Assessing and Managing Contaminants in Soil to protect Human Health) Regulations 2011

- 3.3.19 Area B is a known HAIL site as a result of previous activities and soil movement from adjoining sites that historically were occupied by a timber processing plant. To address this, as part of the PC35 documentation a Preliminary Environmental Site Investigation report was completed by ENGEO Limited in August 2024 (Section I of the Plan Change).
- 3.3.20 This report determined that as a result of imported fill historically being deposited onto the site that the NES-CS should be considered to apply and that assessment of the nature of the fill material is conducted to inform consent requirements for future soil disturbance.
- 3.3.21 Assessment of the NES-CS will be undertaken as part of future development of Area B. No significant risks are considered to arise in this respect from the rezoning of the land from residential to commercial land use.

3.4 TE TURE WHAIMANA O TE AWA O WAIKATO – WAIKATO RIVER VISION AND STRATEGY

- 3.4.1 Te Ture Whaimana o Te Awa o Waikato – the Vision and Strategy for the Waikato River (Te Ture Whaimana) was developed by the Waikato River Guardians Establishment Committee, iwi and communities of the Waikato River catchment. The Waikato River co-management legislation (Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 and the Ngāti Tūwharetoa, Raukawa and Te Arawa River Iwi Waikato River Act 2010 (Upper River Act)) establishes the Vision and Strategy in law.
- 3.4.2 Te Ture Whaimana is the primary direction setting document for the Waikato River and its catchment which includes most of the Waipā District. Te Ture Whaimana is deemed to be part of the Waikato Regional Policy Statement (and therefore must be given effect to by the Waipā District Plan).
- 3.4.3 Area B forms part of the Mangaohoi Stream catchment which ultimately drains to the Waipā River. Development of the site will result in the need for on-site stormwater management.
- 3.4.4 Te Ture Whaimana is introduced and discussed in section 9.4 Strategic Framework of

the Private Plan Change Request document. This concludes that the plan change aligns with Te Ture Whaimana because: it promotes sustainable stormwater management that minimises impacts on the Mangaohoi Stream and the Waipā River.

- 3.4.5 PC35 includes provisions for stormwater management which will involve planting of the stormwater device in the southern portion of Area B to manage the runoff entering the immediate catchment area of the Mangaohoi Stream.
- 3.4.6 The nature and scale of stormwater management associated with future commercial development within Area B provides the means by which the effects arising from PC35 on the Waikato River catchment will be managed. This will be determined through the resource consent process. Subject to this occurring the proposal is considered to be consistent with meeting the vision and strategy for the Waikato River.

3.5 WAIKATO REGIONAL POLICY STATEMENT / TE TAUĀKĪ KAUPAPAHERE TE-ROHE O WAIKATO (INCORPORATING CHANGE 1)

- 3.5.1 Section 75 of the RMA requires district plans to give effect to any relevant Regional Policy Statement.
- 3.5.2 The Waikato Regional Policy Statement (WRPS) includes policies relating to the built environment and is currently subject to Proposed Change 1 – National Policy Statement on Urban Development 2020 and Future Proof Strategy Update (Change 1). Therefore, the relevant parts of the WRPS (incorporating decisions on Change 1) have full effect.
- 3.5.3 An assessment of the relevant parts of the WRPS has been undertaken and is attached as Appendix 4 to this report. The key policy direction of the WRPS relevant to PC35 relate to:
- Hazards and Risks
 - Urban Form and Development

Hazards and Risks

- 3.5.4 Part 3 of Appendix 4 provides assessment of the relevant objectives and policies for hazards and risks. The following points are relevant:
- Area B is subject to known flood hazards. Future development within Area B is able to be managed so that future buildings are located above design flood levels and so there is no increase in flood hazard risks on neighbouring properties. This will be managed through the resource consent process.
 - It is considered that district plan provisions and mitigation measures associated with future development of Area B will ensure that flood risks are appropriately assessed, that no intolerable risks are generated, and that there is no increased vulnerability to flood effects. The indicative stormwater devices do not represent structural protection works or hard protection structures.
 - A preliminary site investigation report has been completed for Area B. This has identified the potential presence of contaminated fill. Development of Area B will require assessment in terms of the National Environmental Standard for Assessing

and Managing Contaminants in Soil to Protect Human Health. This will ensure that no unacceptable risks arise from the development of Area B.

- 3.5.5 Based on these points PC35 is considered to be consistent with achieving the policy direction of the WRPS with respect to hazards and risks.

Urban Form and Development

- 3.5.6 Part 4 of Appendix 4 provides assessment of the relevant objectives and policies for urban form and development. This includes commentary in terms of the responsive planning criteria in APP13, commercial development and the development principles in APP11. The following points are relevant.

Adopting Future Proof Land Use Pattern (UFD-P11)

- 3.5.7 PC35 is occurring within the urban limits of Te Awamutu which is identified as an urban enablement area. PC35 represents an unanticipated change in land use. The proposal is considered to represent significant development capacity in relation to the addition of new business land and floor space. The following points are made with respect to the key responsive planning criteria in APP13:

- The Future Proof Business Development Capacity Assessment 2023 identifies that in Te Awamutu there is a shortfall in commercial land sufficiency (medium and long terms) and retail land sufficiency (long term). The proposal provides for a new large building supply outlet of 13,000m² and makes the existing Mitre 10 building / site available for commercial redevelopment. This will assist in meeting the identified commercial / retail land shortfalls.

Table 2: Future Proof – HBA Figure 7-25

Figure 7-25: Waipā District Commercial Land Sufficiency plus Margin (ha)

Name	Short Term	Medium Term	Long Term	Total Vacant Land (sqm)	Short Term	Medium Term	Long Term
Cambridge-Karapiro	3.8	11.6	28.7	4.5		Insufficient	Insufficient
Te Awamutu-Kihikihi	1.6	5.2	18.2	2.4		Insufficient	Insufficient
Rukuhia-Ngahinapouri-Ohaupo-Pirongia	0.6	2.3	7.9	31.5			
Rest of Waipa	0.3	0.8	2.3	0.3		Insufficient	Insufficient
Total	6.3	19.9	57.1	38.6			Insufficient

Figure 7-26: Waipā District Retail Land Sufficiency plus Margin (ha)

Name	Short Term	Medium Term	Long Term	Total Vacant Land (sqm)	Short Term	Medium Term	Long Term
Cambridge-Karapiro	0.4	1.6	3.3	1.4		Insufficient	Insufficient
Te Awamutu-Kihikihi	0.2	0.7	2.4	1.4			Insufficient
Rukuhia-Ngahinapouri-Ohaupo-Pirongia	0.1	0.2	0.6	0.4			Insufficient
Rest of Waipa	0.0	0.0	0.1	0.0	Insufficient	Insufficient	Insufficient
Total	0.7	2.6	6.5	3.2			Insufficient

- PC35 is considered to contribute to a well-functioning environment in relation to the area immediately surrounding the existing retail centre. In this respect the proposed provisions ensure that transport upgrades (including intersection signalisation and pedestrian / cycle infrastructure) occur prior to operations commencing. It will also make floorspace available for new business activity within the existing centre.
- PC35, in Area B is replacing planned residential land use with commercial land use. It is considered that this replacement will not result in a practicable shortfall in residential land or development capacity. This is because:
 - Revised modelling of the flood plain associated with the Mangaohoi Stream has identified that the majority of Area B would be subject to inundation during a 1% AEP event. If developed for residential purposes there would be a reduced capacity to accommodate dwellings on this land. In contrast development of the site for a single commercial activity in one ownership enables site specific solutions to flooding to be designed and implemented; and
 - There are a number of private plan change applications in Te Awamutu (both lodged and notified) which seek to activate new out-of-sequence and unanticipated residential development. This, in combination with the medium density residential provisions associated with PC26 that apply across the whole of the urban residential areas of Te Awamutu and Kihikihi, will ensure that the effects of losing of 4ha of residential land to PC35 will be negligible.
- Subject to the inclusion of appropriate provisions within the Waipā District Plan, it is considered that PC35 will not place demand on Council resources and that cost neutrality for public finances will be achieved. This is because the ruleset associated with PC35 requires the upgrading of existing transport infrastructure and provision of on-site landscaping and stormwater management by and at the cost of the developer.

3.5.8 Based on these points it is considered that the unanticipated change in land use associated with and promoted by PC35 is appropriate and consistent with the Future

Proof Development Strategy and the responsive planning criteria in APP13.

Commercial Development (UFD-P13)

- 3.5.9 PC35 proposes an extension of the existing Te Awamutu Large Format Retail Centre. This centre currently provides supermarket, large format retail opportunities (primarily accommodating retail activities with floor areas ranging between 400m² and 1500m²) and other commercial activities. The centre is not identified in Table 37 of APP12 of the WRPS. Despite this it is considered that the proposals associated with PC35, and in particular the extension of the commercial zone to Area B will:
- not compromise the vitality or viability of the Te Awamutu Town Centre. The size of the building supply outlet alongside the 400m² – 2000m² floor area restriction for redevelopment of the existing Mitre 10 building are generally tenancy sizes that are not available within the existing town centre.
 - ensure existing physical resources associated with the centre (in particular the transport network) will be supported, sustained and upgraded as a consequence of PC35.
 - not compromise the function or primacy of the Te Awamutu town centre.
- 3.5.10 Subject to appropriate provisions being put in place PC35, is consistent with achieving the requirements of UFD-P13.

Development Principles (UFD-P1)

- 3.5.11 It is considered that PC35 is consistent with the achievement of the relevant development principles in APP11. In this respect:
- The subject land is within and will support the existing Te Awamutu urban area;
 - Subject to appropriate provisions PC35 will not compromise the safe, efficient and effective operation of existing arterial roading infrastructure.
 - Future development of Area B will connect well with existing development and infrastructure.
 - following the February 2026 severe weather event damaging the Te Tahi Water Treatment Plant, there is currently a critical water capacity issue across Te Awamutu, Kihikihi and Pirongia. Whilst solutions to restore water capacity to the network are being actively pursued by Waipā District Council and Waikato Waters Limited (Council Controlled Organisation for water supply and wastewater), development in Te Awamutu is being firmly managed with no new connections to reticulated water supply being permitted until capacity has been restored. Future development of Area B will be treated in the same manner as any other development whereby water connections will be delayed until water capacity is available.
 - Flood hazard risks are the primary constraint to development of Area B. These risks can be appropriately managed through site layout and design and the resource consent process.
 - The enlargement of the centre as a whole and the increased floor area available for new commercial activities in the centre will assist in promoting compact urban form, particularly for the existing and future residential catchment surrounding the centre.
 - Inclusion of appropriate provisions will ensure that positive ecological and biodiversity outcomes in line with the recommendations of the ecological

- assessment prepared in support of PC35.
- The stormwater management approach is representative of low impact design and development.
- Subject to appropriate provisions (as contained in the commercial zone) and landscaping PC35 does not represent an incompatible land use for adjoining residential land.

3.5.12 Subject to appropriate provisions being put in place PC35, is consistent with achieving the requirements of UFD-P1.

3.6 FUTURE PROOF DEVELOPMENT STRATEGY

3.6.1 Future Proof (FP) is a joint growth management strategy between Hamilton City, Waikato, Matamata Piako and Waipā Districts, and Waikato Regional Council (WRC), iwi, Waka Kotahi NZ Transport Agency and Waikato District Health Board. It establishes a strategic plan for land use, infrastructure and roading which provides for the future needs of the sub-region.

3.6.2 FP supports local growth strategies through establishing a settlement pattern made up of existing urban zones and growth areas. The PC35 land is part of this settlement pattern, being located within the urban limits of Te Awamutu and forming part of the existing T11 Growth Cell. The PC35 land is within an Urban Enablement Area.

3.6.3 PC35 has been assessed against the relevant policy direction provided by the WRPS, which seeks to adopt the Future Proof land use pattern. Based on the discussion in 3.5.8 above it is considered that PC35 is consistent with achieving the relevant guiding principles and growth management directives as set out by the future development strategy.

3.7 WAIPĀ 2050 DISTRICT GROWTH STRATEGY

3.7.1 Adopted by the Council in June 2009 and reviewed in November 2017, the Waipā 2050 Growth Strategy is a district-wide strategy providing direction for accommodation of the district's increasing population. The Growth Strategy identifies the land needed to provide for not only the additional housing based on population growth projections but also business land supply.

3.7.2 Area B is located within the T11 residential Growth Cell identified by Waipā 2050. The District Plan identifies the T11 growth cell as occupying 80 hectares of land with capacity for 432 dwellings. The cell has extensive flood hazard risk associated with it.

3.7.3 PC35 proposes to remove 4 hectares of medium density residential zoned land from the T11 Growth Cell. It is considered that this will not compromise the achievement of the outcomes sought by Waipā 2050 because:

- Recent modelling completed for the Mangaohoi Stream has identified that the extent of flooding from a 1% AEP event extends over most of Area B. Development of the site as a whole for commercial purposes provides opportunity for a comprehensive response to flood risks to be developed and managed onsite; and

- The flood hazard risks would significantly reduce the yield of dwellings from this area of land; and
- There are other locations in Te Awamutu that are subject to private plan change requests (lodged and notified) for out-of-sequence and unanticipated residential development which, if approved, would replace the development capacity lost through PC35; and
- The purpose of PC35 is to provide additional land and floor space for business activities.

3.8 Iwi / Mana Whenua

- 3.8.1 The proponent has advised that during the preparation of the plan change they consulted with Gaylene Roberts of Ngā Iwi Tōpū o Waipā, and that feedback received was generally positive, along with comments relating to landscaping opportunities with the ecological corridor (refer to section 6.3, Private Plan Change Request – September 2025). However, no formal correspondence was received.
- 3.8.2 No submissions on PC35 were received from JMA partners or mana whenua.

4. ANALYSIS OF SUBMISSIONS

- 4.0.1 A total of five submissions and two further submissions were received on PC35:
- 01 New Zealand Transport Agency
 - 02 Waikato Regional Council
 - 03 Waipā District Council
 - 04 Foodstuffs North Island Limited
 - 05 Jay EL Limited & Park Road Holdings Limited
 - FS1 638 Limited
 - FS2 Foodstuffs North Island Limited
- 4.0.2 The matters raised in submissions and further submissions have been grouped into the following topics:
- Topic 1 – Consultation and Engagement
 - Topic 2 – Urban Growth
 - Topic 3 – Transportation
 - Topic 4 – Stormwater/ Flood Hazard Management
 - Topic 5 – Ecological Values and Landscaping Buffer
 - Topic 6 – Rezoning of the ROW leg of 650 Cambridge Road
 - Topic 7 – Performance Standards; and
 - Topic 8 – Consequential Changes.
- 4.0.3 Sections 4.1 to 4.8 below provide discussion and recommendations for each relevant submission and further submission points under each of these topic headings.
- 4.0.4 Appendix 1 provides a summary of the submissions and further submissions. Table 2 below shows which submitters lodged a submission point on each topic.

Table 3: Topic / Provision and Submitter Number and Name

#	Topic	Sub-topic	Submitter and Further Submitter (FS)
1	Consultation and Engagement	Nil	Foodstuffs North Island (FSNI) Jay EL Limited & Park Road Holdings Limited (Jay EL Ltd)
2	Urban Growth	Nil	Jay EL Limited & Park Road Holdings Limited (Jay EL Ltd)
3	Transportation	- Implications on SH3/Cambridge Road Roundabout - Traffic Upgrades to Access1 - Vehicle Access points onto the ROW - Carparking	Foodstuffs North Island (FSNI) New Zealand Transport Agency (NZTA) Waipā District Council (WDC) FS 638 Limited Foodstuffs North Island (FSNI)
4	Stormwater/ Flood Hazard	- Flood Hazard Assessment and Stormwater - Infrastructure Capacity	Waikato Regional Council (WRC) Jay EL Limited & Park Road Holdings Limited (Jay EL Ltd)
5	Ecological Values and Landscape Buffer	Nil	Foodstuffs North Island (FSNI) Waipā District Council (WDC) FS 638 Limited
6	Rezoning of the ROW leg of 650 Cambridge Road	Nil	Foodstuffs North Island (FSNI) FS 638 Limited
7	Performance Standards	- Maximum Building Height - Structure Plan Referencing - Matters of Control - Assessment Criteria - Activities in Area A	Foodstuffs North Island (FSNI) Jay EL Limited & Park Road Holdings Limited (Jay EL Ltd) Waipā District Council (WDC) FS 638 Limited Foodstuffs North Island (FSNI)
8	Consequential Changes	Nil	n/a

4.1 TOPIC 1 - Consultation and Engagement

4.1.1 The following paragraphs discuss and address each of the submissions relevant to the Consultation and Engagement topic and provide recommendations in relation to them. The issues raised by the submitters are:

- **Foodstuffs North Island (FSNI) (4/1)** expressed concern with how they were represented through the plan change documentation regarding consultation. In the plan change documentation it stated that FSNI “*expressed general support for the Plan Change, including the backfilling of the existing Mitre 10 site*”. FSNI have advised through their submission, that they had neither reviewed nor provided feedback prior to the plan change being notified. FSNI have concerns with the plan change, and those concerns are set out in the body of their submission.
- **Jay EL Limited & Park Road Holdings Limited (Jay EL Ltd) (5/6)** state that they wish to remain involved in the plan change process, including the opportunity to respond to any amendments proposed through further submissions or hearings.

4.1.2 No specific relief has been sought by either of these submitters relating to these submission points. Their submissions enable continued involvement with the plan change process.

- 4.1.3 It is recommended that submission points 4/1 and 5/6 are accepted. This is because the submitters have legal standing in plan change process in relation to the matters they have submitted on.

Table 4: Topic 1 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Foodstuffs North Island	4/1	Accept
Jay EL Limited & Park Road Holdings Limited	5/6	Accept

4.2 TOPIC 2 - Urban Growth

- 4.2.1 The following paragraphs discuss and address the submission relevant to the Urban Growth topic and provides a recommendation in response to it. The issues raised are:

- **Jay EL Limited & Park Road Holdings Limited (Jay EL Ltd) (5/1)** consider that the proposal generally supports the growth strategy for the Te Awamutu area, and for the T11 Growth Area in particular. They consider the outcomes arising from the plan change is likely to complement the surrounding area by providing additional retail choice for local residents and representing a more productive use of difficult residential land.

- 4.2.2 While there is no specific relief sought, it is recommended that submission point 5/1 is accepted. This is because:

- The outcome of the plan change will provide additional retail choice for the Te Awamutu community; and
- The rezoning and commercial development of the land will enable better management of the flood hazard risks associated with Area B.

Table 5: Topic 2 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Jay EL Limited & Park Road Holdings Limited	5/1	Accept

4.3 TOPIC 3 – Transportation

- 4.3.1 The following paragraphs discuss and address the submission points relevant to the Transportation topic and provide recommendations in relation to them under the following subtopic headings:

- Implication on State Highway 3
- Traffic upgrades to Access 1
- Vehicle access points onto the ROW
- Carparking

- 4.3.2 Gray Matter Limited were engaged to review and provide expert advice on the submissions relating to transportation matters. This advice is attached as Appendix 3 and referenced in the discussion below where relevant.

Implication on State Highway 3

- 4.3.3 **New Zealand Transport Agency (NZTA) (1/1, 1/2 and 1/3)** raised concerns that insufficient assessment had been undertaken of the transport effects on the local and

state highway roading networks. With the detail provided, NZTA consider that they cannot sufficiently assess the proposal or recommended mitigation as appropriate. Further submissions by **Foodstuffs North Island (FS 2/1, FS 2/2 and FS 2/3)** support of the matters raised by NZTA.

- 4.3.4 The relief sought by NZTA was for the plan change to be declined; or that sufficient information be provided before a hearing to allow for effects and mitigation could be further assessed.
- 4.3.5 It is understood that between January and March 2026, 638 Limited and NZTA held further discussions. Further analysis of potential effects on the SH3-Ohaupo Road/Arawata Street/Cambridge Road roundabout was undertaken, and this information was shared with NZTA. As a result, on 1 April 2026 NZTA advised via email (refer Appendix 6) that they no longer wish to be heard in support of their submission. The submission, however, has not been withdrawn.
- 4.3.6 It is recommended that submission points 1/1, 1/2 and 1/3 and further submission points FS 2/1, FS 2/2 and FS 2/3 are accepted in part. This is because NZTA have advised that they agree with the outcome of further assessment undertaken and now consider the effects of PC35 on NZTA to be acceptable.

Table 6: Topic 3 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: <i>Implication on State Highway 3</i>		
New Zealand Transport Agency	1/1	Accept in Part
Foodstuffs North Island	FS 2/1	Accept in Part
New Zealand Transport Agency	1/2	Accept in Part
Foodstuffs North Island	FS 2/2	Accept in Part
New Zealand Transport Agency	1/3	Accept in Part
Foodstuffs North Island	FS 2/3	Accept in Part

Traffic upgrades to Access 1

- 4.3.7 **Waipā District Council (WDC) (3/1)** supports the inclusion of Rule 6.4.2.22.d as proposed by PC35 insofar as it relates to transport upgrades that are required to be completed prior to activities (excluding construction) commencing within Area B, particularly in relation to ensuring that:
- (a) The safety and efficiency of Cambridge Road as a major arterial road is not compromised by intersection design; and
 - (b) The ability for the urban mobility network along Cambridge Road to be accommodated within road reserve is not compromised.
- 4.3.8 WDC seeks amendments to proposed Rule 6.4.2.22.d to ensure that appropriate connectivity is provided and that the safety and efficiency of Cambridge Road is not compromised by future development. The amendments sought by WDC are shown below:

- d. Prior to any activities (excluding construction) commencing within Area B, the following transport upgrades are required:*

- i. A shared pedestrian walking / cycling path along the southern side of Cambridge Road outside Area A and along the western side of Access 1 including a shared walking / cycling facility across Access 2;
- ii. A Pedestrian facility facilities across Access 1 to provide connection between Area A and Area B; and
- iii. Traffic signals at Upgrading of the intersection of Cambridge Road and Access 1 to include:
 - Traffic signals; and
 - A dedicated left turn lane for westbound traffic on Cambridge Road;
 - Accommodation of tracking curves for a 19m semi-trailer truck without crossing traffic lanes occupied by other vehicles.
 - Provision of pedestrian crossing facilities across Cambridge Road; and
 - Vesting of land as road in the event that the required intersection upgrades cannot be accommodated within existing road reserve.

4.3.9 **638 Limited (FS 1/1)** supports these amendments. They have suggested a further amendment to the reorganise the text proposed by WDC for Rule 6.4.2.22.d.i, to read (amendment in red):

d. Prior to any activities (excluding construction) commencing within Area B, the following transport upgrades are required:

i. A shared pedestrian walking / cycling path along the southern side of Cambridge Road outside Area A including a shared walking/cycling facility across Access 2 and along the western side of Access 1 including a shared walking / cycling facility across Access 2;

4.3.10 **Foodstuffs North Island (FSNI) (FS 2/4)** oppose the changes requested changes by WDC. This is because they consider that any intersection upgrades need to be accommodated within the existing road reserve, without vesting of any additional land from Area A.

4.3.11 They state that this is because the land in “Area A is required for the safe and efficient operation of the Foodstuffs’ activities within Area A, particularly in light of the replacement of trade and building supply activities in Area A with smaller retail tenancies”. They also note that the loss of land and/or carparking in Area A could have significant adverse effects on the ongoing safe and efficient operation of Foodstuffs’ activities in Area A.

4.3.12 **Foodstuffs North Island (FSNI) (4/5)** also raise the concern that the design and implementation of the access upgrades required under Rule 6.4.2.22.d could adversely affect the day-to-day operation of the Pak’n Save. They seek that PC35 is amended “to ensure that the design and implementation of any future traffic upgrades will not adversely affect the ongoing and future operation of the Pak’n Save at 670 Cambridge Road”.

4.3.13 WDC (3/1) has identified that Cambridge Road is a major arterial road, that is identified in the Waipa District Council’s Transport Strategy as being part of the Te Awamutu urban mobility network “protected cycleway or cycle friendly street”. It is the intention of WDC that Cambridge Road in the vicinity of the TALFRC will incorporate separate cycle ways and pedestrian footpath.

4.3.14 The reasoning provided by WDC (3/1) for the amendments to proposed Rule 6.4.2.22.d.i

is to ensure that the rule clearly sets out what design elements the transport upgrades to Access 1 will need to achieve. WDC consider this is necessary “so that appropriate connectivity is provided and that the safety and efficiency of Cambridge Road is not compromised.”

- 4.3.15 The analysis by Gray Matter Limited (Appendix 3), in relation to this submission point, looked at pedestrian demand, and the intersection upgrade options. In principle, Gray Matter Limited concurs with Traffic Engineering & Management Ltd that signalisation of the intersection is the appropriate intervention. They agree with WDC that a dedicated left turn lane on Cambridge Road should be provided. This is also supported by 638 Limited (F/S 1/1).
- 4.3.16 On 26 June 2026, 638 Limited advised that they had reached agreement with FSNi regarding the opposition expressed through FS2/4 (refer Appendix 7). The agreed amendment to Rule 6.4.2.22.d.iii.bullet point 5 (as sought by WDC) that 638 Limited and FSNi have agreed to is shown in red text below:
- Vesting of land as road in the event that the required intersection upgrades cannot be accommodated within the existing road reserve. The acquisition of land for vesting (if any) is the responsibility of the Applicant (for any resource consent to which this rule applies) by way of agreement with relevant landowner(s) and will not be directly undertaken or facilitated by Waipa District Council.
- 4.3.17 The intent of bullet point 5 is to ensure that all elements of the intersection upgrade (including signal infrastructure and footpaths) are able to be legally accessed, maintained by the public and controlled by Council without key design elements (e.g. shared pedestrian / cycle path) being compromised. This is achieved by the relief sought by WDC.
- 4.3.18 The effect of the additions agreed between 638 Limited and FSNi is to provide advice about the responsibility for acquisition of any land. It does not form a functional part of what the rule is intended to address.
- 4.3.19 In considering whether additional land may be required to accommodate intersection upgrades, Gray Matter Ltd (refer Appendix 3) prepared a concept intersection design to determine if a modified intersection with left turn lane can be accommodated with the road reserve. The design concept developed, while accommodating a dedicated left turn lane is constrained and WDC have advised it is not an acceptable configuration. Gray Matter Limited on page 10 of their assessment state that:
- “retaining a 2.5 – 3.0m flush median, while also providing the left-turn lane and shared path, would likely require widening on the southern side and encroachment into Area A. This indicates that the current road reserve may be insufficient to accommodate all desired elements while maintaining adequate right turn storage...”*
- 4.3.20 Without a detailed design there is potential that physical elements associated with the intersection upgrades could extend onto other land that is not owned by 638 Limited. Bullet point 5 to Rule 6.4.2.22.d.iii is needed to ensure that if this occurs, Council and the public generally have access to the land. The amendments agreed between 638 Ltd and FSNi could be rephrased as an advice note.
- 4.3.21 There are alternative options available for the taking of additional land to accommodate

the expansion of road reserve. From the analysis undertaken by Gray Matter Limited, additional land may be needed to accommodate signalisation equipment and pedestrian and cycling facilities. If this type of equipment or facility was located on private land the desired outcome could be achieved through registration of easements in gross in favour of Council. This would provide some flexibility to accommodate intersection upgrades, subject to Council agreement.

4.3.22 Accordingly, it is recommended that bullet point 5 of Rule 6.4.2.22.d.iii as requested by WDC be amended to read:

- Vesting of land as road or the granting / reserving of easements in gross (as agreed by Waipā District Council) if the required intersection upgrades cannot be accommodated within the existing road reserve.

Advice Note:

The acquisition of land for vesting (if any) or the creation of easements is the responsibility of the Applicant (for any resource consent to which Rule 4.4.2.22.iii, bullet point 5 applies) by way of agreement with relevant landowner(s) and will not be directly undertaken or facilitated by Waipā District Council.

4.3.23 The following points are with respect to the submission and further submission points by FSNI and 638 Limited:

- FSNI (4/5) does not specify how they believe intersection upgrades could adversely affect future construction works or the day-to-day operation of Pak'n Save. Similarly, no specific relief has been provided by them to outline how their concerns could be remedied or mitigated.

There is potential that construction works associated with intersection upgrades could temporarily reduce the level of service along Cambridge Road and in turn to the supermarket. This would be addressed through construction and traffic management plans as part of the resource consent process and is generally an accepted consequence of construction activities. It is not clear how FSNI consider the operation of the supermarket would be affected once the upgrades have been completed.

- FSNI (FS 2/4) considers that all the transport upgrades should be accommodated within the existing road reserve of Cambridge Road. Because final designs have not yet been provided it is not yet clear if all these elements could be successfully accommodated within the existing road reserve in accordance with best road design practice. Until this is determined there may be need for land within Area A to be used to accommodate design elements. Therefore, it is not appropriate to remove reference to the vesting of land from the relief sought by WDC to Rule 6.4.2.22.d.iii.
- The amended relief suggested by 638 Limited (FS 2/4) to Rule 6.4.2.22.d.i (refer 4.3.11 above) would improve interpretation of the requirements of this rule and is recommended to be accepted.

4.3.24 It is recommended that the submission points 3/1 and 4/5 and further submission point FS 1/1 are accepted in part. It is recommended further submission point FS 2/4 is rejected.

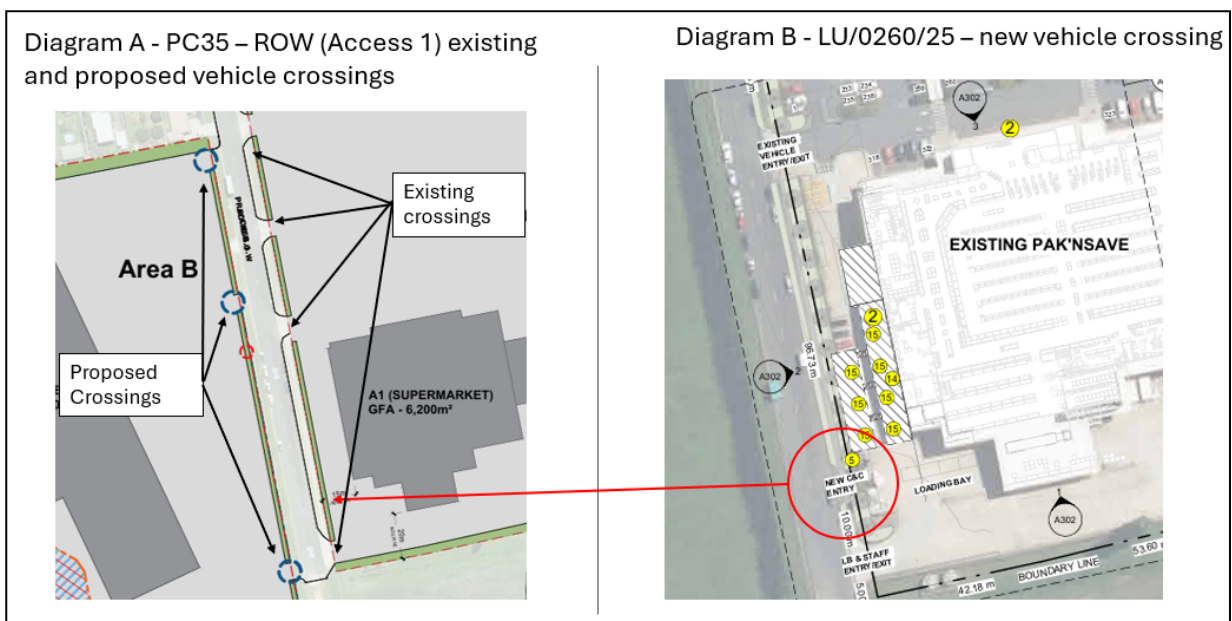
Table 7 : Topic 3 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Traffic upgrades to Access 1		
Waipā District Council	3/1	Accept in Part
638 Limited	FS 1/1	Accept in Part
Foodstuffs North Island	FS 2/4	Reject
Foodstuffs North Island	4/5	Accept in Part

Vehicle Access points onto the ROW

- 4.3.25 **Foodstuffs North Island (FSNI) (4/4)** raised concern over the three indicative access points being proposed to service Area B from Access 1, being the shared ROW and access leg of 650 Cambridge Road. They seek that:
- The location of the proposed access points be reconsidered to ensure that construction and day-to-day operation of the existing and upgraded Pak'n Save is not unduly affected;
 - Delete or amend the location of the indicative access points illustrated on the site plan and located on the eastern boundary of Area B.
- 4.3.26 Of particular concern for FSNI is the impact the proposed location of these accesses point into Area B may have to accesses serving Pak'n Save, in particular at the time of any redevelopment of the supermarket operation, such as the establishment of an e-commerce facility.
- 4.3.27 On 3 February 2026 a resource consent (LU/0260/25) was granted to the FSNI to undertake additions to Te Awamutu Pak'n Save to accommodate a new click and collect area.
- The location of the proposed new vehicle crossing consented under LU0260/25, the existing crossings into the TALFRC carpark area closest to Pak'n Save, and the indicative vehicle crossings for Area B are identified in Figure 2 below.

Figure 2 - vehicle access points (existing, consented and indicative)



4.3.28 Gray Matter Limited (refer page 12, Appendix 3) have considered this submission and recommend that *“the concept plan be updated to ensure that the proposed vehicle crossings are located at least 20m away from existing vehicle crossings”*

4.3.29 It is recommended that the submission point 4/4 is accepted, and that the Concept Plan be amended to:

- show the indicative vehicle crossing locations for Area B being separated by 20m or more from the existing vehicle crossings serving Area A; and
- include text which reads, A minimum separation of 20m shall be achieved between entranceways serving Areas A and B.

Table 8: Topic 3 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Vehicle Access points onto the ROW		
Foodstuffs North Island	4/4	Accept

Carparking

4.3.30 **Foodstuffs North Island (FSNI) (4/6)** is concerned that:

- Area B does not include sufficient carparking to provide for the demand likely to be generated by that development;
- “The existing “Mitre 10” box within Area A is likely to be split into smaller tenancies that will cumulatively generate a higher demand for carparking than currently exists”; and
- The significant expansion for the Large Format Retail Centre to include Area B will exacerbate existing parking issues where the Pak’n Save carparking area is used by customers of other tenants within the centre.

4.3.31 The relief sought by FSNI is:

- For robust analysis that demonstrates that sufficient carparking is provided to ensure that the Pak'n Save site carparking is not required to meet the demand for carparking associated with other tenancies; and (if that analysis demonstrates a shortfall or adverse effects on the use of the Pak'n Save carpark)
 - The plan change should be amended to reduce building Gross Floor Area limit to manage demand to an appropriate level.
- 4.3.32 Policy 11 of the National Policy Statement on Urban Development 2020 (NPS-UD) direct that district plans do not set minimum car parking rate requirements, other than for accessible car parks.
- 4.3.33 In accordance with clause 3.38 of the NPS-UD, the Waipa District Plan was changed in 2021 to remove all objectives, policies, rules and assessment criteria that had the effect of requiring a minimum number of car parks for a particular development, land use or activity.
- 4.3.34 The existing car parking configurations associated with Area A were established under previous planning framework and is enforceable through the consent conditions applied at the time of the development of the existing TALFRC. Council no longer has the ability to control car parking requirements as sought by FSNI.
- 4.3.35 It is understood that the management of the existing car parking and vehicle accessways are managed through reciprocal easement rights afforded to each title within the centre. These arrangements are shown in figure 3 below.

Figure 3 - Identification of reciprocal carparking easements



- 4.3.36 Pak'n Save customers have the right to use the parking areas within the centre on Lots 2 ('G'), Lot 3 ('L' Mitre 10), Lot 4 ('M'), Lot 5 ('N') and Lot 6 ('K'). These same lots have rights to park within the Pak'n Save parking area within Lot 1 ('J').
- 4.3.37 There are no reciprocal rights for the use of car parking areas between Areas A and B.
- 4.3.38 On 26 June 2026 638 Limited and FSNI advised via email (Refer Appendix 7) that they have agreed to amend the Gross Floor Area of the buildings within Area A. As a result, 638 Limited is now proposing that the gross floor areas for Building A2 – A5 shown on the TALFRC are changed to reflect the June 2026 column in Table 5 below:

Table 9: Gross Floor Area of buildings A2 – A5 in Area A, TALFRC

Area A Buildings	PC35 Notified GFA	June 2026 638 Ltd & FSNI Agreed Amended GFA
A2	4,500m ²	3,600m ²
A3	7,000m ²	5,500m ²
A4	550m ²	600m ²
A5	650m ²	600m ²
Total GFA	12,700m ²	10,300m ²

- 4.3.39 No other submissions question the floor area associated with Area A, and the changes are in line with the relief sought by FSNI. The intent of the agreed changes is to ensure that the gross floor area of development within Area A (buildings in A2, A3, A4 and A5), expected as a controlled activity, does not exceed what has already been built. A review of the building consent files identifies that the gross floor area of all tenancies in Building A2 is 3675m². This needs to be reflected in the amended floor areas.
- 4.3.40 FSNI has advised 638 Limited that *“the provisions and plan you circulated, if adopted as the final version of PC35, would resolve Foodstuffs’ concerns”*.

4.3.41 While there has been a reduction proposed for the floor area of Building A3, there has not been a corresponding change to the extent of this building on the concept plan. To correct this the concept plan should be amended to reflect the footprint of the existing Mitre 10 building.

4.3.42 Based on this it is recommended that submission point 4/6 is accepted subject to changes to Rule 6.4.2.22.a and b, and the concept plan in Appendix S6 as set out below:

- Amend Rule 6.4.2.22.a as notified (in red), to read:

Rule 6.4.2.22.a. The aggregate gross floor area of the development in Areas A and B must not exceed that shown on the Development Concept Te Awamutu Large Format Retail Centre Plan (being 7,284m² ~~32,200m²~~ 29,500m²)

Rule 6.4.2.22.a.ii. The maximum aggregate gross floor area for other activities (excluding the supermarket and service station) at within Area A shall be no more than ~~12,700m²~~ 10,375m²;

- Amend Rule 6.4.2.22.b as notified (in red), to read:

6.4.2.22.b.i. No more than four (4) individual retail tenancies of ~~within the development may be~~ less than 400m² gross leasable floor area ~~per tenancy~~ (excluding the service station ~~and restaurant~~) shall be permitted;

- Amend Appendix S6 as notified as follows:

That the legend of the Te Awamutu Large Format Retail Centre in Appendix S6 as publicly notified be amended to read as follows:

TOTAL SITE AREA		10.032ha
Area A	=	5.99ha
Area B	=	4.04ha
TOTAL GROSS FLOOR AREA		32,200m²
		29,500m² (EXCL SERVICE STATION)
Area A	(19,200m² 16,500m²)	(EXCL SERVICE STATION)
- A1	6,200m ²	(SUPERMARKET)
- A2	4,500m² 3,675m²	
- A3	7,000m² 5,500m²	
- A4	550m² 600m²	
- A5	650m² 600m²	
- A6	300m ²	(PETROL STATION)
Area B	=	(13,000m ²)
- A7	13,000m ²	(BUILDING IMPROVEMENT CENTRE & CAFÉ)

- Amend Appendix S6 as notified as follows:

That the footprint of Building A3 as shown on the Te Awamutu Large Format Retail Centre in Appendix S6 is amended so that it reflects the 5,500m² footprint associated with the existing building:

4.3.43 These changes will result in a reduction of parking demand from what could have arisen from the notified provisions of PC35, and no person is considered to be adversely impacted by the reduction in gross floor area. It is recommended that submission point 4/6 is accepted in part insofar as it relates to reduction in gross floor area within Area A.

Table 10: Topic 3 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Carparking		
Foodstuffs North Island	4/6	Accept in Part

4.4 TOPIC 4 – Stormwater/Flood Hazard Management

4.4.1 The following paragraphs discuss and address the submission points relevant to the Stormwater/Flood hazard management topic and provide recommendations in relation to them under the following subtopic headings:

- Flood Hazard Assessment and Stormwater
- Infrastructure Capacity

Flood Hazard Assessment and Stormwater

Waikato Regional Council

4.4.2 **Waikato Regional Council (WRC) (2/1, 2/2 and 2/3)** have raised concerns over the flood hazard analysis that was provided as part of the plan change documentation, and that has been relied upon in setting out the structure plan details. In particular, WRC's concerns relate to:

- How the 1% AEP flood level at the site boundary was calculated;
- What climate scenario is the 1% AEP flood level valid for;
- Providing more detail on the flood model configuration to include the downstream boundary location, and how the upstream Mangaohoi catchment has been accounted for.

4.4.3 In May 2026, Council, WRC and 638 Limited held an informal meeting to gauge if there was any progression on resolving WRC's concerns relating to flood hazards. It was apparent during this meeting that while further work was needed, there was a willingness between the parties to find a solution before the hearing.

4.4.4 On 22 June 2026, 638 Limited advised Council that the parties had reached an agreement as a result of the further modelling that had been undertaken by 638 Limited. WRC have confirmed to 638 Limited via email (refer Appendix 5) that:

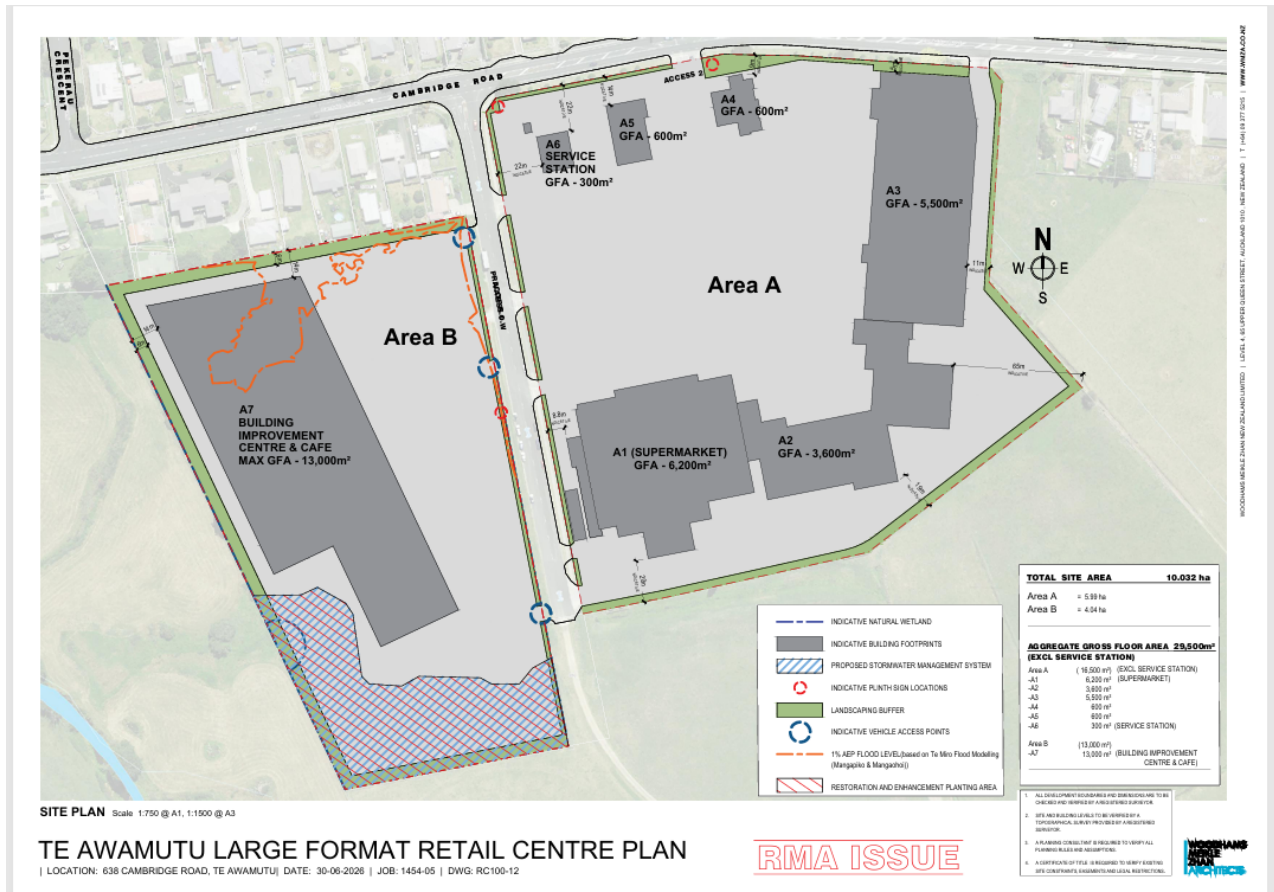
- *"based on the information provided, the development will not result in an increase in flood levels across the broader flood plain and will not result in a material increase in flows downstream of the site".*
- *"while it would be useful to understand the frequency at which the stream will flood the wetland and the implications for maintenance of the wetland, this can be addressed at resource consent stage".*
- *"the modelling undertaken is sufficiently robust to inform the plan change process".*
- *"all concerns raised in WRC's submission to the plan change have been addressed".*

4.4.5 The WRC submission has not been withdrawn. As a consequence of the WRC submission and the pre-hearing engagement it has become apparent that:

- The 1% AEP flood level identified on the notified version of the Te Awamutu Large Format Retail Concept Plan is incorrect. 638 Limited has provided an amended concept plan showing the correct flood level.

- At present development can establish on Area B as a controlled activity. There is no matter of control which relates to management of flood hazard risks. It is necessary for a new matter of control to be included in Rule 6.4.1.2.a and Rule 21.1.6.1 so that flood hazard risks on and off site can be considered as part of the resource consent process.

Figure 4 – Updated Te Awamutu Large Format Retail Centre



Jay EL Limited & Park Road Holdings Limited

- 4.4.6 **Jay EL Limited & Park Road Holdings Limited (5/4)** has raised a concern over stormwater given the sensitivity of the catchment to flooding. In particular they “expect all stormwater and flooding effects to be managed on-site with no impacts up or downstream of the site in any storm event”.
- 4.4.7 It is unreasonable to have expectation that all flooding effects from any storm event to be managed on-site. Despite this the matters raised in 4.4.5 above are relevant to this submission point. In particular:
- Adding a new matter of control will ensure that any development in Area B considers and addresses (including through imposition of conditions) flood hazard risks; and
 - Any resource consent decision made by Council is required to give effect to the National Policy Statement for Natural Hazards; and

- Section 106A of the Resource Management Act 1991 provides Council with the ability to decline consent, or to grant consent subject to conditions, if it considers that there is a significant risk from natural hazards.
- Rule 15.4.2.14, requires building platforms on land within or adjoining a flood hazard area identified on the Planning Maps to have building platforms that achieve a minimum free-board level 500mm above the 1% AEP.

4.4.8 It is considered that these matters in combination will satisfactorily address the management of flood risk both on and off-site. It is recommended that the submission points 2/1, 2/2, 2/3 and 5/4 are accepted in part subject to:

- A new matter of control being added to Rule 6.4.1.2.a to refer to flood hazards; and
- A new performance standard in Rule 6.4.2.22.to read:
 - f. No development on Area B shall result in flood levels across the broader flood plain for the Mangaohoi Stream or result in a material increase in flows downstream of Area B.
- A new matter of control 'g.' being added to Rule 21.1.6.1 to read:
 - g. *Flood mitigation measures to manage the adverse effect of flooding and flood hazard risks beyond the boundaries of Area B on the Te Awamutu Large Format Retail Concept Plan.*

4.4.9 This is because:

- WRC has confirmed that they are satisfied that the development of Area B will not result in an increase in flood levels across the broader flood plain and will not result in a material increase in flows downstream of the site; and
- Strengthening of the matters of control in Rule 6.4.1.2 and Rule 21.1.6.1 will ensure that flood hazard matters are adequately captured through the resource consent process.

Table 11: Topic 4 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Flood Hazard Assessment and Stormwater		
Waikato Regional Council	2/1	Accept in part
Waikato Regional Council	2/2	Accept in part
Waikato Regional Council	2/3	Accept in part
Jay EL Limited & Park Road Holdings Limited	5/4	Accept in part

Infrastructure Capacity

4.4.10 **Jay EL Limited & Park Road Holdings Limited (5/2 and 5/3)** identify they are interested in several matters that could affects them directly including

- *“Development contributions (DCs) within the T11 area have increased significantly in the last 2 years, and we seek to understand how this plan change may influence future funding expectations or allocations. We expect that there will be efficiencies gained to the T11 growth cell DC as these areas share transport and other infrastructure funded by DCs.” (5/2); and*
- (submission point 5/3) *“Any potential effects on existing or planned infrastructure*

servicing Waipiko Landing”.

- 4.4.11 No specific relief has been sought in relation to these submission points.
- 4.4.12 PC35 will result in an overall reduction in the number of residential units within the T11 Growth Cell. This in turn could result in a change to development contributions payable in the future. Changes (if any) to DCs payable within the T11 Growth Cell will be determined as part of the next review of the Development Contributions Policy. If any changes are made, people will have the opportunity to make submissions at that time. This is not a matter relevant to determination of PC35.
- 4.4.13 PC35 is not expected to have any adverse effects on existing or planned infrastructure servicing Waipiko Landing.
- 4.4.14 It is recommended that the submission points 5/2 and 5/3 are rejected.

Table 12: Topic 4 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Infrastructure Capacity		
Jay EL Limited & Park Road Holdings Limited	5/2	Reject
Jay EL Limited & Park Road Holdings Limited	5/3	Reject

4.5 TOPIC 5 – Ecological Values and Landscaping

- 4.5.1 The following paragraphs discuss and address each of the submissions relevant to the Ecological Values and Landscaping topic and provide recommendations in relation to them.

Ecological Values

- 4.5.2 **Waipā District Council (WDC) (3/2, 3/6, 3/7, 3/8)** seeks to ensure that the ecological effects of the development of Area B are managed in accordance with the recommendations of the Ecological Impact Assessment provided in support of PC35. This is to ensure that appropriate ecological management occurs as part of any resource consent application lodged for the development of Area B. The relief sought is:

- (3/6) ecology is added as a matter over which Council reserves control in Rule 6.4.1.2.a;
- (3/7) Rule 21.1.6.1.b is amended to read

*The extent to which proposed and existing landscaping contributes to **ecological enhancement**, the amenity of the site and manages the effects on the amenity of adjoining residential zoned sites and open space*

- (3/8) A new Rule 21.1.6.1.e is added to read:

The extent to which effects on ecological values are managed through landscaping, wetland restoration, protection of nesting birds and bat management protocols.

- (3/2) Rule 6.4.2.22.c is amended to read:

Prior to construction activities commencing within Area B:

- An Ecological Management Plan for Area B is provided which implements the recommendations of the Ecological Impact Assessment (prepared by Ecology New*

Zealand Limited) forming part of PC35 as they relate to:

- *Restoration plan of wetland and 100 year flood risk zone;*
- *Protection of nesting birds; and*
- *Bat management protocols.*

ii. *A Landscaping plan is provided for with the landscaping buffer and restoration planting area as shown on the Te Awamutu Large **Scale Format** Centre Plan. **Planting** shall consist of an appropriate mixture of trees, shrubs and/or ground cover plants.*

4.5.3 Further submissions to each of these WDC submission points have been lodged by **638 Limited (FS 1/2, 1/6, 1/7, 1/8)** and **Foodstuffs North Island (FS 2/6, 2/7)**.

4.5.4 638 Limited support the WDC submissions on the basis that they will reinforce and require the implementation of the recommendations set out in the ecological assessment prior to the development of Area B.

4.5.5 Foodstuffs North Island oppose the WDC submissions (3/7, 3/8) on the basis that the provisions should be limited in application to Area B only. It is valid to ensure the provisions clearly state that they only relate to Area B.

4.5.6 It is recommended that submission points 3/2, 3/6, 3/7 and 3/8 and further submission points FS 1/2, FS1/6, FS1/7, FS1/8, FS2/6, FS2/7 are accepted in part, subject to the relief sought by WDC as set out in 4.5.2 above with the exception that:

- Existing Rule 21.1.6.1.b is amended to read

*The extent to which proposed and existing landscaping contributes to ecological enhancement in **Area B**, the amenity of the site and manages the effects on the amenity of adjoining residential zoned sites and open space*

- New Rule 21.1.6.1.f is added to read:

The extent to which effects on ecological values **within Area B** are managed through landscaping, wetland restoration, protection of nesting birds and bat management protocols.

4.5.7 These provisions will ensure that ecological effects arising from development within Area B are appropriately managed and assessed as part of the resource consent process.

Table 13 : Topic 5 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: <i>Ecological Values</i>		
Waipā District Council	3/2	Accept in part
638 Limited	FS 1/2	Accept in part
Waipā District Council	3/6	Accept in part
638 Limited	FS 1/6	Accept in part
Waipā District Council	3/7	Accept in part
638 Limited	FS 1/7	Accept in part
Foodstuffs North Island	FS 2/6	Accept
Waipā District Council	3/8	Accept in part
638 Limited	FS 1/8	Accept in part
Foodstuffs North Island	FS 2/7	Accept

Landscaping

- 4.5.4 **Foodstuffs North Island (FSNI) (4/3)** identifies that PC35 proposes substitution of a new site plan which among other things, identifies landscape buffer areas, including along the western edge of Area A, and a new landscaping standard (Rule 6.4.2.22(c)) which relates to this landscaping strip. FSNI considers that the requirement to provide this landscaping strip is a new consent requirement, that may limit the ability for FSNI to establish new vehicle crossings in the future. They seek that PC35 should be amended to delete this landscaping buffer from the site plan.
- 4.5.5 Development of Area A has occurred as a consequence of conditions imposed on land use consents LU/0197/09 and LU/0119/10. This includes requirement for the provision and maintenance of landscaping along the western edge of Area A, the Cambridge Road frontage and along the western boundary as shown by landscaping plans prepared for resource consent. The existing landscaping associated with Area A and any future alteration to it is protected by resource consent.
- 4.5.6 The recommended amendments to rule 6.4.2.22.c (refer 4.5.2 above) if accepted, will ensure that this rule only applies to development of Area B. Because of this it is unnecessary for the landscaping buffer to be shown over Area A on the Te Awamutu Large Format Retail Centre Plan (TALFRCP).
- 4.5.7 Despite this there remains a requirement under rule 6.4.2.22 for development in Area A to be in accordance with the TALFRCP. PC35 effectively provides an update of the existing plan in Appendix S6 to reflect development (including landscaping) that has established on Area A. It is appropriate that this plan reflects the landscaping that has been established in accordance with resource consent requirement.
- 4.5.8 **638 Limited (FS 1/10)** lodged a further submission supporting FSNI (4/3) for the reason that the landscaping provisions in new Rule 6.4.2.22.c should only apply to Area B and that the notified concept plan is amended to reflect the existing landscaping areas identify on the current concept plan in Appendix S6.
- 4.5.9 For the reasons set out above, it is recommended that submissions point 4/3 and further submission point FS1/10 be accepted in part subject to:
- Rule 6.4.2.22.c being amended to apply to development within Area B; and
 - The TALFRCP being amended to indicate and show landscaping areas in compliance with conditions imposed on LU/0197/09 and LU/0119/10.

Table 14: Topic 5 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Landscaping		
Foodstuffs North Island	4/3	Accept in Part
638 Limited	FS 1/10	Accept in part

4.6 TOPIC 6 – Rezoning of the ROW leg of 650 Cambridge Road

- 4.6.4 The following paragraphs discuss and address the submissions relevant to the rezoning of the ROW topic and provide recommendations in relation to them.
- 4.6.5 **Foodstuffs North Island (FSNI) (4/7)** seeks the rezoning of the existing ROW that forms

Access 1 to the TALFRC from Medium Density Residential to Commercial Zone. They consider the existing zoning within the proposed TALFRC area is an anomaly and it would be more appropriate that the entire area consisting of the proposed TALFRC area and the ROW be within the same zone as Area A.

- 4.6.6 **638 Limited (FS 1/11)** supports in part the relief sought by FSNI, stating that the proposed approach is appropriate and logical. However, 638 Limited highlight *“approvals will need to be sought from the owners of 650 Cambridge Road, and to date, no correspondence from the owners of the site have been received”*.
- 4.6.7 The existing ROW, identified as Access 1 for the TALFRC is the physical access leg of 650 Cambridge Road (Lot 8 DP 395836), located to the south of the existing TALFRC. Existing easements grant rights of way over this access leg to 638 and 670 Cambridge Road at any time.
- 4.6.8 The access leg of 650 Cambridge Road has not been incorporated into the request for rezoning via PC35 and is currently within the Medium Density Residential Zone.
- 4.6.9 It is recommended that the submission point 4/7 and further submission point FS1/11 be rejected. This is because:
- The rezoning of the ROW has not been promoted as part of PC35. Within the context of the plan change it is considered there is no scope to consider the rezoning of the ROW.
 - The owner of 650 Cambridge Road has not engaged with the plan change process and therefore their views in rezoning are unknown.
 - The existing access and zoning arrangements associated with the access leg have been in place and used by Area A for some time. While PC35 will result in increased use of the access leg all parties to the ROW will remain responsible for maintenance of the access formation.
 - While rezoning would provide a zoning consistency within the TALFRC extent, it would not offer any benefit to the existing or future development of the centre of the facilitation of development opportunities for the T11 Growth Cell.

Table 15: Topic 6 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Foodstuffs North Island	4/7	Reject
638 Limited	FS 1/11	Reject

4.7 TOPIC 7 – Performance Standards

- 4.7.4 The following paragraphs discuss and address the submission points relevant to the Performance Standards topic and provide recommendations in relation to them under the subtopic headings, being:
- Maximum Building Heights;
 - Structure Plan Referencing;
 - Matters of Control;
 - Assessment Criteria; and

- Activities in Area A

Maximum Building Heights

- 4.7.1 **Waipā District Council (WDC) (3/3)** identifies that PC35 in providing a new centre plan will make parts of the current wording of Rule 6.4.2.3.a redundant. To avoid this, they seek that the rule be amended to read:

On the land in Area A of subject to the Te Awamutu Large Format Scale Retail Development Concept Centre Plan contained in Appendix S6, no building or other structure shall penetrate a height plane of 15m and ~~except that the Indicative Building Footprints shown on that plan and listed below must not exceed:~~ building structure associated with units 12-14

- ~~A4 and A5 = 8m shown on that plan must not exceed 8m in height and the Bulk Retail timber Merchan~~
- A3 = must not exceed 12m in height.

- 4.7.2 The further submission by **638 Limited (FS 1/3)** supports the relief sought and agrees that as presently written the “existing District Plan wording would be rendered obsolete by this plan change”.
- 4.7.3 It is necessary to amend the existing text of Rule 6.4.2.3.a as a consequential amendment to ensure the management of building heights within Area A continue to be applied as presently required in the district plan.
- 4.7.4 It is recommended that the submission point, 3/3 and further submission point FS 1/3 are accepted and that the wording of Rule 6.4.2.3.a is amended in accordance with the relief sought.

Table 16: Topic 6 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Maximum Building Heights		
Waipā District Council	3/3	Accept
638 Limited	FS 1/3	Accept

Structure Plan Referencing

- 4.7.5 **Waipā District Council (WDC) (3/4 and 3/5)** seeks the amendment of Rules 6.4.1.2.a and 6.4.2.22 to remove the references to the architectural firm, the drawing name and date of TALFRC plan contained in Appendix S6. WDC considers that referencing the origins of the TALFRC plan is unnecessary, and removing such references will simplify the rules.
- 4.7.6 Further submissions by **638 Limited (FS 1/4 and FS 1/5)** support the relief sought by WDC (3/4 and 3/5).
- 4.7.7 It is recommended that the submission points 3/4 and 3/5, and further submission point FS 1/4 are accepted. As a consequence of the relief sought it is also necessary to ensure that other parts of the District Plan which reference this plan (e.g. Rule 15.4.2.69 and Rule 21.1.6.1) are also amended to ensure consistency.

Table 17: Topic 6 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Structure Plan Referencing		

Submitter/ Further submitter	Submission Point	Recommendation
Waipā District Council	3/4	Accept
638 Limited	FS 1/4	Accept
Waipā District Plan	3/5	Accept
638 Limited	FS 1/5	Accept

Matters of Control

4.7.8 **Waipā District Council (WDC) (3/6)** identified additional matters of control that should be included in Rule 6.4.1.2.a in response to the changes proposed under and relief sought by submissions to PC35 as notified. In particular this relates to bullet point 1 which is proposed to be amended to read:

~~“traffic safety and road improvement works (with reference to the Traffic Impact Assessment submitted with the application documents for Plan Change 53 to the Operative District Plan, dated 1997) Safe and efficient operation of the immediate transport network including intersection upgrades and the upgrading / provision of pedestrian and cycle facilities internal and external to the development site.”~~

4.7.9 **638 Limited (FS 1/6)** support this submission because the proposed changes provide greater specificity regarding the upgrades required to enable the development of Area B. They however seek amendments the relief sought by WDC so that bullet point 1 is further amended to read:

*~~“traffic safety and road improvement works (with reference to the Traffic Impact Assessment submitted with the application documents for Plan Change 53 to the Operative District Plan, dated 1997) Safe and efficient operation of the immediate transport network including intersection upgrades and the upgrading / provision of pedestrian and cycle facilities internal and external to the development site,~~ **along the southern side of Cambridge Road outside Area A and within Access 1.”***

4.7.10 **Foodstuffs North Island (FSNI) (FS 2/5)** oppose this submission because *“the need for transport upgrades is driven by the Plan Change’s inclusion of Area B, and enabling additional retail GFA within Area A to “backfill” the area currently occupied by the building and trade supply activity. Any amendment to the provisions in this regard should be limited to the new area, and the new activities, enabled by the plan change and not existing activities currently being undertaken.*

4.7.11 The intent of the relief sought by WDC is to ensure that when resource consent for a controlled activity is being processed that the matters of control enable appropriate conditions relating to the safe and efficient operation of the immediate transport network to be imposed. In relation to this:

- It is recognised that the existing centre operates under existing resource consents. Further development beyond what currently exists is not likely to be in accordance with the Te Awamutu Large Format Retail Centre Plan and therefore either:
 - would not qualify as a controlled activity; or
 - would be assessed as a discretionary activity in the event that changes to the original resource consents are proposed; and
- That new controlled activity resource consent will be required for backfilling of building A3 in Area A; and
- That new controlled activity resource consent will be required for establishing new development on Area B which has performance standards specific to transport upgrades.

4.7.12 It is agreed that application of the matter of control would be restricted to Area B and backfilling of Building A3 as these are the scenarios when controlled activity development having adverse traffic effects beyond those already consented is most likely to occur. It is necessary that the matter of control continues to apply both internally and externally so that the provision and design of pedestrian / cycle facilities (within Area B in particular) can be controlled through consent conditions. On this basis it is recommended that the matter of control be amended to read:

~~“traffic safety and road improvement works (with reference to the Traffic Impact Assessment submitted with the application documents for Plan Change 53 to the Operative District Plan, dated 1997) Safe and efficient operation of the immediate transport network including intersection upgrades and the upgrading / provision of pedestrian and cycle facilities internal and external to the development site~~ **that are necessary to mitigate traffic effects arising from development of Area B and/or Building A3 in Area A as shown on the Te Awamutu Large Format Retail Centre Plan in Appendix S6.”**

4.7.13 It is recommended that the submission point 3/6 and further submission points FS 1/6 and FS 2/5 are accepted in part subject to amendment of Rule 6.4.1.2.a as set out in 4.7.12 above.

Table 18: Topic 6 Recommendations

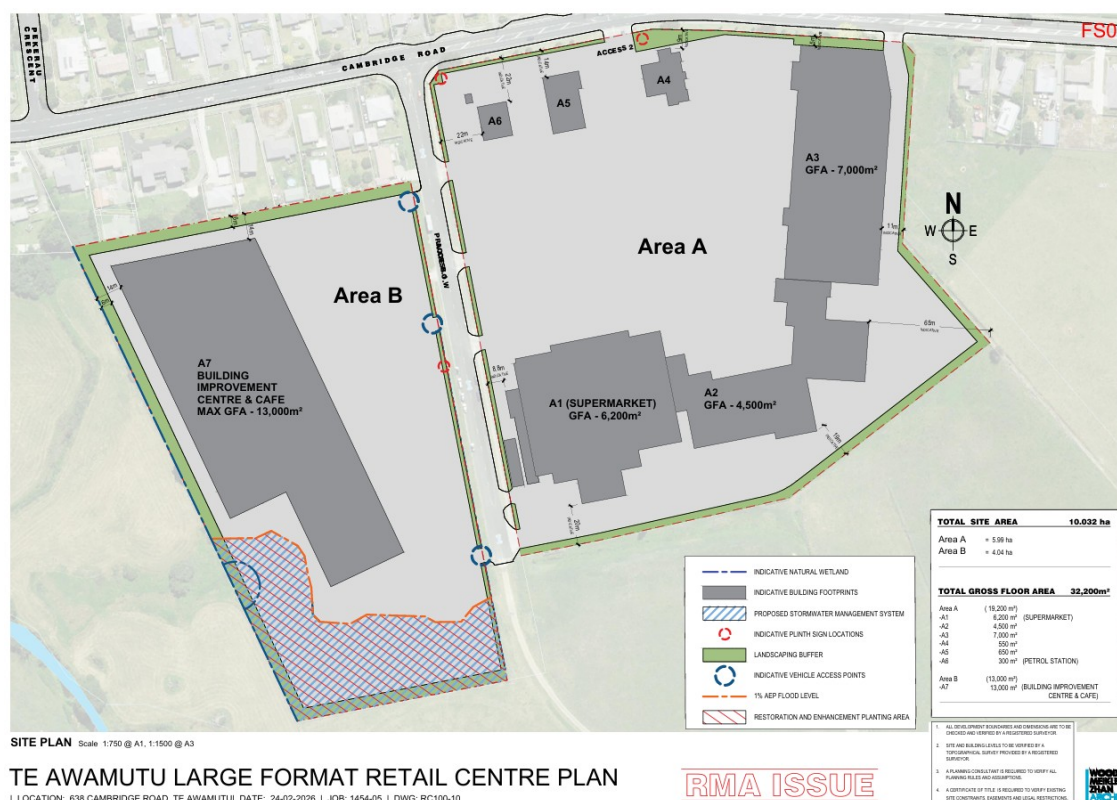
Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Matters of Control		
Waipā District Council	3/6	Accept in part
638 Limited	FS 1/6	Accept in part
Foodstuffs North Island	FS 2/5	Accept in part

Activities in Area A

Supermarket – Click and Collect Facility

- 4.7.14 **Foodstuffs North Island (FSNI) (4/2)** are concerned that PC35 could undermine their ability to establish an “e-commerce” facility within the surrounding Large Format Retail Centre. They seek that the site plan is *“updated to reflect newly proposed or consented activities in Area A”*.
- 4.7.15 **638 Limited (FS 1/9)** support this submission. They acknowledge that as resource consent has been granted for the click and collect facility it is appropriate to revise the retail centre plan to include this facility and the new vehicle crossing onto the right of way. 638 Limited have provided a revised concept plan illustrating this.

Figure 5 – Revised Supermarket Footprint



- 4.7.16 It is recommended that submission 4/2 and further submission FS 1/9 be accepted and that the retail centre plan be amended to include the consented supermarket footprint as shown in the image above. This ensures that the plan reflects the most up to date development within Area A.

Table 19: Topic 6 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: <i>Activities in Area A (Supermarket Click and Collect Facility)</i>		
Foodstuffs North Island	4/2	Accept
638 Limited	FS 1/9	Accept

Existing Mitre 10 Building

- 4.7.17 **Jay EL Limited & Park Road Holdings Limited (Jay EL Ltd) (5/5)** identify that “the existing Mitre 10 building shares a significant interface with our development, given the significance of the proposal and its transfer of use which could affect employment and amenity of nearby resident, we seek certainty and detail on the future use of the current premises”. In addition to this they identify that they “wish to remain involved in the plan change process, including the opportunity to respond to any amendments proposed through further submissions or hearings. Our focus areas relate to any matters that may affect the amenity and wellbeing of Waipiko Landing residents.”
- 4.7.18 The physical boundary shared between Area A and Waipiko Landing development is public road (Waipiko Drive). The land between the Mitre 10 building and the road is service access for the development on Area A. This boundary is currently landscaped.
- 4.7.19 The activities enabled within the Mitre 10 building as a controlled activity will be as set out in Rule 6.4.2.22 which include retail activities (400m² – 2000m² GFA), health care

services, childcare facilities and indoor recreational activities. Other activities will default to being considered as non-complying.

4.7.20 It is considered that PC35 in relation to backfilling of the Mitre 10 building does not generate impacts beyond what is currently consented or expected at the Commercial Zone / Medium Density Residential Zone interface. Further development will be controlled by the relevant provisions of the District Plan relating to the Commercial Zone.

4.7.21 Jay EL Limited & Park Road Holdings Limited (5/5) have legal standing as a submitter and can continue to be involved in the plan change process insofar as it relates to the specific points of their submission and relief sought. As such it is recommended that submission 5/5 is accepted in part.

Table 20: Topic 6 Recommendations

Submitter/ Further submitter	Submission Point	Recommendation
Subtopic: Activities in Area A – Existing Mitre 10 Building		
Jay EL Limited & Park Road Holdings Limited	5/5	Accept in part

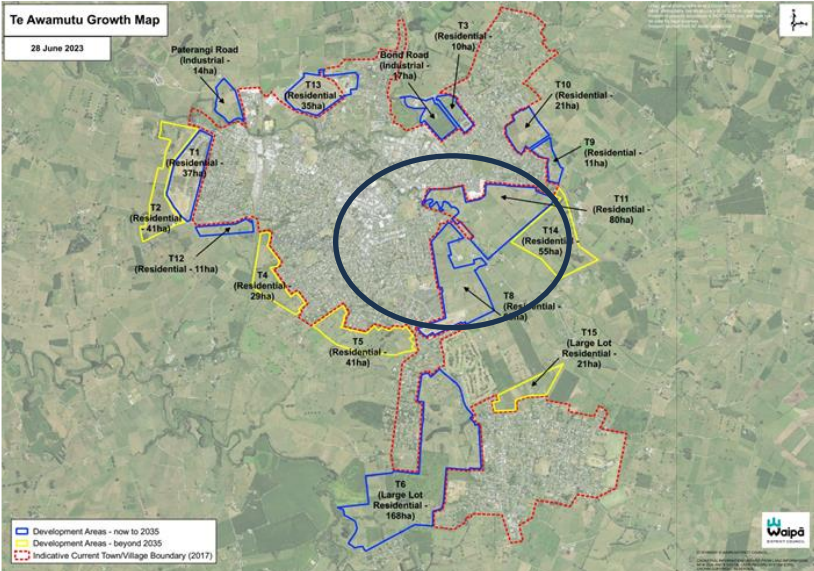
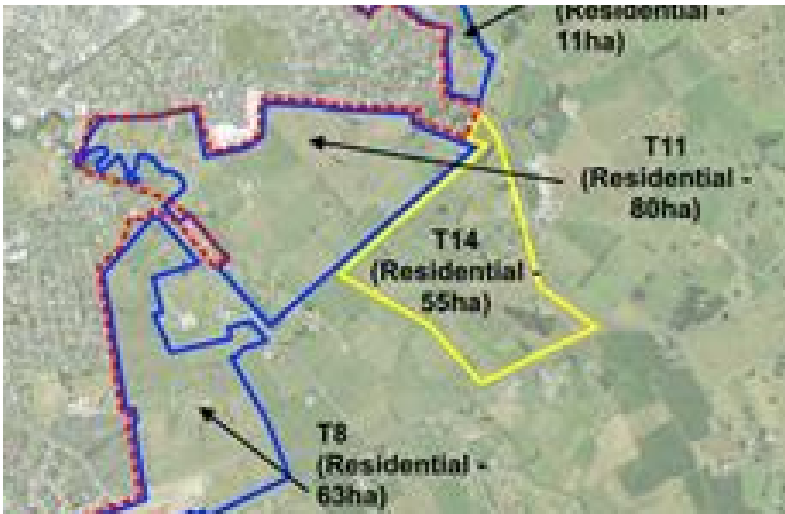
4.8 TOPIC 8 – CONSEQUENTIAL CHANGES

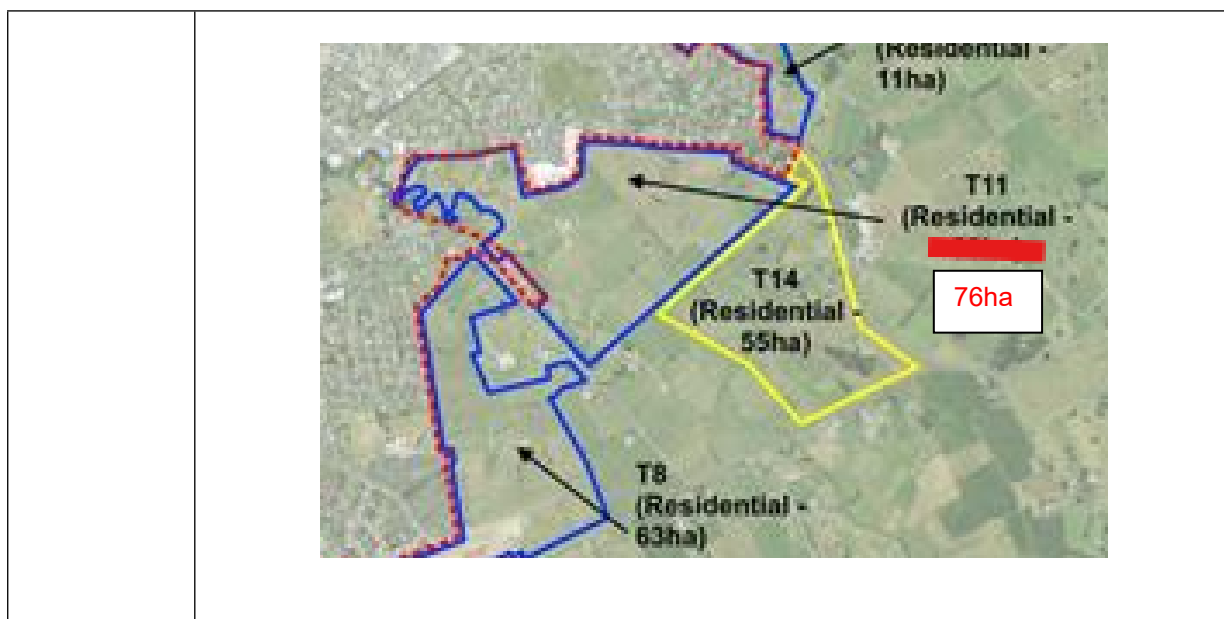
4.8.1 While the following matters are not the subject of specific submission it will be necessary to make consequential amendments to the District Plan to reflect the recommendations of this report to ensure there is consistency within the plan and to avoid conflict in terminology. The following consequential changes are set out below:

- The Te Awamutu Large Format Retail Centre is referenced in a number of different ways in the District Plan. Consequential changes are necessary to ensure that the centre is consistently referenced throughout the District Plan as the *Te Awamutu Large Format Retail Centre*.
- Associated with Appendix S1 – Te Awamutu Growth Map is the table – *Te Awamutu Residential Growth Cells – anticipated now to 2035* that sets out each growth cell and their corresponding land area and overview and capacity. PC35 proposes to amend the land area identified in this appendix for the T11 Growth Cell 80ha to 76ha. The same amendment has not been proposed for the Te Awamutu Growth Map. Accordingly, there is a need for a consequential change to the growth map to reflect this change in land area for T11 Growth Cell.
- The notified provisions for Rule 6.4.2.22.b restrict application of this rule to the matters specified in Rule 6.4.2.22.a.ii. Instead, this rule needs to apply to all development scenarios enabled by Rule 6.4.2.22.a.
- The notified provisions for Rule 21.1.6.1 involve a change to the existing numbering sequence of this rule. It is necessary to ensure that the final numbering is in sequence.
- Renumbering existing 21.1.6.1a – i to new numbering 21.1.6.1a-e

4.8.2 Table 21 sets out the recommendations to enable the following sections of the District Plan to be amended as consequential changes:

Table 21: Topic 8 Recommendations

Rule	Recommended Consequential Change (in red)
	to ensure that the centre is consistently referenced throughout the District Plan as the <i>Te Awamutu Large Format Retail Centre</i>. This includes references to this plan in: • Rule 6.4.1.5.b • Rule 15.4.2.69.e • Rule 21.1.6.1 • Appendix S6 • And any other instances
6.4.2.22.b	With regard to the other activities enabled by (a)(iii):
21.1.6.1	Renumber existing 21.1.6.1 to reflect amended numbering (a) to (g). Refer to track changes in Appendix 2.
Appendix S1 – Te Awamutu Growth Map	Te Awamutu 
	



5. CONCLUSION AND RECOMMENDATION

5.1 CONCLUSION

- 5.1.1 This report has been prepared in accordance with Section 42A of the Resource Management Act and provides a suitable basis on which to assess the effects of Proposed Private Plan Change 35 – Te Awamutu Large Format Retail Centre. The report sets out the plan change background, the submission and further submission process, external advice sought by Council, the statutory and policy context surrounding the plan change, and an analysis of submissions and further submissions. Recommendations regarding each submission and further submission have been provided.

5.2 RECOMMENDATION

- 5.2.1 Pursuant to Clause 10 of Schedule 1 of the Resource Management Act 1991 that:
- a) The submissions and further submissions on Proposed Private Plan Change 35 – Te Awamutu Large Format Retail Centre, are accepted, accepted in part or rejected as outlined in this report and Appendix 1; and
 - b) The amendments to the District Plan including the Appendices and Planning Maps are made as set out in this report and Appendix 2 , being:
 - i. The rezoning of land subject to Plan Change 35 from Medium Density Residential Zone to Commercial Zone;
 - ii. The amendments to the District Plan provisions proposed in the plan change application and amended as outlined through this report and as shown in Appendix 2.



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