



Matamata-Piako District Plan Review

Plan Change 53 – Settlements

Decision Report

25 June 2021



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1. Introduction

1. This Decision Report provides the decisions of Matamata-Piako District Council (Council) on the submissions and further submissions to Plan Change 53 and provides the final changes to the District Plan from the plan change and hearings process.
2. Plan Change 53 was notified over November and December 2020 and fourteen submissions were received to the Plan Change. The Summary of Submissions was notified in February 2021 with three further submissions received.
3. A hearing was held in Te Aroha on 17 May 2021 to hear the evidence and submissions to Plan Change 53. A number of submitters took the opportunity to present further material in support of their submissions including in some cases additional technical and expert evidence. In other cases, we received tabled evidence on the constructive process that had been undertaken to identify amendments to proposed plan provisions which were acceptable to the submitters.
4. Council received a hearing's report from Council staff and this was duly considered as part of our deliberations and determination of the submissions and further submissions.
5. Council would like to extend our appreciation to the community and submitters who took the time to be part of this plan change process. We look forward to making Plan Change 53 part of our District Plan and enabling our settlement areas to benefit from the new provisions.

2. Statutory Provisions

6. The Section 32 report prepared for the Plan Change contains a comprehensive review of the relevant statutory matters. In summary, this Plan Change must give effect to the over-arching purpose and principles of the RMA. Section 31, 32, 74 and 75 of the RMA contain specific provisions relating to the preparation of district plans.
7. In preparing this decision, Council has prepared a Section 32AA report to reflect the additional information and assessment which has been completed as part of the submissions and hearings process. The Section 32AA is provided as **Appendix A** and should be read in conjunction with the decisions on the individual submissions and further submissions.

3. Background

Overview of Plan Change

8. The changes to the District Plan proposed through this review broadly relate to the zoning and rule provisions within the following existing settlements: Waihou, Waitoa, Tahuna, Mangateparu, Motumaoho, Walton, Hinuera, Te Poi, Manawaru, and Te Aroha West. New provisions for yard setbacks for rural house sites are also proposed.

Settlement Areas

9. The current District Plan does not include specific plan provisions for our settlements and does not define these in terms of a spatial area or dedicated zone mechanism. The majority of the settlement areas are currently within the Rural Zone with Waihou having a Residential Zone, largely due to the provision of a public wastewater network.
10. In both cases, the current zone provisions do not reflect the nature or character of the settlement areas. Regulatory and administrative issues arise from the current zone regime where landowners are subject to inappropriate rule provisions, i.e., rural yard setbacks which bear little relevance to the nature of the site or surrounding land use.
11. The Settlements Plan Change therefore provides a new Settlement Zone which is tailored to the nature and type of activities which exist in these communities, as well as providing new opportunities for appropriate development and compatible activities. The new zone mechanism provides for precincts that reflect existing land use patterns and rule provisions to manage the interface between the precincts.
12. The scope of the Settlements Plan Change has been limited to the identification of specific settlement areas. It does not establish new or extend the spatial areas of the existing settlements to any significant degree. This approach has avoided any substantive issues arising with the alignment of the plan change with the provisions of the higher order planning instruments and also avoids substantive issues associated with the loss of productive soils and any infrastructure and servicing issues.
13. The identified settlement areas have a spatial relationship and cohesion based on existing land use patterns and activity including residential, commercial, industrial and other community land use activities.
14. Council acknowledges that there are other areas that have a grouping of rural dwellings or other activities that may also have some characteristics of a settlement. In these cases, the provisions for rural house sites may apply. An example is Tatanui, which was originally assessed as being part of the plan change but was excluded given the lack of a cohesive settlement area.
15. It is noted that the existing heritage schedules, protected trees, waahi tapu sites within the settlement areas are not proposed to change and are not within the scope of the plan change.

Rural House Sites

16. Through this review process, it has also been identified that there are a number of rural houses sites located in close proximity to other houses sites which would benefit from a review of yard setbacks. These sites are isolated from the settlement areas and will not therefore benefit from the new Settlement Zone mechanism.
17. To provide for efficient land use provisions, Council has resolved to amend the yard provisions for rural house sites where these adjoin other sites of a similar land use and scale.
18. For the purpose of the new rural house site rule, qualifying sites will need to be less than 2,500m² and the reduced yard will only apply to boundaries with lots of 1ha or less.

Community Engagement and Consultation

19. A wide range of consultation methods were adopted including letter drops, media coverage, online material and comment forms, open days, stakeholder meetings and direct engagement with the settlement communities.

4. Determination of Submissions and Further Submissions

20. This section discusses each of the submissions and further submissions and sets out Council's decision on each submission point including the final plan change provisions.
21. Given the relatively limited number of submissions and further submissions and that these largely address discrete issues, each submission is discussed separately. The final Council decisions on Plan Change 53 have been considered and determined holistically to ensure that there is a collective and consistent approach to the plan provisions. This includes determination of the submissions and further submissions in accordance with the higher order planning instruments and the provisions of the Resource Management Act 1991 (RMA).
22. The sequence of submission assessment has been adopted from the sequence of the submissions in the notified submissions summary. The sequence does not therefore purport or imply any relevant significance of the matters addressed in the individual submissions.
23. Where there is overlap between submissions, then this is reflected in the commentary and discussions along with assessment of any relevant further submissions.

4.1 Sub # 1 - Ray Kett

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
1.1	Yard requirements	Support	<ul style="list-style-type: none"> • Council is taking the right approach. • Properties are for residential purposes and yard requirements should be the same as residential areas. • Thankful for the proposed changes. 	To keep the yard requirements as proposed.

Analysis

24. Mr Kett's submission support the plan change and in particular the proposed yard requirements for the settlement areas. We note that Mr Kett made a submission on the earlier Plan Change 47 for our three main towns and his concerns about the settlement rules were not able to be addressed at that time. We anticipate that the current plan change process has addressed his earlier concerns.
25. Council notes that Mr Kett was invited to discuss his submission further with council staff.
26. Council accepts the submission from Mr Kett.

Plan Change Amendments

27. Mr Kett has not sought any changes to the plan provisions and there are no other matters arising from any other submissions which would overlap with the assessment and decision on this submission.

Decision on Submission/Further Submission

That Sub 1.1 from Mr Kett be -	Accepted
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4.2 Sub # 2 - Transpower

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	<p><u>General Submission</u></p> <p>Transpower supports the review of planning rules considering that the proposed map and provisions for Waihou have regards to the National Grid transmission line and it is in alignment with the National Policy Statement on Electricity Transmission 2008. In particular, Transpower supports;</p> <p>Transpower wishes to highlight the requirement that the Settlement Zone provisions recognise and provide for the National Grid as required by the National Policy Statement for Electricity Transmission 2008. This is particularly relevant for the settlement of Waihou which is adjacent to the National Grid 110kV HAM-WHU-A line.</p>			
2.1	<ul style="list-style-type: none"> Planning Map - Waihou District Plan – Settlement Zone and Precincts 	Support	The proposed planning map shows the National Grid transmission line traversing the eastern edge of the township as required by Policy 12 of the National Policy Statement on Electricity Transmission 2008 and the Operative District Plan contains provisions to manage land use, development and subdivision near the National Grid within the Settlement Zones and Precincts.	Retain as Notified
2.2	<ul style="list-style-type: none"> SETZ R1(4) - District Plan Linkage Rules – Performance Standards 	Support	Rule SETZ R1(4) ensures that Rule 3.5 “Activities adjacent to the National Grid (all District Plan zones)” will apply to land use and development carried out in the National Grid Yard in the Waihou Settlement Zone. This gives effect to Policies 10 and 11 of the National Policy Statement on Electricity Transmission 2008.	Retain as Notified
2.3	<ul style="list-style-type: none"> SETZ R3(1) - Other Plan Provisions 	Support	Rule (SETZ R3(1)) will ensure that any subdivision carried out within the Waihou Settlement Zone that is located in the National Grid Subdivision Corridor will be subject to Rule 6.3.10 “Subdivision within a National Grid Subdivision Corridor.” This ensures that the National Policy Statement on Electricity Transmission 2008 is given effect to within the Waihou Settlement Zone.	Retain as Notified

Analysis

28. The Transpower submission supports the provisions of the Settlements Plan Change as notified.
29. The Settlements Plan Change does not amend any of the existing provisions in relation to the transmission corridor and the settlement provisions link to the existing sections of the District Plan for network utilities and other district wide rules.
30. Transpower was invited to further discuss their submission with council staff. They advised that this was not necessary given the nature and scope of their submissions and that they would take the opportunity to review the planning report before deciding whether they would provide any additional evidence or attend the hearing.
31. Transpower advised after receiving the S.42A planning report that they would not need to be heard in support of their submission.
32. Council accepts the submission from Transpower.

Plan Change Amendments

33. Transpower has not sought any changes to the plan provisions and there are no other matters arising from any other submissions which would overlap with the assessment and decision on this submission.

Decision on Submission/Further Submission

That Sub 2.1, 2.2 and 2.3 from Transpower be -	Accepted
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4.3 Sub # 3 – Richard and Sharon Grayling
Further Submission # FS-2 / 3.1 Waikato Regional Council

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	<p><u>General Submission</u> The Submitter generally supports the proposal to introduce a zone tailored to the small settlements within the District. The separation of the Settlement Zone into three precincts provides distinct areas to enable development to occur within the established land use pattern and characteristics of a settlement. The objectives and policies accurately reflect the intentions to provide for a compatible mix of land use activities. This ultimately promotes these small settlements as a viable option for families to live and work within.</p>			
3.1	Definition of River Protection Yard and SETZR1(2)	Support/ Oppose in part		To include a definition of “River Protection Yard” within the Plan, or provide clarification within the rule providing clear guidance on when the rule applies.
3.2	6.3.12 Lot Sizes	Oppose	<p>The Submitter seeks review of the performance standards for subdivision on lot sizes between 1,000m² - 2,499m² on un-sewered lots, amending the category of activity from Discretionary, to Controlled or Restricted Discretionary, taking into consideration rule 3.5.7.6, instead of rule 3.5.7.5 of the Regional Plan.</p> <p>The Submitter considers that the approval process for an “improved” sewage treatment system is already incorporated within the Regional Plan, whereby the Waikato Regional Council hold jurisdiction over this process. There is no</p>	<p>Enable lot sizes between 1,000m² - 2,499m² on un-sewered lots to be assessed as a Controlled Activity provided that an “improved” wastewater treatment system permitted by the Waikato Regional Plan can be accommodated on site.</p> <p>Assessment of an appropriate wastewater treatment system on a site should not have the potential to require neighbours approval as a Discretionary Activity.</p> <p>As an alternative, a Restricted Discretionary Activity status could apply,</p>

			jurisdictional basis for the District Council to assess compliance with the Regional Plan.	subject to assessment criteria being restricted to wastewater management and inclusion of a non-notification Rule.
3.3	Prec1(10)	Oppose	Two or more dwellings	
3.4	Prec1(13)	Oppose	Two or More residential Units (Medium Density)	
3.5	Rules PREC1(1) – PREC1(9), PREC1(11) and PREC1(12), PREC1(14) – PREC1(20) and SETZ R1(1), R1(3) and R1(4)	Support	Support provisions for Settlement Zone.	Retain as notified
Waikato Regional Council	Further Submission to submission points 3.2, 3.3 and 3.4	Oppose	Lot sizes need to be of a practical size to provide for on-site effluent disposal. The RMA does not restrict territorial authorities to provide more restrictive rules regarding minimum site areas.	Retain as notified

Analysis

34. The primary issue raised by the Grayling submission is that of density/lot size and whether the proposed two-tier approach for minimum density/lot size is appropriate. The notified set of plan change provisions provided for larger lots sizes as a Controlled Activity, with smaller lots sizes as a Discretionary Activity. The provision of public wastewater reticulation was used to differentiate between the nature and character of the existing settlement and to recognise the existing Residential Zone provisions at Waihou.
35. The basic framework of the subdivision/yield rules was notified as follows:

		Minimum lot size	
		Controlled Activity	Discretionary Activity
Public wastewater reticulation		1,000m ²	600m ²
No wastewater reticulation		2,500m ²	1,000m ²

36. A secondary issue is also raised with regards to the interpretation of *River Protection Yard*. The majority of the Settlements Plan Change is supported.
37. The Waikato Regional Council has lodged a further submission opposing the Grayling's submission on the basis that the proposed minimum lots sizes in the plan change will better ensure appropriate lot sizes for on-site effluent disposal. This includes technical design considerations for systems on smaller sites and the potential costs and risks of maintenance over the long term.
38. We were advised that a constructive meeting was held with Council staff, representatives for the Graylings and staff from the Waikato Regional Council. This was helpful for all parties in understanding the background to the submissions and also gave Council staff an opportunity to discuss the background to the settlement provisions including the feedback received from the consultation process.
39. The Grayling's submission asserts that the density/lot size rules can be relaxed given that there are on-site effluent solutions for sites less than 2,500m² and which can still satisfy the permitted activity rules of the regional plan.
40. The approach taken with the minimum lots size and density for the Settlements Plan Change takes into account the nature and character of the existing settlements including the subdivision provisions for those settlements which currently have a Residential Zone. Through the development of the rule provisions, a distinction of the lot sizes for sewered and unsewered lots was promoted to recognise the different nature of the settlements and also the existing subdivision opportunities that existing for lots with an existing Residential Zone.
41. Based on the consultation process, it is considered that the combination of rules for minimum lot size and density are appropriate for our settlements. This approach establishes a relatively simple method for implementing minimum lot sizes and Council acknowledges that other options including setting bespoke subdivision and yield standards for each settlement is an alternative. However, this would present an overly complex set of rule mechanisms.
42. Council acknowledges that the framing of the rules may place more emphasis on the wastewater criteria than what was intended. The rule mechanisms set lot sizes and activity status rules for subdivision based on whether the lot is sewered or unsewered. However, the wastewater criteria is only one part of the rationale for the lot size and density rules.

43. Council received tabled letters dated 16 April 2021 and 17 May 2021 from the Graylings outlining their position on the plan change. The letters acknowledge the meeting and discussions with Council staff and recommendations outlined in the S.42A planning report. Their position remains that the Settlement Plan provisions should adopt a Restricted Discretionary Activity status with assessment criteria for on-site wastewater disposal and amenity and character issues.
44. The Waikato Regional Council attended the hearing and spoke to their further submission which opposed the Grayling submission. The evidence of the Waikato Regional Council supports the recommendations set out in the S.42A planning report and recommends that if the Grayling submission is accepted, then a Restricted Discretionary Activity should apply for on-site wastewater issues.
45. The issue of density and minimum lot size was a matter that Council carefully considered in workshops and with the development of the notified provisions for the Settlement areas. We consider that there is a range of characters across the settlements and also within settlements with some areas having a very low density and others having a character of settlement housing within a broader rural environment. We accept that there are on-site solutions for wastewater and that lots smaller than 2,500m² are capable of meeting permitted activity standards under the Regional Plan.
46. Council is mindful that a Restricted Discretionary status does focus any assessment on the matters specific to any identified criteria and that this can in some cases provide more certainty for applicants. However, for subdivision and additional residential units, there is a wide range of issues that may need to be considered and any assessment criteria that refers to amenity or character issues presents such a wide discretion that there is little merit in adopting this approach. We also note that the rules within the Settlement Zone are linked to other section of the District Plan which provide additional performance standards and assessment criteria. We consider that an assessment of the density will need to be made in terms of any actual or potential effects on neighbours as part of the notification assessment and again this will require a case by case assessment which would be best addressed through a Discretionary assessment status.
47. While the submitter considers that the relief recommended in the S.42A report does not go far enough, it is determined that these changes should be made to the *Issues Statement* and the referencing around standard and medium density deleted. These changes are detailed below and in **Appendix B**.
48. With regards to the River Protection yard, we understand that advice from Council staff has been provided to the submitter on the interpretation of this rule. Given the River Protection yard is part of the existing District Plan and applies to all zones, then it is not possible to amend or add a definition into the District Plan which would affect rules outside the Settlement Zone. In addition, the rule has not caused issues in relation the effective implementation of the District Plan. Therefore, no amendments to the District Plan are proposed in response to this submission point.

Plan Change Amendments

49. The following changes are made to Plan Change 53;

- Additional wording into the issues statement as follows.

Minimum lot size and density standards have been developed for the settlement areas based on the low-density character of these areas and also taking into account the provision of public and private three water services.

- Deletion of the Density references in Rule Prec1(10) and Prec1(13).

Decision on Submission/Further Submission

That Sub 3.1 from Richard and Sharon Grayling be -	Rejected
That Sub 3.2, 3.3 and 3.4 from Richard and Sharon Grayling be -	Accepted In Part Specific relief is not recommended in terms of amending lot size/density rules, however amendments are proposed in relation to the context of the rule mechanisms.
That Sub 3.5 from Richard and Sharon Grayling be -	Accepted
That the further submission from the Waikato Regional Council be -	Accepted

4.4 Sub # 4 – Powerco Limited

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	<p><u>General Submission</u> Powerco is NZ's largest electricity and second largest gas distributor. Poweco has submitted in support and commented on key matters of concern which seek to ensure recognition, protection and continuous access to existing assets as well as enabling provisions for new infrastructure and the avoidance of inappropriate development in, around and close to its assets.</p>			
4.1	Objective SETZ 06	Support	Objective is required to enable infrastructure located within the Settlement Zone	Retain as Notified
4.2	Policy SETZ P3	Support	It is appropriate to mitigate reverse sensitivity effects around Powerco assets.	Retain as Notified
4.3	Policy SETZ P7	Oppose	It is unclear what "private infrastructure" would include as there is no definition provided and therefore it is unclear what the policy is trying to capture.	Delete SETZ P7 in its entirety.
4.4	Settlement Zone Activity Status Rules – PREC1(7)	Oppose	Powerco continually maintains and upgrades its existing assets, and installs new assets when required. It is unclear how network utilities associated earthworks are to be assessed within this earthworks rule in the Settlement Zone.	<p>Amend PREC1(7) as follows:</p> <p>General Performance Standards Refer Rules SETZ R1(1) to SETZ R1(4).</p> <p>Activity Specific Performance Standards Earthworks shall comply with the following performance standards:</p> <p>(i) Max cut or fill height – - 0.5m within minimum building set back - 1.5m outside minimum building set back</p> <p>(ii) All site works to be reinstated within 6 months of works commencing.</p> <p>(iii) Max volume of earthworks 100m³ within any 12 month period.</p> <p>(iv) Works must not affect or be located within a</p>

				<p>scheduled item (Schedule 1-3).</p> <p>(v) Works cannot involve the excavation or disposal of contaminated land/materials.</p> <p>(vi) Works shall be set back 5m from any overland flow path and 10m from any water body.</p> <p>Exclusion: Any earthworks which have been approved as part of a land use or subdivision consent, <u>earthworks associated with network utilities</u>, and any removal of topsoil for building foundations and/or driveways.</p>
4.5	Part 6 Subdivision Activity Table 1(c) and 1(d)	Support	The existing rules for utility lot subdivision and subdivision within 20m of a sub-transmission line are appropriate	Retain as notified
4.6	Part 8 Works and Network Utilities Activity tables 8.1.1; 8.2.1; 8.3.1; 8.4.1; 8.5.1; 8.6.11; 8.8.1 and 8.9.1.	Support	It is appropriate that the new Settlement Zone and precincts are added to the Activity Tables	Retain as notified

Analysis

50. A large proportion of the Powerco submission is supportive of the Settlements Plan Change. The key issues raised in opposition relate to the wording of Policy SETZ P7 which refers to infrastructure and the new proposed rule for earthworks

51. Council was advised that a constructive meeting was held with Powerco and MPDC's staff and this allowed a good understanding of the key issues and concerns and how these may be addressed. In terms of the policy framework, the key issue for Powerco is to ensure there is clarity around the provisions and whether they only relate to the three waters infrastructure. This is acknowledged and it is proposed to amend the wording of Policy SETZ P7 to provide clarification that this policy is tied to three waters servicing. A consequential change is also proposed to Policy SETZ P6 to ensure a consistent approach to the wording of the policies.
52. In terms of the earthwork's rule mechanism, Powerco has subsequently provided additional wording for an exclusion criteria. It is considered that this is appropriate as the earthworks rule is not intended to capture works for service trenching.
53. Council received a tabled email from Powerco dated 11 May 2021 advising that they support the recommendation in the S.42A planning report and thanking Council staff for an efficient plan review process.
54. Council is generally satisfied with the recommendations set out in the S.42A planning report and as agreed with Powerco. However, Council considers that the wording should be amended to more clearly prescribe that any new development must be accommodated within the existing capacity of the network. Council has therefore modified the policy wording below and is satisfied that this does not affect the relief sought by Powerco as the policy is still only concerned with three waters infrastructure.
55. Council accepts and partially accepts the Powerco submissions as detailed below.

Plan Change Amendments

56. The following changes are made to Plan Change 53;

- Amendments to Policy SETZ P6 and P7

SETZ P6	<i>Subdivision and development reliant on public <u>three waters infrastructure and services shall be accommodated within the existing capacity of the public network. shall not cause or lead to additional demands.</u></i>
SETZ P7	<i>Subdivision and development that is reliant on <u>private three waters infrastructure and services shall be in accordance with the provisions of the regional and district plans, and any approved water take or discharge consents.</u></i>

- Amendments to Earthworks Rule Policy SETZ P6 and P7

Any earthworks which;

- *have been approved as part of a land use or subdivision consent,*
- *are for the any removal of topsoil for building foundations and/or driveways, or*
- *any earthworks associated with utility installation, maintenance upgrading and/or removal where the ground surface is fully reinstated within one month from when the work started.*

Decision on Submission/Further Submission

That Sub 4.1, 4.2, 4.5 and 4.6 from Powerco be -	Accepted
That Sub 4.3 from Powerco be -	Accepted In Part Subsequent discussions have led to amended wording of policy, rather than deletion of policy.
That Sub 4.4 from Powerco be -	Accepted In Part Subsequent discussions have led to alternative wording for earthworks exclusion rule.

4.5 Sub # 5 – Fonterra
Further Submission # FS-1 / 5.1 – Powerco Limited

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	<p><u>General Submission</u> Fonterra generally supports the plan change however, it is seeking a series of amendments on issues, objectives, policies and rules in order to avoid and minimise reverse sensitivity effects for major industries, to safeguard Fonterra’s water supply and to limit the expansion of the settlements with attention to the Regional Plan. Fonterra is seeking to ensure that PC53 provides an appropriate framework that will meet the needs of the Waitoa community whilst also enabling the continued operation and development of the Waitoa Dairy Manufacturing Site. In particular, Fonterra is seeking to ensure that its activities and operations occurring under the terms of the existing Development Concept Plan are not unduly constrained by new provisions in PC53.</p>			
5.1	<p>Section 16 Settlement Zone - Settlement Zone Issues.</p>	Support in part	<p>The explanation provides a brief overview of the issues but requires additional reference to be made to the need to also minimise the potential for reverse sensitivity effects and to reflect the statements within the supporting Section 32 evaluation that the purpose of the Plan Change is not to provide for the expansion of settlements or provide additional capacity in respect of the residential land supply. These references are important to ensure that the significance of established major industrial activity is appropriately recognised and that there is no expectation that Fonterra will extend its existing water supply to support growth within Waitoa.</p>	<p>Amend 2nd Paragraph to read:</p> <p><i>The Settlement Zone provides a bespoke zone and a set of rule mechanisms specifically designed to recognise existing land use activities, and to enable the new activities that are compatible with the character of these areas <u>and avoids or minimises the potential for reverse sensitivity effects on established major industry. The Zone does not intend to provide for the expansion of settlements or increased residential land supply.</u></i></p> <p>Amend 3rd Paragraph to read:</p> <p><i>The settlement areas are largely unserved and therefore any new development will need to ensure that adequate provision for servicing</i></p>

				<p>can be accommodated on site. For those settlements with wastewater reticulation, any new development will need to be accommodated within the capacity of the existing network and treatment works as no upgrading of the Council reticulation or wastewater system is proposed. <u>Private reticulated water supplies will not be available to support new development.</u></p>
5.2	Settlement Zone Objectives – Objective SETZ 01	Support in part	<p>As the objective sets the scene for the subsequent objectives and related provisions, it is important that it captures other critical factors that will influence the adoption and extent of Precincts and the assessment of specific proposals through consent processes. The objective therefore needs amendment to ensure that the Zone will not result in activities that could give rise to reverse sensitivity effects on established major industry. Proposed Objective SETZ 03 relates specifically to the location of new commercial and industrial activity within the Zone in respect of surrounding residential activity. The proposed amendment ensures that all development within the Zone will be compatible with the existing environment and provides clear context for Policy SETZ P3.</p>	<p>Amend Objective SETZ01 to read:</p> <p><i>To recognise and provide for a mix of land use activities within identified settlement areas that reflect and provide for the needs of the local communities and businesses <u>without giving rise to reverse sensitivity effects on existing major industry.</u></i></p>
5.3	Objective SETZ 06	Support in part	<p>Large parts of the Waitoa community are currently connected to Fonterra’s private water supply. Fonterra has no obligation to maintain this supply and has no intention of authorising any additional connections.</p>	<p>Amend Objective SETZ 06 to read:</p> <p><i>Land use, <u>and</u> subdivision <u>and</u> infrastructure are planned <u>in an integrated manner</u></i></p>

			Amendment of the Objective would ensure that there is clarity that new proposals will either have to connect to public reticulated supplies or will otherwise need to be self-sufficient. With this amendment, the objective will provide the certainty and clarity that is sought through Objective SETZ 05.	that does not compromise the supply and capacity of public and private services <u>are of a scale and location that can be served by publicly reticulated water and wastewater supplies or are otherwise self sufficient.</u>
5.4	Policy SETZ P1	Support	Policy is appropriate.	Retain as Notified
5.5	Policy SETZ P3	Support	Using the precinct mechanisms is appropriate for addressing and managing reverse sensitivity effects	Retain as Notified
5.6	SETZ P7	Support	Large parts of the Waitoa community are currently connected to Fonterra's private water supply. Fonterra has no obligation to maintain this supply and has no intention of authorising any additional connections. Amendment of the Policy would ensure consistency with the proposed amendments to Objective SETZ 06	Amend Policy SETZ P7 to read: <i>Subdivision and development that is reliant on private infrastructure and services shall <u>demonstrate compliance or authorisation in terms of Regional Plan requirements and authorisation from any private asset or consent owner in respect of</u> and any approved water take or discharge consents.</i>
5.7	Activity Rules Prec1(1) to (20) Prec2(1) to (14) SETZ R1(1) SETZ R1(4)	Support in part	Notwithstanding support for the cross reference to existing Plan provisions, Fonterra notes that, in respect of Rules 5.9.1 and 5.9.2 of the Plan, these provisions create ambiguity regarding expectations around the Fonterra owned water supply currently serving parts of Waitoa. Rule 5.9.1 creates an expectation that development should connect to reticulated supplies. Rule 5.9.2 addresses non connection. However, this	The Submitter has proposed to include a new provision: SETZ R1(5), to read: <u>In respect of 3 Waters servicing within the Waitoa Settlement Zone, all proposals for land use and subdivision shall demonstrate that they</u>

			Rule specifically excludes the Fonterra Waitoa supply and doesn't explain how this should be addressed. In the context of a Plan Change that specifically enables development within the settlement, it is important that the Plan clarifies that all proposals will need to be entirely self-sufficient.	<u>will be entirely self sufficient.</u>
5.8	Omission SETZ R1(5)	Oppose	See above.	
5.9	SETZ R2(17)	Support	To ensure that the potential for reverse sensitivity effects are minimised in relation to the Waitoa Dairy Manufacturing Facility, Fonterra supports the identification of the following activities as non-complying activities within the Commercial Precinct of the Waitoa Settlement Zone: <ul style="list-style-type: none"> • Residential Units • Minor Residential Units • Education Facilities Accommodation Facilities	Retain as Notified.
5.10	SETZ R1(4)	Support in part	Fonterra supports the inclusion of a cross reference to other relevant plan provisions, noting that Rule 5.2 is subject to a proposed amendment as part of Fonterra's Private Plan Change to address noise issues associated with the Waitoa Dairy Manufacturing Site. The cross reference will ensure consistency across the related plan provisions.	Retain as Notified
5.11	SETZ R2(1) General Assessment Criteria	Support in part	Fonterra supports Clause (d) as a general criterion to ensure compatibility between activities but considers that additional specific reference should be made to the potential for activities to generate reverse sensitivity effects in relation to established major industry. Fonterra supports the intention of clause (f) but considers that splitting the clause would provide	Amend Clause SETZ R2(1)(d) to read: <i>Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites, <u>including the potential for activities to generate reverse sensitivity effects on</u></i>

			improved clarity by ensuring that, as a matter of principle, 3 Waters servicing will be required in all cases and that, where this is through public reticulated services, that capacity exists.	<p><u>established major industry.</u></p> <p>Amend Clause SETZ R2(f) to read:</p> <p><u>f) The provision of three waters servicing.</u></p> <p>Include additional Clause SETZ R2 (g) to read:</p> <p><u>g) Whether adequate capacity exists to maintain acceptable levels of service within available public reticulated services.</u></p>
5.12	SETZ R2(2) Controlled Assessment Criteria	Support	Fonterra supports the statement that the criteria set out within SETZ R2(1) shall apply to proposals for two or more residential units on a site	Retain as Notified.
5.13	SETZ R2(3) Restricted Discretionary Assessment Criteria	Support	Fonterra supports the statement that the criteria set out within SETZ R2(1) shall apply to proposals for Community Facilities and Light Industry in the Commercial Precinct.	Retain as Notified.
5.14	SETZ R3(1) Other Plan Provisions	Support	Fonterra supports the inclusion of a cross reference to other relevant plan provisions, noting that Rule 5.2 is subject to a proposed amendment as part of Fonterra's Private Plan Change to address noise issues associated with the Waitoa Dairy Manufacturing Site. The cross reference will ensure consistency across the related plan provisions.	Retain as Notified.
5.15	6.3.12 Subdivision within Settlement Zone	Support	Fonterra supports the minimum Lot size of 1,000m ² in respect of Discretionary Activities and 2,500m ² in respect of Controlled Activities and the default Non-complying status for proposals which do not achieve compliance.	Retain as Notified.

5.16	6.6.3 Settlement Zone (Discretionary Activity Subdivision)	Support in Part	The proposed criteria address wastewater disposal and treatment but do not mention water supply. Fonterra considers that, particularly in the context of Waitoa where the Company does not intend to provide water to any new development from the Fonterra owned water supply, it is important that proposals for subdivision demonstrate how they can be provided with their own supply to a meet NZ Drinking Water Standards and ensure an acceptable firefighting supply. The inclusion of additional assessment criteria will enable consent notices to be attached to new titles to ensure that purchasers are aware that a reticulated supply will not be available.	Amend 6.6.3 to include the following additional assessment criteria: <i>Measures to ensure that all new lots not supplied by Council reticulated water supplies are able to provide water to meet NZ Drinking Water standards and provide acceptable fire fighting capacity.</i>
5.17	Planning maps - Waitoa	Support	Fonterra supports the extent of the proposed Settlement Zone, including the definition of the Residential and Commercial Precincts.	Retain as Notified.
Powerco	Further Submission to Submission point 5.3	Oppose	Powerco opposed the proposed amendment by Fonterra to the objective SETZ 06. All infrastructure (not just water and wastewater) needs to be planned for and integrated into any development or subdivision of land.	Retain as notified

Analysis

57. A large part of the Fonterra submission is supportive of the Settlements Plan Change with two key issues arising with respect to the proposed provisions for reverse sensitivity effects and to private water supplies.
58. Powerco has lodged a further submission opposing the proposed Fonterra changes to the objective SETZ O6 in relation to infrastructure.

59. We were advised that Council staff met with Fonterra and Powerco representatives to discuss the submission points and alternatives to resolve the submissions. It was acknowledged that additional emphasis on reverse sensitivity issues would be appropriate, and a series of amendments were supported in the S.42A planning report.
60. Fonterra attended the hearing and presented planning evidence from Abbie Fowler and a statement from the Operations Manager - Andrew Johns (presented by Brigid Buckley). Fonterra outlined the nature of the dairy manufacturing sites in Matamata-Piako and also the private water supply network at Waitoa. Fonterra clearly expressed their concerns relating to any expectation that additional water connections could be available from the private supply network and stated that none would be granted. Fonterra also advised that they were not the right entity for providing water to the local community and that they were seeking additional engagement with Council on this matter.
61. Council was also advised in the S.42A planning report that the District Plan does not manage or include provisions for private water supply networks as these are controlled through other legislation including the Health Act 1956, the Local Government Act 2002 and the Building Act 2004.
62. The planning evidence presented by Fonterra largely supported the recommendations set out in the S.42A planning report with a further minor change to Objective SET 01 and an additional clause to assessment criteria SETZ R2(1)(f) to link to the new advice note in Section 5.9 of the District Plan referring to private water supplies.
63. We note that PowerCo did not provide any additional evidence on their further submission point.
64. Council considers that the issue of reverse sensitivity should be given more emphasis and the more explicit alignment with the wording of Regional Policy Statement is appropriate. Council also accepts that the assessment criteria can be amended in accordance with the evidence from Fonterra with a minor wording change of *private system* to *private supply*. This is considered appropriate to avoid any confusion with a private system potentially meaning an individual on-site system. Council therefore determines that the changes recommended in the S.42A report and as modified by the Fonterra evidence are appropriate and adopts these into the plan provisions as detailed below.

Plan Change Amendments

65. The following changes are made to Plan Change 53;
 - Amendment to Issues Section
The Settlement Zone provides a bespoke zone and a set of rule mechanisms specifically designed to;
 - *recognise existing land use activities;*
 - *and to enable the new activities that are compatible with the character of these areas, and*

- and that avoid or minimise the potential for reverse sensitivity effects on existing activities including major industry
- Amendment to Objective SETZ O1;

SETZ O1	<i>To recognise and provide for a mix of land use activities within identified settlement areas that reflect and provide for the needs of the local communities and businesses <u>while avoiding or minimising the potential for reverse sensitivity effects on existing land use activities including major industry.</u></i>
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- Proposed Advice Note inserted into 5.9.1
Advice Note: There are a number of private water supply networks within the District. These are subject to statutory requirements including water quality standards. New or additional connections to these private networks must be agreed with the private supplier. Council does not have any control over the capacity or water quality of private supply networks.
- Proposed amendments to Assessment Criteria SETZ R2(1)
 - (d) *Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites, including potential reverse sensitivity effects on existing activities including major industry;*
 - (e) *Traffic, parking and access effects, including the safety and efficiency of the roading network and any effects of not providing carparking;*
 - (f) *The provision of three waters servicing, including where applicable, demonstrating that the site can be serviced via a private supply through consultation with the private supply provider (see advice note in section 5.9.1); and*
 - (g) *Whether adequate capacity exists to maintain acceptable levels of service within available public reticulated three waters services.*

Decision on Submission/Further Submission

That Sub 5.1 from Fonterra be -	Accepted In Part Alternative wording proposed to address original submission point
That Sub 5.2 from Fonterra be -	Accepted In Part Alternative wording proposed to address original submission point
That Sub 5.3 and 5.6 from Fonterra be -	Rejected No change proposed to SETZ O6 or SETZ P7 proposed following discussions with Fonterra over private water supplies.
That Sub 5.4, 5.5, 5.9, 5.10, 5.12 – 5.15, and 5.17 from Fonterra be -	Accepted

That Sub 5.7, 5.8 and 5.16 from Fonterra be -	Accepted In Part No change to rule mechanism proposed in terms of private water supplies, however issues addressed through the advice note in Section 5.9.
That Sub 5.11 from Fonterra be -	Accepted
That the further submission from Powerco to Sub 5.3 be -	Accepted

4.6 Sub # 6 – NZ Association of Radio Transmitters (NZART)

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
				<p><u>General Submission</u></p> <p>The Submitters are seeking Council to incorporate provisions for Amateur Radio Configurations (ARCs) into Plan Change 53. There are no provisions for Amateur Radio Operators to fulfil their avocation to scientific experimentation. The Submitters are seeking changes for amateur radio transmitters to be allowed as a permitted activity.</p> <p>The Submitter expresses frustration in regards to MPDC’s rolling review of the District Plan, considering it is difficult for the Submitter to know which section of the District Plan is up for a review, reason why the Submitter missed the opportunity to submit on Plan Change 47.</p> <p>The Submitters have stated that amateur radio activities are an experimental science, licensed under international and domestic law and not a hobby. Therefore unlike hobbies, experimental sciences provide benefits to the community (please see page 5 on the submission for a list of benefits for the community and individuals).</p> <p>The Submitters have also provided background and context in regards to radio waves, amenity values, aerial fundamentals, uses and aerial heights. As well as information on the recognition of amateur radio aerial diversity and the need for neighbourly approval</p>
6.1	Provisions for Amateur Radio Configurations	Support in Part (Plan Change amended to include appropriate provisions)	Include new provisions for Amateur Radio Configurations as per relief.	<p>To incorporate a definition of Amateur Radio Configurations. Incorporate rules which permit Amateur Radio Configurations to be used on the private properties of licensed Amateur Radio Operators.</p> <p>Definition:</p> <p><u>Amateur radio configuration means antenna, aerials and associated support structures which are owned and operated by licensed amateur radio operators.</u></p> <p>Include rules for Amateur Radio Configurations, as it follows:</p> <p><u>a. The top of any utility structure is less than 20metres above ground</u></p> <p><u>b. Any antenna other than a simple wire antenna shall meet the following criteria:</u></p>

				<p><u>i. Any of the elements making up the antenna shall not exceed 14.9m in length</u></p> <p><u>ii. For horizontal HF Yagi or loop antennas the boom length shall not exceed 13m</u></p> <p><u>iii. No part of the antenna, utility structure, or guy wires shall overhang the boundary</u></p> <p><u>iv. Simple wire antennas shall not overhang property boundaries.</u></p> <p><u>c. Any dish antennas shall</u></p> <p><u>i. be less than 5m in diameter/width</u></p> <p><u>ii. Be pivoted less than 4m above the ground</u></p> <p><u>iii. Will meet the setback and recession plane standards</u></p> <p><u>d. Poles used for holding the ends of wire antennas may be placed on the boundary of the section, provided they are</u></p> <p><u>i. Less than ten metres high</u></p> <p><u>ii. Any part of the pole above 5m height shall have a diameter of 25mm or less.</u></p> <p><u>e. Height in Relation to Boundary will not apply to ARCs.</u></p>
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Analysis

66. The NZART submission is seeking a new set of rule provisions to enable amateur radio installations as a Permitted Activity.

67. Currently the District Plan provides for these activities under Rule 8.9.1 which provides for amateur radio installations as a Permitted Activity across all zones.

Private (for residential and recreational purposes) radio and telecommunication antenna (being no greater than 2m² in area and aerials (being no greater than 80mm in diameter)

68. The Settlement Plan Change as notified includes a link rule to Rule 8.9.1 such that the same Permitted Activity provisions would apply to the Settlement Zone.

69. Council noted the advice in the S.42A planning report that the current District Plan rule is outdated and that the rule provisions would benefit from revision. Council staff also noted the following issues with for the current plan change process:

- The Settlements Plan Change is limited in scope such that only the rules for the settlement areas can be changed/introduced;
 - If any new provisions are included in the District Plan, then there will be a different set of rules for the Settlement Zone and the existing Rule 8.9.1 will have to be retained for all other zones;
 - There has been no consultation with the community on any changes to the provisions for amateur radio configurations; and
 - It is unclear whether any new provisions will benefit any members of the NZART as they would need to be located within an identified settlement area and with an installation that is not covered by the existing Rule 8.9.1.
70. Notwithstanding the above issues, Council staff took the opportunity to prepare a new rule provision for amateur radio configurations and this was presented and discussed with NZART prior to the hearing.
71. We received advice from NZART at the hearing outlining the importance of the radio network particularly in civil defence situations. NZART understood that any changes to the rule provision could only apply to the Settlement Zone and that this was at least a *step in the right direction*. NZART advised that the provisions prepared by Council staff were appropriate and would cater for the type and nature of amateur radio configurations for most of their members.
72. Council would prefer to have consulted with the community on these new provisions. Relying on the submission's summary as a consultation process is not good practice. However, given these provisions are unlikely to be used on many sites and they are only for the benefit of *licensed* operators, Council determines that there is merit in making these changes now as part of the current plan change process. In support of this decision, we note that agreement has been reached on the type and scale of amateur radio configurations appropriate for our settlement areas between Council staff and the NZART. We also accept that the amateur radio service provides benefit to the community and that the new rule mechanisms provide the appropriate balance between maintaining amenity and set back standards while ensuring that radio operators can effectively communicate and utilise their radio configurations for a variety of purposes.

Plan Change Amendments

73. The following changes are made to Plan Change 53;

[See over page]

PREC1(10) Amateur Radio Configuration.

General Performance Standards

Nil.

Activity Specific Performance Standards

*An Amateur Radio Configuration shall comply with the following performance standards:
Amateur radio configurations shall comply with the following performance standards*

- (i) there are no more than 6 antennas and aerials per site;*
- (ii) no part of any aerial, antenna or mast associated with amateur radio configuration overhangs any site boundary;*
- (iii) within any Residential, Commercial or Industrial Precinct which adjoins, or is opposite to, a Residential Precinct site, all support structures, aerials and antennas are located no closer than 5 m to the road boundary, or 3 m to any other affected site boundary (except that guy wires and poles up to 2m in height may be located within 1.5m of the site boundary but not the road boundary); and*
- (iv) for antennas:*
 - a. where attached to a building or other structure(including a mast), provided that radio and telecommunications antenna do not exceed:*
 - i. for an antenna dish; 2m in diameter, or*
 - ii. for panel antenna: 4m² in area; and*
 - iii. a height of 4m above the point of attachment to a building and no higher than the top of any mast*
 - b. provided there is no more than one pedestal mounted antenna per site, which:*
 - i. is pivoted less than 4m above the ground with a maximum diameter of 5m and a maximum height of 6.5m;*
 - ii. complies with the bulk and location standards for buildings in the zone in which they are located; and*
 - iii. if guy wires are used, where these do not exceed 12mm in diameter; and*
- (v) for aerials:*
 - a. provided any element making up an aerial does not exceed 80mm in diameter;*
 - b. for horizontal HF yagi aerials, provided the maximum element length does not exceed 14.9m, and maximum boom length does not exceed 13m; and*
 - c. for whip aerials, provided the maximum length does not exceed 3.5m in height above the maximum height for the support structure; and*
- (vi) for support structures (masts):*
 - a. provided there is only one primary mast per site, which does not exceed a maximum height of 20m. This mast may be a pole of lattice mast, and may be guyed or self-supporting. Lattice masts shall be no more than:*
 - i. 1000mm in outside diameter up to 9m in height*
 - ii. 420mm in outside diameter above 9m in height;*
 - b. provided there is only one secondary mast per site with a maximum height of 12m. This mast may be fitted with a rotator for VHF and/or UHF aerials; and*
 - c. provided all masts (except for as provided for in clause (vi)(a) above) shall be less than 115mm in outside diameter.*

Advice Note: Any Amateur Radio Configuration will also need to comply with the provisions of the Building Act and New Zealand standard NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels.

Decision on Submission/Further Submission

That Sub 6.1 from NZART be -	Accepted in Part With alternative rule mechanism as detailed above.
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4.7 Sub # 7 – Clement Properties Limited

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
7.1	Zoning Mechanism for Waihou	Accept Plan Change subject to amendment.	The Submitter operates an industrial activity seven days a week (trucking business) at Barker Street in Waihou. The Submitter is concerned that reverse sensitivity issues, such as noise will arise if more development is allowed as a consequence from the new zoning mechanism in the vicinities of Barker Street.	That the zoning mechanism adjoining Barker Street remains as it is currently.

Analysis

74. The Settlements Plan Change proposes the new Residential Precinct over the existing Waihou settlement where residential dwellings form the predominant land use with some addition Commercial and Industrial Precincts along the non-residential properties running along the SH 26 corridor.
75. Waihou is distinct from other settlement areas in that the settlement is already subject to Residential Zone provisions.
76. The Settlement Plan Change as notified proposed a small extension of the Residential Precinct to cover two existing residential properties on Campbell Street and the Council reserve on the opposite side of Campbell Street. The two residential sites adjoin the existing trucking business. The existing and proposed zoning are provided in Figures 1 – 2 below.

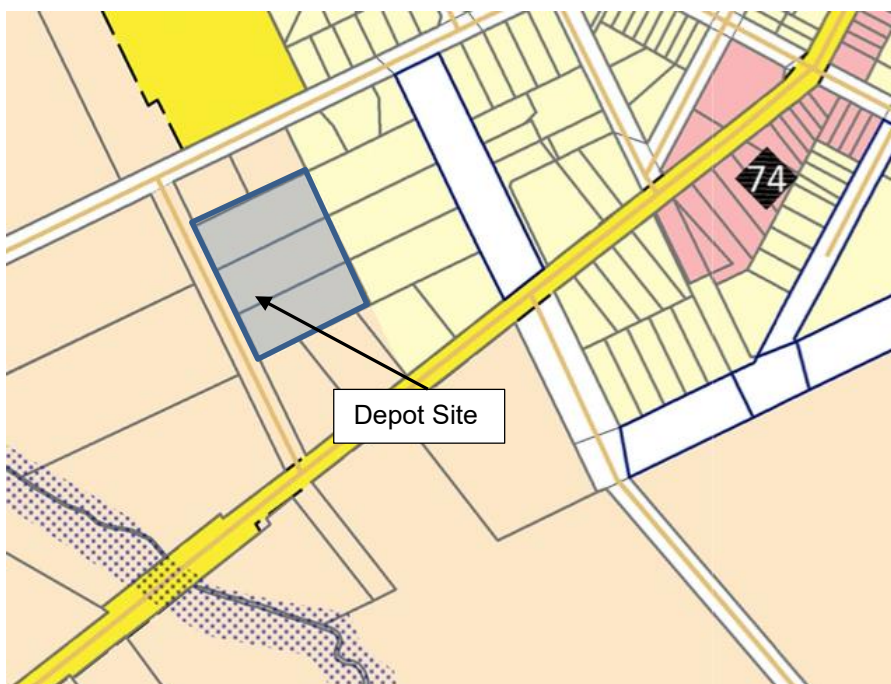


Figure 1 – Existing District Plan Zones



Figure 2 – Proposed Settlement

77. We were advised that Council staff met with representatives of Clement Properties and Waitoa Haulage (see submission 9) to discuss the background to the Settlements Plan Change and the boundaries of the depot with the existing and proposed residential areas. Part of the discussions were how the proposed Residential Precinct provisions would limit additional development on the Campbell Street properties.
78. The submitter also has land within the proposed Residential Precinct located to the east of the depot site and if there was a move to set back the residential boundary from the depot, then this may also affect the submitter.
79. Following the discussions with Council staff, the submitter advised that they were comfortable with the new zone provisions as notified (refer email Wendy Clement dated 31 March 2021).
80. Council determines that the Residential Precinct provisions are the most suitable District Plan mechanism for the sites around the depot which recognises the existing sites with dwellings and the existing zone provisions. The performance standards and setbacks for buildings, relatively low-density standards and noise standards will help to manage any reverse sensitivity or potential conflicts between the depot and any future residential activities.

Plan Change Amendments

81. No changes to the plan change as notified.

Decision on Submission/Further Submission

That Sub 7.1 from Clement Properties be -	Rejected Noting that the submitter has subsequently advised that they are comfortable with the proposed Residential Precinct provisions.
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4.8 Sub # 8 – GH Westbury Pty Limited
Further Submission # FS-2 / 8.1 – Waikato Regional Council

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	<p><u>General Submission</u></p> <p>The Submitter, GH Westbury Pty Ltd (“Westbury”), supports the general intent of PC 53 and the planning framework it seeks to establish for land use and development activities located within key settlements across the District.</p> <p>Westbury considers the proposal would be consistent with the proposed objectives and policies for the Settlement Zone, which seek to recognise and provide for a mix of land use activities that reflect the needs of local communities and promote land use activities which support the long-term social and economic cohesion of settlements.</p>			
8.1	Extend the proposed spatial extent of the Residential Precinct at Hinuera.	Accept the Plan Change with the following amendments	<p>The Submitter considers that the spatial extent of the proposed Settlement Zone - Residential Precinct at Hinuera does not adequately provide for complementary residential development in Hinuera. Therefore, the Submitter is proposing to further extend the proposed spatial area of the Residential Precinct at Hinuera to include an 8 hectare portion of Lot 3 DP 306765 (“Lot 3”), which is presently owned by Westbury. The Submitter does not consider the proposed rezoning of part of Lot 3 would undermine the public services or infrastructure at Hinuera.</p> <p>Lot 3 is approximately 33 ha in area, with frontage to Hinuera Road along the eastern boundary and State Highway 29 along the southern boundary. The land is identified as Rural Zone in the Matamata-Piako District Plan and the soil is of a high quality (“LRIS 2002</p>	<p>The Submitter seeks to amend the western margin of the proposed Residential Precinct (as notified) in order to extend the proposed spatial extent of the Residential Precinct at Hinuera to include an approximately 8 hectare portion of Lot 3 DP 306765.</p> <p>Please refer to the proposed amended plan provided with the submission</p>

			<p>Soil Class 2"). These characteristics are consistent with the land underlying the proposed Residential Precincts at Hinuera, as notified by Council.</p> <p>Based on an area of approximately 8 ha, the rezoning sought by Westbury would provide for up to 32 lots as a controlled activity or up to 80 lots as a discretionary activity.</p>	
Waikato Regional Council	Further Submission to submission point 8.1.	Oppose	<p>The proposal to extend the settlement boundary is not consistent with the WRPS method 6.1.1 – Section 6A (c) and (e). The decision sought would also extend the proposed Residential Precinct of the Settlement Zone in Hinuera to an area of <i>high class soils</i>, which is also inconsistent with method 14.2 of the WRPS.</p>	Retain as notified

Analysis

82. The Westbury submission is seeking an extension of the Settlement Zone to cover the area identified in **Figure 3**.

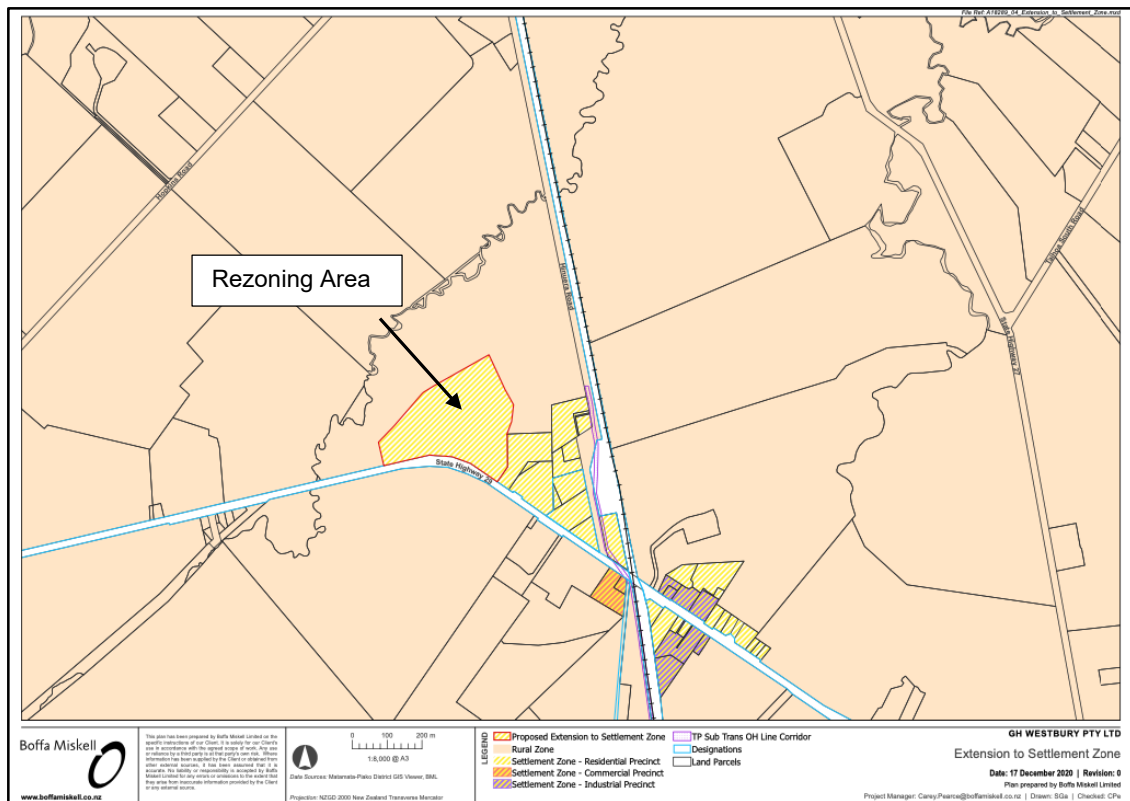


Figure 3. Source- Westbury Submission

83. This submission was opposed by the Waikato Regional Council.
84. Council staff advised that a meeting was held with representatives for Westbury and also from the Waikato Regional Council which discussed;
 - The relative size of the Hinuera settlement and the proposed area for rezoning;
 - The purpose of the plan change does not include significant growth;
 - The options for a configuration of 20 - 30 lots on the site with smaller lots sizes of around 800m²;
 - The resources that would be available to pursue the rezoning submission;
 - The generic nature of the submission and lack of details or assessment of planning and servicing issues to support the submission and rezoning;
 - The direction and requirements of the Waikato Regional Policy Statement (WRPS), Section 6A and method 6.1.1.;
 - Potential issues of high class soils including assessment on Policy 14.2 of the WRPS; and
 - Potential serving issues and options.
85. Westbury representatives attended the hearing and provided planning evidence which addressed the following matters:
 - The background to Westbury landholdings at Hinuera and development concepts for subdivision and equestrian facilities, with the evidence focussed on the 8ha site promoted for inclusion in the Settlement Zone;
 - Statutory context for plan charges and the scope of the plan change;
 - Population projections;
 - Regional Policy Statement;

- Soil class; and
 - Community Engagement.
86. The Waikato Regional Council also presented evidence in support of the further submission which opposed the Westbury submission. This evidence discussed the provisions of the Regional Policy Statement in regard to:
- High class soils;
 - Infrastructure and servicing; and
 - The scale of potential development.
87. There are some aspects of the proposal which would appear to have merit and while Plan Change 53 focusses on the existing settlement areas, this does not suggest that Council has any objection in principle for well-planned and appropriately serviced extensions to the existing areas.
88. However, a far more robust and comprehensive analysis of any settlement extension would be necessary for Council to accept such an extension. Based on the information available, Council cannot determine that the extension would be consistent with the Regional Policy Statement or that it can be considered favourably in accordance with the statutory criteria under Section 32 of the RMA. Council is also surprised that the submitter did not undertake any consultation with the local community and stakeholders such as the school, Waka Kotahi, or the Council Assets team in respect of servicing. Council also anticipates that technical reports in terms of soil contamination, archaeological sites, geotechnical, and landscape would be necessary to support this type of settlement extension and we also note there has been no consultation with tangata whenua.
89. We largely accept the evidence from the Waikato Regional Council although we do wish to note that much of the soils within the Matamata-Piako District are Class I, II and III. Therefore it will be difficult for any greenfield urbanisation area to avoid the loss of high class soils.
90. Overall, Council is not satisfied that there is sufficient evidence to accept the submission for the extension of the settlement area at Hinuera. In addition, Council considers that consultation with the local community would be necessary to help inform the assessment and decision making.
91. If the submitter would like to pursue the extension of the settlement, then Council's view is that a private change would offer the best planning process to achieve a positive outcome for Hinuera.

Plan Change Amendments

92. There are no changes to the Settlement Zone boundaries or rules mechanisms at Hinuera as notified.

Decision on Submission/Further Submission

That Sub 8.1 from Westbury be -	Rejected
That the further submission from Waikato Regional Council to Sub 8.1 be -	Accepted

4.9 Sub # 9 – Waitoa Haulage Limited

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
9.1	Zoning Mechanism for Waihou	Accept the Plan Change with the following amendments	The Submitter operates a haulage activity at Barker Street in Waihou for the past four decades, The Submitter is concerned that reverse sensitivity issues, such as noise will arise if more development is allowed as a consequence from the new zoning mechanism in the vicinities of Barker Street.	That the zoning mechanism adjoining Barker Street remains as it is currently.

Analysis

93. The submission from Waitoa Haulage Limited concerns the same property and issues as Submission # 7 from Clement Properties Limited.
94. The analysis above therefore applies equally to this submission.

Plan Change Amendments

95. None.

Decision on Submission/Further Submission

That Sub 9.1 from Waitoa Haulage Limited be -	<p>Rejected</p> <p>Noting that the submitter has subsequently advised that they are comfortable with the proposed Residential Precinct provisions.</p>
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4.10 Sub # 10 – MPDC Staff

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	<u>General Submission</u> Matamata-Piako District Council's Staff has identified potential amendments and opportunities to enhance the potential of Plan Change 53 in order to make it more enabling and to provide clarity and certainty.			
10.1	PREC1(3) (iii) Home Business General; Permitted Activity – General Performance Standards	Support in part	In order to be enabling, the proposed provisions should cater for online commerce. This activity will not cause significant adverse effects on the environment; the transactions will take place remotely with no customers visiting the site. Therefore, we suggest the wording to be amended.	<ul style="list-style-type: none"> Amend Clause PREC1(3) (iii) to read: iii) The sale of goods and/or services <u>directly to customers</u> from the site is limited to those produced on site;
10.2	PREC1(3) Home Business General; Permitted Activity – General Performance Standards	Support and include new provision	In order to achieve clarity and minimize reverse sensitivity issues within the proposed Residential Precinct, we believe hours for delivery and collection of goods as well as hours of operation should be included as a performance standard for home business.	<ul style="list-style-type: none"> Include additional Clause (x) to PREC1(3) to read: <u>(x) The hours for delivery and collection of goods as well as onsite customer visits within the Residential Precinct shall be between:</u> <u>7.30am to 5.30pm, Monday to Saturday.</u>
10.3	PREC1(10) (iii) - Two or more Residential Units (Standard Density) And	Support in part	In order to provide for more friendly wording as well as to achieve more clarity, without changing the content or purpose of the rule, we believe the wording of the rule should be amended.	<ul style="list-style-type: none"> Amend Clause PREC1(10) (iii) and to read: (iii) Each residential unit must comply with the subdivision standards set out

	PREC1(13) (iii) - Two or more Residential Units (Medium Density)			in Rule 6.2 and the application shall nominate <u>show</u> internal lot boundaries to demonstrate compliance with the relevant performance standards.
10.4	SETZ R1(4) - District Plan Linkage Rules Performance Standards	Support in part	The Submitter believes that adding the specific rule exception will achieve more clarity.	<ul style="list-style-type: none"> Amend Section 9 to read: Section 9: Transportation (except that rules <u>9.1.4;</u> regarding the minimum number of carparks shall not apply)
10.5	6.3.12 Subdivision within the Settlement Zone	Support in part	For a more holistic overview of the consenting process, the Submitter believes it is essential for the assessment criteria also refer to Section 6.6 – Discretionary and Non-Complying Assessment Criteria.	<ul style="list-style-type: none"> Amend Assessment Criteria 6.3.12 (ii) to read: (ii) Assessment Criteria See section 6.4. <u>and 6.6.</u>

Analysis

96. The above amendments have been prepared by Council staff as amendments to the notified provisions of the Settlements Plan Change.
97. Council notes that Council staff are responsible for the preparation and review of the S.42A planning report is planning report.
98. The proposed amendments do not represent substantive changes to the rule provisions and may be more considered as fine tuning. The submission points 10.4 and 10.5 are only linkage rule corrections and the proposed amendments are accepted.
99. Submission point 10.1 proposes amendments to the rule criteria for home business activities. Council does not consider the amended wording provides sufficient clarity and often ancillary retail of products may be associated with a service. For example, a hair salon may offer hair care products for sale.

100. Council therefore partially accepts the submission point insofar that the clause requires clarification and has decided on the amended wording below. This amends the performance standard to allow for retail of goods produced on site or ancillary to a service.
101. Submission point 10.2 proposes amendments to limit the hours for on-site customer visits to the site. Council supports the intention in terms of the hours each day however has decided that it would be more appropriate to allow customer visits seven days per week. This will provide some additional flexibility for home business to carry out some business activities on Saturdays and Sundays.
102. Submission point 10.3 proposes an amendment to change the word *nominate* to *show* when assessing the internal boundary as part of the compliance check for permitted activity standards. Council does not accept this change and considers it may add additional compliance costs.

Plan Change Amendments

103. The following amendments are made to Plan Change 53;

- Amend Clause PREC1(3) iii) to read:
 - iii) The sale of goods ~~and/or services~~ directly to customers from the site is limited to those produced on site and/or which are ancillary to a service undertaken on site
- Include additional Clause (x) to PREC1(3) to read:
 - (x) The hours for delivery and collection of goods as well as onsite customer visits within the Residential Precinct shall be between:
7.30am to 5.30pm, Monday to Sunday.

Decision on Submission/Further Submission

That Sub 10.1 and 10.2 from MPDC staff be -	Accepted in part
That Sub 10.3 from MPDC staff be -	Rejected
That Sub 10.4 and 10.5 from MPDC staff be -	Accepted

4.11 Sub # 11 – Kiwirail

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	<u>General Submission</u> Kiwirail Holdings Limited (Kiwirail) is the State Owned Enterprise responsible for the management and operation of the national railway network. There are four settlements (Walton, Waitoa, Waihou and Hinuera) which are spatially connected to the railway network and Kiwirail seeks clarification and amendments to the plan change provisions.			
11.1	Policy SETZ P3	Support	Kiwirail supports the policy to mitigate reverse sensitivity.	Retain as Notified.
11.2	SET R1(2) Building Envelope	Support	The reference to acoustic insulation under Rule 5.2.9 required for buildings is supported.	Retain as Notified.
11.3	SETZ R2(1) General Assessment Criteria	Support	Consideration of effects on existing legitimate land uses as proposed in subclause (d) is supported.	Retain as Notified.
11.4	Rule 3.2.1 Building Envelope	Support	Kiwi rail supports rule mechanisms for acoustic insulation for buildings located along the railway corridor.	Retain as Notified.
11.5	Rule 5.2.12	Support in part and seek amendment	<p>Kiwirail is concerned Rule 5.2.12 needs clarity:</p> <p>The intention of the rule appears to be to update the Rule 5.2.9 that applies across all zones – however it is referenced as 5.2.12. The standards in the Rule itself, and the trigger in SETZ R1(2) and 3.2.1, are to Rule 5.2.9, therefore there is uncertainty about when this rule will actually be triggered and which rule development will be required to comply with if there are two separate rules.</p> <p>In addition, Rule 5.2.9 applies to all zones, therefore the developers of Rural Dwelling Sites and the Settlement Zone potentially are required to comply with both 5.2.9 and 5.2.12, which is anticipated to not be the outcome Council are intending.</p>	<p>Amend to reflect clarification of reference / application</p> <p>Clarity is therefore sought as to whether this rule is a replacement for Rule 5.2.9, in which case the rule number should be updated; or to be an additional rule in the District Plan, in which case wider changes to the Rule itself (changing references from 5.2.9(i) to 5.2.12(i) along with changing references in the two trigger rules from 5.2.9 to 5.2.12) is required, along with changes to 5.2.9 to clarify that it doesn't also apply to Rural Dwelling Sites and the Settlement Zone as well.</p>

Analysis

104. The Kiwirail is largely supportive of the Settlement Plan Change provision with the submissions seeking to retain the proposed Policy SETZ P3 and rules as notified.
105. Submission point 11.5 raises some questions about the linkage rules to the proposed noise provisions in relation to new buildings located adjacent to roading and railway corridors. These require minimum standards to achieve internal noise levels to protect sleep and amenity. The Settlement Plan Change proposes some changes to the existing noise provisions to align the rules with the up to date standards and also a relaxation for the internal standards for habitable rooms adjacent to road corridors from 40dBA to 45dBA. This proposed change does not affect railway corridors.
106. Following the Kiwirail submission, it has been identified the need for a correction to the linkage rule. This will not affect the rule provisions and only corrects the linkage rule between the proposed Settlement Zone and the noise provisions.
107. Council received tabled planning evidence from Kiwirail which supports the assessment and recommendations outlined in the S.42A planning report and also noting that there are additional rule references to Rule 5.2.12 which need to be corrected. Council supports the correction of the rule references.
108. It is noted that the House Movers submission 12.2 is seeking an exemption to the internal noise standards for relocated buildings. However, this submission has not been accepted and this is in accordance with the submission from Kiwirail.

Plan Change Amendments

- That proposed Rule SETZ R1(c) be amended as follows:

For sites located along a state highway or railway line corridor, internal noise levels for buildings shall comply with the acoustic insulation standards in Rule ~~5.2.9~~ 5.2.12

- That proposed Rule 3.2.1 be amended as follows:

For sites located along a state highway or railway line corridor, internal noise levels for buildings shall comply with the acoustic insulation standards in Rule ~~5.2.9~~ 5.2.12

- That the erroneous references to Rule 5.2.9 in Rule 5.2.12 be corrected refer to Rule 5.2.12.

Decision on Submission/Further Submission

That Sub 11.1 to 11.5 from Kiwirail be -	Accepted
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**4.12 Sub # 12 – House Movers Section of NZ Heavy Haulage Association Inc
Further Submission # FS-3 / 12.2 – Fonterra**

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	<p><u>General Submission</u> The House Movers Section of the NZ Heavy Haulage Association Inc (House Movers Association) represents firms and individuals engaged in building removal and relocation throughout New Zealand. The Association wishes to ensure that regulatory controls through district plans properly reflect the purpose and intentions of the Resource Management Act 1991 (RMA) as expressed in the decision of the Environment Court in <i>New Zealand Heavy Haulage Association Inc v The Central Otago District Council</i> (Environment Court, C45/2004, Thompson EJ presiding). In this case the Environment Court held that there was no real difference in effect and amenity value terms between the <i>in situ</i> construction of a new dwelling and relocation of a second-hand dwelling, subject to appropriate permitted activity performance standards.</p>			
12.1	Permitted Activity Rules for relocatable buildings	Support	The classification of relocatable buildings as permitted activities in all precincts is supported and is in accordance with part 2 of the RMA.	Retain as Notified.
12.2	Rule 5.2.12 (amendments amended by Plan Change 53	Support in part	<p>The House Movers Association opposes the proposed provision 5.2.12 (in Part 5 of PC53), insofar as it relates to relocated buildings, for the following reasons:</p> <p>a. The rule envisages that relocated buildings will need to be upgraded in certain areas to provide for sound insulation, whereas existing <i>in situ</i> buildings in the same areas will not be subject to this requirement;</p> <p>b. Relocated buildings being transported into the area are more likely to be made of similar materials to the existing buildings in the local area than new buildings;</p> <p>c. It is much more costly to provide sound insulation by way of a renovation or by upgrading a building, than it</p>	<p>The Submitter requests the following outcomes:</p> <p>a. Retain the following proposed provisions in PC53 relating to relating to relocatable dwellings in the Settlement Zone:</p> <p>i. the permitted activity status of relocatable dwellings (PREC1(9), PREC2(1) and PREC3(1)), and</p> <p>ii. the performance standards applying to both relocatable buildings and <i>in situ</i> buildings (SETZ R1(1)-SETZ R1(4) (except as relates to para 9 of this submission);</p> <p>b. Delete all references to relocated/relocatable buildings in proposed rule 5.2.12 (Part 5), and amend the rule to read:</p>

			<p>is to insulate a new building for sound, at the time it is being built; meaning</p> <p>d. Relocated buildings are no longer a cost-effective alternative but instead become prohibitively expensive for homeowners where sound insulation is required. This approach does not accord with the need to promote affordable housing throughout New Zealand and the provisions of the National Policy Statement on Urban Development 2020.</p>	<p>5.2.12 Noise Insulation for Rural Dwelling Sites and the Settlement Zone</p> <p>(i) Performance Standards</p> <p>(a) New buildings (<u>not including relocated buildings</u>) to be used for a noise sensitive activity located....</p>
12.3	Definitions	New provisions	<p>The Association notes that PC53 does not provide a definition for the term “relocatable building”. It is requested that a definition be included as to increase certainty for Plan-users</p>	<p>Include a definition for the term “relocatable dwelling”. The Association requests that the following definition is used:</p> <p>Relocatable dwelling includes any building that is removed from one site and relocated to another site, in whole or in parts. It excludes any new building which is designed for, or intended to be used on, a site but which is constructed or prefabricated off-site, in whole or in parts, and transported to the site.</p>
Fonterra	Further Submission on submission point 12.2	Oppose	<p>Fonterra does not support the relief sought. The proposed amendments have the potential to create reverse sensitivity issues. Relocatable homes should also be made to comply with acoustic insulation requirements.</p>	Retain as notified

Analysis

109. The submission from House Movers Section of NZ Heavy Haulage Association Inc. (Housemovers Inc.) is concerned with provisions for relocated buildings. This follows

earlier input into the consultation process where the Housemovers Inc. sought changes to remove the requirements for land use consent for relocated buildings.

- 110. Fonterra has made a further submission to the submission points from the Housemovers Inc. to exclude relocated buildings from the noise standards for buildings adjacent to the railway and road corridors.
- 111. The notified version of the Settlements Plan Change introduced a new rule framework which made any relocated building a Permitted Activity, subject to compliance with the normal performance standards that apply to all new buildings. It is noted that this change only applies to the settlement areas at this stage given the scope of the plan change.
- 112. This proposed change addressed the key issue raised by the Housemovers Inc. Their submission also seeks changes to introduce a new definition for a relocated dwelling and to exempt relocated buildings from the noise standards that would otherwise apply where any new building is located adjacent to a road or railway corridor.
- 113. Council staff advised that they met with a representative of the Housemovers Inc. and this was very useful in understanding the experience of Housemovers Inc. working with different District Plans around New Zealand and also in terms of how the new Settlement Zone provisions are intended to work. This discussion covered the background to the noise insulation standards and also where a definition for relocatable dwellings/buildings may be useful.
- 114. Council was also presented with an email from the legal counsel for the Housemovers Inc dated 12 May 2021 advising that they no longer required hearing time and that they no longer contest the rule for acoustic insulation or seek a definition of *relocated dwelling* as these will be considered under the activity rule for a *residential unit*.
- 115. Council is pleased that there has been an agreed outcome on the plan provisions and determines that there are no further changes required in relation to relocated buildings.
- 116. The further submission from Fonterra is supported insofar that it is opposed to any changes in relation to the noise rules.
- 117. Kiwirail and Waka Kotahi and have also submitted on the noise rule seeking that this is retained, see submission points 11.2 and 14.3.

Plan Change Amendments

- 118. There are no changes to the relocatable building provisions as notified.

Decision on Submission/Further Submission

That Sub 12.1 from House Movers Inc be -	Accepted
That Sub 12.2 and 12.3 from House Movers Inc be -	Rejected

That the further submission from Fonterra to
Sub 12.2 be -

Accepted

4.13 Sub # 13 – Te Aroha Federated Farmers

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	<u>General Submission</u> The Submitter supports subdivision at a threshold of 2,500m ² and enabling provisions for building structures, such as sheds; this will encourage cottage industries. The submitters added that all new development shall be self-sufficient in regards to sewage and water; there is no need to provide more Council infrastructure schemes for the settlements to grow. The Submitter also added to Council to be aware of reverse sensitivity issues from residents in regards to rural odours, dust etc. The Submitter finished adding to allow controlled growth.			

Analysis

119. The Te Aroha Federated Farmers (Federated Farmers) submission is a general submission on the whole plan change. The matters of subdivision size, servicing and reverse sensitivity have been addressed in the submission and these were all matters that were considered as part of the plan change review.
120. Council staff had the opportunity to meet with representatives of Federated Farmers and this was very useful in terms of discussing the plan change process and how the Settlement Zone provisions were developed and what issues are affecting local farmers. There were no matter arising from the discussions.
121. Council received tabled evidence from Federated farmers discussing reverse sensitivity and supporting the plan provisions as discussed in the S.42A planning report.
122. Council accepts the submission.

Plan Change Amendments

123. The submission does not seek any amendments to the notified provisions.

Decision on Submission/Further Submission

That Sub 13.1 from Fed. Framers be -	Accepted
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4.14 Sub # 14 – Waka Kotahi (NZ Transport Agency)

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	<p><u>General Submission</u></p> <p>Waka Kotahi NZ Transport Agency is a Crown entity with the sole powers of control for all purposes of all state highways. Waka Kotahi objectives, functions, powers and responsibilities and derived from the Land Transport Act 2003 (LTMA), and the Government Powers Act 1989 (GRPA). The statutory objective of Waka Kotahi is to undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest.</p> <p>Waka Kotahi supports the proposed Plan Change 53 to the Matamata-Piako District Plan. This is on the basis that there are no significant safety and efficiency concerns on the state highway network as a result of the proposed plan change.</p>			
14.1	Pedestrian Linkages – Te Poi	Support	The proposed residential precinct within Te Poi will increase vehicle movements through the intersection of State Highway 29 and Te Poi Road, which is currently a high-risk intersection. The intersection is subject to safety constraints which will be exacerbated by increased trip generation. Te Poi Road does not have any pedestrian connections from the proposed residential precinct for children walking to Te Poi School.	The matters to which Waka Kotahi have addressed within this submission are taken into account by Matamata-Piako District Council.
14.2	Pedestrian Linkages - Motumaoho	Support	In relation to the settlement of Motumaoho, there is also no pedestrian connection from the proposed residential precinct off Norfolk Road to the school located on the opposite side of State Highway 26 within Motumaoho.	
14.3	Noise effects – traffic corridors	Support	Noise effects from traffic can interrupt amenity and enjoyment, as well as an individual's ability to sleep which can have significant impacts on people's health and wellbeing. Appropriate mitigation is critical to ensuring the health and wellbeing of activities sensitive to noise. Waka Kotahi supports the proposed noise rules proposed by Matamata-Piako District Council, as they are considered appropriate in ensuring that people's health and wellbeing are not compromised by the operation of the transport network.	

Analysis

124. The Waka Kotahi submission largely support the Settlements Plan Change.

125. There is some discussion around the Te Poi and Motumaoho settlements which are located on the state highway network and the lack of pedestrian connectivity. Council staff have liaised with Waka Kotahi to ascertain whether the submission is seeking any specific changes to the notified plan provisions or whether these matters are anticipated to be addressed at any subsequent subdivision or development application. Waka Kotahi has advised that they are not seeking any specific changes on these matters however are seeking further engagement with Council on the pedestrian connections.
126. Any new subdivision or development on the state highway will require consultation and referral to Waka Kotahi.
127. Waka Kotahi has also made a submission supporting the proposed rule mechanisms for internal noise standards. It is noted that the House Movers submission 12.2 is seeking an exemption for relocated buildings. However, this submission is not supported and it is considered that the plan change provisions as notified should be retained. This is in accordance with the submission from Waka Kotahi.
128. Council accepts the submission.

Plan Change Amendments

129. The submission does not seek any amendments to the notified provisions.

Decision on Submission/Further Submission

That Sub 14.1, 14.2 and 14.3 from Waka Kotahi be -	Accepted
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5. APPENDIX A

**PLAN CHANGE 53
DECISION REPORT**

SECTION 32AA REPORT



District Plan Review

Plan Change 53 Settlements

Section 32AA Report

Analysis of Costs, Benefits, and Alternatives

25 June 2021



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PLAN CHANGE 53

Settlements

Part A: Executive Summary

For the last 24 months Plan Change 53 – Settlements (the Settlements Plan Change) has been underway. This is part of the review process for the District Plan which Council is required to do every 10 years.

The Settlements Plan Change has reviewed the planning rules and zoning for our small settlements and for rural house sites. A key driver for the plan change was to identify and introduce a specific zone and planning rules for our small settlements.

Initial work was completed in terms of assessing the number of settlements that should be included in the plan change, assessing land use, servicing constraints and opportunities, as well as reviewing population projections. We then engaged with the community to understand what residents and stakeholders thought would work best for their settlements and rural house sites.

Council has also been mindful of the changes in the national and regional planning instruments, which have helped to shape the direction of the plan change review.

We have received great feedback from our community and stakeholders and this has helped to inform our decision making on the plan change and submissions.

The key provisions of the Settlements Plan Change decided by Council include:

- A new Settlement Zone incorporating a Residential, Commercial and Industrial Precinct;
- A new section of the District Plan which provides activity rule and performance standards for activities within the Settlement Zones; and
- New provisions for reduced yard setbacks for rural house sites.

The Plan Change has been prepared in accordance with the statutory provisions of the Resource Management Act 1991.

PLAN CHANGE 53

Settlements

Part B: Introduction

The Settlements Plan Change supports and enables appropriate land use and activities in our small settlements. The small settlements for the purpose of the plan change are Waihou, Waitoa, Tahuna, Mangateparu, Motumaoho, Walton, Hinuera, Te Poi, Manawaru, and Te Aroha West. The Settlements Plan Change also reviews the rural yard setbacks for rural house sites.

1. Purpose and format of the report

This report explains the changes to the zoning and planning provisions of the District Plan and provides a summary of the evaluation of the costs, benefits, and options considered during the preparation of the Settlements Plan Change, as required under Section 32AA of the Resource Management Act 1991 (“RMA”).

The changes to the District Plan introduced through this review broadly relate to zoning and rule provisions within our existing settlements being Waihou, Waitoa, Tahuna Mangateparu, Motumaoho, Walton, Hinuera, Te Poi, Manawaru, and Te Aroha West.

New provisions for yard setback for rural house sites were also introduced.

It is recognised that the public and stakeholders have made an important contribution through the submissions and hearings process.

This S.32AA report has been prepared by Council to supplement the earlier S.32 report and summarise our rationale for the final changes made to the plan provisions as a result of the submissions and further submissions.

2. District Plan rolling review

Our District Plan helps to shape the direction and outcomes for the sustainable management of the district’s natural and physical resources. This is a key part of the statutory framework provided by the RMA. The District Plan describes the resource management issues for the District and determines how we deal with those issues through policies and methods, to meet the objectives of the District Plan. The methods include rules that determine when activities are permitted and when resource consents are required. Where activities require resource consents, the District Plan provides guidance to ensure that we avoid, remedy, or mitigate adverse effects on the environment.

The RMA requires every district to have a District Plan which, once operative, must be reviewed every ten years. Since our District Plan was first notified, the population of our district has grown, and we have experienced new development and land use change.

There have also been legislative changes and new policy guidance through national planning instruments such as national policy statements and national environmental standards that mandate us to make changes to our District Plan. The Waikato Regional Policy Statement has also recently been reviewed and our District Plan needs to reflect these new policy directions.

Our current District Plan became operative in 2005. The option of a “rolling review” was enabled through legislative changes when the Resource Management (Simplifying and Streamlining) Amendment Act 2009 came into force on 1 October 2009. The Settlements Plan Change is part of Council’s rolling review of the District Plan.

3. Scope of the Settlements Plan Change

There are two key parts to the Settlements Plan Change, settlement areas and rural house sites.

3.1 Settlement Areas

The current District Plan does not include any specific plan provisions for our settlements and does not define these in terms of a spatial area or zone mechanism. These areas are currently zoned either as a Rural Zone if there is no wastewater reticulation or as a Residential Zone if there is wastewater reticulation. In both cases, the nature of the zone provisions does not reflect the nature or character of the settlement areas. Regulatory and administrative issues arise from this zone regime where landowners are subject to inappropriate rule provisions, i.e. rural yard setbacks which bear little relevance to the nature of the site or surrounding land use.

The Settlements Plan Change therefore introduces a new Settlement Zone which is tailored to the nature and type of activities which exist in these communities, as well as providing new opportunities for appropriate development and compatible activities. The new zone mechanism includes the identification of precincts that reflect existing land use and which allow for the management of land use activities to avoid the potential for incompatible land use activities to establish.

The scope of the Settlements Plan Change has been limited to the identification of specific settlement areas. It is considered not appropriate to establish new, or extend the spatial areas of the existing settlements to any significant degree

There are a number of factors that have been considered when assessing the scope of the plan change. One key factor has been the lack of services within these areas and that Council is not intending to expand or upgrade any public services. A second factor is that there is no land shortage or demand issues which have been identified which would justify any major expansion of the settlement areas. Council considers that the primary areas for urban development will continue to be in the main towns of Matamata, Morrinsville and Te Aroha.

There has been a careful assessment and review of what settlement areas should be included within the Settlements Plan Change and therefore be part of the Settlement Zone. The decision of Council is that the following settlements should now form part of the new Settlement Zone:

- Waihou
- Waitoa
- Tahuna
- Mangateparu
- Motumaoho
- Walton
- Hinuera
- Te Poi
- Manawaru
- Te Aroha West

It is considered these settlement areas have a spatial relationship and existing land use pattern including residential, commercial and other community land use activities, which would benefit from a new and dedicated set of Settlement Zone provisions. It is recognised that there may be other areas that have a grouping of rural dwellings or other activities that may also have some characteristics of a settlement. In these cases, the provisions for rural house sites may apply. An example is Tatanui which was originally assessed as being part of the plan change but was excluded given the lack of a cohesive settlement area.

It is noted that the existing heritage schedules, protected trees, waahi tapu sites within the settlement areas have not been changed and are not within the scope of the plan change.

3.2 Rural House Sites

Through this review process, it has also been acknowledged that there may be other areas where a number of houses sites are located in close proximity and which do not have the cohesion or character of a settlement, there are still inherent issues with the Rural Zone provisions that would otherwise apply to these properties.

To recognise and provide for efficient land use provisions, the Settlements Plan Change introduces amendments to the rural yard provisions for rural house sites where these adjoin other sites of a similar land use and scale. Reduced rural yards will apply in these situations.

PLAN CHANGE 53

Settlements

Part C: Changes to District Plan

An overview of the changes to the District Plan and planning maps are set out in this section. This overview is presented to provide a non-technical outline of the changes and how these changes have been assessed and developed. The specific changes to the District Plan and the technical analysis of cost and benefits are presented in other parts of this report.

1. Overview

Through research and community consultation, it was decided to adopt a new Settlement Zone including a Residential, Commercial and Industrial precinct mechanisms for identified settlement areas. The following discussion sets out the main components of the Settlements Plan Change and the changes to the District Plan.

2. Zone and Precinct mechanisms

After reviewing existing issues with the implementation of the District Plan and the current zone mechanisms that apply to settlement areas, it has been decided to introduce a new Settlement Zone for the settlement areas. A new zone mechanisms allows the opportunity to consider and develop objectives, policies and rules specifically for the settlement areas.

Importantly, there is now a statutory requirement on all councils to adopt the new National Planning Standards. The new national standards provide for a Settlement Zone mechanism and therefore this proposal is in accordance with these standards.

The existing development and land use activities in our settlement areas have also led us to the view that different precincts are necessary within the settlement areas to identify and maintain the predominant nature of the existing land use activities. As such, within the Settlement Zone, Residential, Commercial and Industrial precincts are introduced, each of which establish a set of land use activities particular to that area and surrounding precincts.

The precincts identify the type and nature of land use activities which can be established as a permitted activity and the associated performance standards. These performance standards address the management of activities and built form within, and adjacent to the identified precinct areas. This framework is also accommodated within the National Planning Standards template.

The framework for the Settlement Zone has adopted a mixed zone approach, which is more enabling than our other plan provisions, reflecting the nature of land use that currently exists within our settlement areas.

ALTERNATIVES

In undertaking this review of the settlement area and appropriate plan provisions, the following alternatives have been considered:

- Mixed Zones;
- Overlays;
- Adoption of existing District Plan Zones; and
- Status Quo.

3. Subdivision, Density Standards and Services

Most of our settlements do not have any public three waters services apart from the following;

Waihou	Council Wastewater Supply
Tahuna	Council Wastewater and Water Supply
Hinuera	Council Water Supply
Te Aroha West	Council Water Supply
Te Poi	Council Water Supply

It is also noted that Waitoa has water supply partly provided by Fonterra and there is a community water supply for part of Waihou. Fonterra made submissions to the plan change, which have been taken into account as part of our final decisions on the plan change.

In considering the zone and development rules for our settlements, Council is mindful to ensure that the new provisions should not compromise the existing public services and there should not be any expectation that new services will be provided for any new development.

In addition, the regional council sets a minimum area of 2,500m² for an on-site effluent treatment system (OSET)/septic tank as a permitted activity. Much smaller sites can accommodate a system subject to additional permitted activity criteria or resource consent application.

It is considered appropriate that 2,500m² should be the standard minimum lot size for unsewered lots with an option to have lots down to 1,000m² as a Discretionary Activity.

This would allow lots of 2,500m² to be granted as a Controlled Activity and subject to standard assessment and conditions with anything less subject to assessment of the wastewater solution and any additional impacts on neighbours.

For Waihou and Tahuna, where a public wastewater system is available, there are limits to the capacity of the treatment system and how many new connections can be accommodated.

Taking into account the character and nature of existing settlements and the need to manage the existing capacity of the public wastewater supply, a standard lot size 1,000m² for sewered lots is adopted with provision to apply for a minimum lot of 600m² as a Discretionary Activity.

ALTERNATIVES

The following alternatives have been considered:

- Different combinations of lot sizes;
- Different activity status provisions to support subdivision; and
- Capacity and supply of services.

4. Activities within our Settlements

Council has adopted a mixed use approach to the Settlement Zone given the nature and land use of the existing settlement areas.

The Settlement Zone chapter and new provisions are fully set out in **Appendix 1** of this report. The changes cover all aspects of land use activities, which may be anticipated within the settlement areas, also where and how these activities may be established. The new provisions enable a wide range of appropriate activities while ensuring potential conflicts between activities are avoided.

Some of the key principles supporting the provision and management of land use activities within the Settlement Zone are as follows:

- Residential units will be permitted in the Residential Precinct and Commercial Precinct areas. The Residential Precincts will predominantly provide for residential activities while the Commercial Precinct will provide for a mix of retail and commercial activities while also allowing residential activities;
- Residential units will not generally be allowed in the Industrial Precinct areas and will require a non-complying consent;
- Both the Commercial and Industry Precinct areas will provide for general retailing activities; and
- The Industrial Precinct will provide for light industry only, as a permitted activity given that these areas are generally close to existing residential activities.

In the review and development of the land use provisions for the new Settlement Zone, there has been consideration of specific activities and ways in which the District Plan can better respond to existing implementation issues. Therefore, Council has taken the opportunity to introduce new approaches and rule provisions to the following activities.

4.1 Minor Residential units

There is a demand for more affordable housing and an option may be to build a minor dwelling on an existing property. This could be used as a rental unit or for relatives to stay or live.

Currently the District Plan only provides for dependent persons units with a requirement that the unit size is limited to 50m², it is relocatable and that it needs to be removed when the need no longer exists. This approach is problematic when it comes to compliance.

Although the current plan change will only apply to our settlements, there is merit in enabling new provision for such units which could then be translated over to the other zones as part of the upcoming District Plan review for the national standards and updates.

Council is therefore introducing a new provision for minor residential units with a maximum footprint of 60m². The new rule provisions also set a number of performance standards to ensure that any minor residential units can be appropriately located on the site and does not affect neighbours.

4.2 Earthworks

In some situations, landowners complete site works on properties, which change the relative level to the neighbour's property and this can lead to unintended consequences with how the building envelopes are assessed. For example, under the Building Act 2004, a retaining wall up to 1.5m can be built without a building consent. If a 1.8m boundary, fence is then erected within the site, then technically the combined height of the retaining and fencing structure could be 3.3m on the neighbour's boundary.

There are also situations where uncertified fill and unsupervised cuts can compromise the geotechnical conditions of the site or adjoining properties.

The District Plan does not currently control earthworks other than requiring consent for over 1,000m² of cleanfill.

A new provision for earthworks within the Settlement Zone is introduced. This new approach specifies standards for permitted activity earthworks and then a resource consent will be required for any earthworks not meeting these standards. Through the hearings process, changes were also made to exclude earthworks associated with underground infrastructure works.

4.3 Relocatable Buildings

As part of the consultation process, we have received correspondence from NZ Heavy Haulage Association Inc. They sought an amendment to the current provisions, which require a resource consent for any relocatable building. They have cited an Environment Case which has determined that it is not a valid resource manage mechanism to control the visual appearance of relocatable dwellings more so than any other dwelling. They have also suggested provision for a reinstatement report to be submitted and be part of the permitted activity standard.

The current provisions were introduced into the District Plan to prevent issues occurring where buildings were relocated on to a site and not reinstated to a reasonable standard.

In most new subdivision developments, there are private covenants, which prevent the placement of relocatable buildings. Therefore, this may be a case of self-policing.

The contention that controlling the visual appearance of relocatable buildings is unreasonable when the appearance of all other dwellings is not controlled is reasonable.

It is therefore decided that there will be no control over relocatable buildings within the new Settlement Zone.

4.4 Home Occupations

Council has identified issues with the way in which the current provisions for home occupations provide for commercial and retail activities within a residential environment. While this is a district-wide issue and will need a resolution across the whole District Plan, it will be possible to develop part of the solution for the Settlement Zone.

The issue with the current provisions is that the definition of home occupation is very broad and does not confine the scale of any commercial activity.

Council has decided to retain the provisions for home occupations to be carried out without resource consent, however further definition around the scale and nature of activities is introduced. The national planning standards definition have also been adopted.

4.5 Council Reserve Land

There are varying ways reserves are recognised and provided for in the District Plan. Council has also identified issues with the reserve overlay as it has created complications when the land has been surplus to requirements and a district plan change is require to remove the overlay.

The District Plan also includes current rule for reserves:

7.1 Activities (excluding buildings) on public reserves as provided by a Management Plan under the Reserves Act 1977 or by a Conservation Management Strategy under the Conservation Act 1987.

The current rule is retained with an amendment, which also provides for buildings covered by a Management Plan. Therefore, while the reserves overlay is removed from those reserve sites which are subject to an overlay, the resource management framework for reserves is not changing as the rule mechanism will still apply to all reserves. This will provide more consistency with the rules for reserves and the only effect of removing the overlay is that the location of some reserves will be removed from the District Plan.

Council has decided to amend the underlying zone for any designated reserves to the Settlement Zone given that these will form part of the settlement area.

ALTERNATIVES

The following alternatives have been considered:

- Different combinations of land use provisions across each of the precincts;
- Different activity status provisions to control how and where different land use activities can be established; and
- Various performance standards and criteria for individual activities.

5. Bulk and Location Standards

The Settlements Plan Change introduces new performance standards for building height and setbacks within the settlements. This will also address one of the existing deficiencies with the Rural Zone provisions which currently apply to most of our existing settlements.

The performance standards recognise that the larger lot sizes will be provided within the settlement areas and those distinct standards are necessary for each of the respective precincts.

ALTERNATIVES

The following alternatives have been considered:

- Different combinations of performance standards; and
- Adopting the existing standards from existing District Plan zones.

6. Rural House Sites

While we have introduced specific zone and rule provisions for our identified settlements, the plan change also makes changes for rural house sites which previously could not accommodate a building site given the standard rural yards sets backs.

We are mindful that building closer to rural production properties can lead to reverse sensitivity issues and therefore the reduction in yard setbacks is limited to those situations where the adjoining property is of a lifestyle lot size and nature. The changes are only to the permitted activity provisions. Therefore, any landowner will still be able to apply for a resource consent if what they are seeking is not accommodated by the rule provisions.

ALTERNATIVES

The following alternatives have been considered:

- Retaining status quo; and
- Various combinations of qualifying lot size and adjacent lot size.

PLAN CHANGE 53

Settlements

Part D: Legislative Requirements

In undertaking this District Plan review there are number of legislative requirements to be considered. Those which are relevant to the Plan Change are outlined in this section.

1. Purpose and Principles of the RMA

The overriding framework that guides all decision-making under the RMA is embodied in the purpose and principles of the Act, as stated in Part 2 (sections 5 – 8). The relationship between part 2 and the plan review process is now subject to the King Salmon decision which is further discussed in Part F of this report.

The purpose of the RMA is to promote the sustainable management of natural and physical resources. Section 5 of the RMA states:

5 Purpose

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being 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.*

Section 6 identifies matters of national importance, and states that in achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for these matters. The matters of national importance are:

6 Matters of national importance

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development:*

- (g) *the protection of protected customary rights:*
- (h) *the management of significant risks from natural hazards.*

Section 7 identifies “other matters” that in achieving the purpose of the RMA, all persons exercising functions and powers under the Act shall have particular regard to in relation to managing the use, development, and protection of natural and physical resources. These “other matters” are:

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) *kaitiakitanga:*
- (aa) *the ethic of stewardship:*
- (b) *the efficient use and development of natural and physical resources:*
- (ba) *the efficiency of the end use of energy:*
- (c) *the maintenance and enhancement of amenity values:*
- (d) *intrinsic values of ecosystems:*
- (e) *[Repealed]*
- (f) *maintenance and enhancement of the quality of the environment:*
- (g) *any finite characteristics of natural and physical resources:*
- (h) *the protection of the habitat of trout and salmon:*
- (i) *the effects of climate change:*
- (j) *the benefits to be derived from the use and development of renewable energy.*

In achieving the purpose of the Act, decision makers should also take into account the principles of the Treaty of Waitangi (Section 8 of the Act):

8 Treaty of Waitangi

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

2. Functions of territorial authorities

A district plan is a method to assist territorial authorities to carry out their functions. It follows then that a district plan must be confined to matters that fall within the scope of a territorial authority’s functions. The functions of territorial authorities are set out in Section 31:

31 Functions of territorial authorities under this Act

- (1) *Every territorial authority shall have the following functions for the purpose of giving effect to this Act in its district:*
 - (a) *the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district:*
 - (b) *the control of any actual or potential effects of the use, development, or protection of land, including for the purpose of—*
 - (i) *the avoidance or mitigation of natural hazards; and*
 - (ii) *the prevention or mitigation of any adverse effects of the storage, use, disposal, or transportation of hazardous substances; and*

- (iia) *the prevention or mitigation of any adverse effects of the development, subdivision, or use of contaminated land:*
 - (iii) *the maintenance of indigenous biological diversity:*
 - (d) *the control of the emission of noise and the mitigation of the effects of noise:*
 - (e) *the control of any actual or potential effects of activities in relation to the surface of water in rivers and lakes:*
 - (f) *any other functions specified in this Act.*
- (2) *The methods used to carry out any functions under subsection (1) may include the control of subdivision.*

3. Purpose of district plans

The purpose of district plans as set out in Section 72 is to assist territorial authorities to carry out their functions, in order to achieve the purpose of the Act. Section 72 states:

72 Purpose of district plans
The purpose of the preparation, implementation, and administration of district plans is to assist territorial authorities to carry out their functions in order to achieve the purpose of this Act.

4. Preparation/change of district plans

Section 73 requires a territorial authority to have a district plan in place at all times, gives authority to the Council to change its district plan in accordance with the provisions in Schedule 1¹ RMA, and mandates the Council to change its district plan to give effect to an operative regional policy statement.

Section 73 of the RMA states:

- 73 Preparation and change of district plans**
- (1) *There shall at all times be 1 district plan for each district prepared by the territorial authority in the manner set out in Schedule 1.*
 - (1A) *A district plan may be changed by a territorial authority in the manner set out in Schedule 1.*
 - (1B) *A territorial authority given a direction under section 25A(2) must prepare a change to its district plan in a way that implements the direction.*
 - (4) *A local authority must amend a proposed district plan or district plan to give effect to a regional policy statement, if—*
 - (a) *the statement contains a provision to which the plan does not give effect; and*
 - (b) *one of the following occurs:*
 - (i) *the statement is reviewed under section 79 and not changed or replaced; or*
 - (ii) *the statement is reviewed under section 79 and is changed or replaced and the change or replacement becomes operative; or*
 - (iii) *the statement is changed or varied and becomes operative.*

¹ Schedule 1 RMA sets out the procedural requirements for the Plan Change process including time limits, consultation, submissions, hearings, notification of decisions, and appeals.

5. Matters to be considered

Section 74 sets out the matters to be considered when changing district plans.

74 Matters to be considered by territorial authority

- (1) *A territorial authority must prepare and change its district plan in accordance with—*
 - (a) *its functions under section 31; and*
 - (b) *the provisions of Part 2; and*
 - (c) *a direction given under section 25A(2); and*
 - (d) *its obligation (if any) to prepare an evaluation report in accordance with section 32; and*
 - (e) *its obligation to have particular regard to an evaluation report prepared in accordance with section 32; and*
 - (f) *a national policy statement, a New Zealand coastal policy statement, and a national planning standard; and*
 - (g) *any regulations*

- (2) *In addition to the requirements of section 75(3) and (4), when preparing or changing a district plan, a territorial authority shall have regard to—*
 - (a) *any—*
 - (i) *proposed regional policy statement; or*
 - (ii) *proposed regional plan of its region in regard to any matter of regional significance or for which the regional council has primary responsibility under Part 4; and*
 - (b) *any—*
 - (i) *management plans and strategies prepared under other Acts; and*
 - (ii) *[Repealed]*
 - (iia) *relevant entry on the New Zealand Heritage List/Rārangī Kōrero required by the Heritage New Zealand Pouhere Taonga Act 2014; and*
 - (iii) *regulations relating to ensuring sustainability, or the conservation, management, or sustainability of fisheries resources (including regulations or bylaws relating to taiapure, mahinga mataitai, or other non-commercial Maori customary fishing),—*
to the extent that their content has a bearing on resource management issues of the district; and
 - (iv) *relevant project area and project objectives (as those terms are defined in section 9 of the Urban Development Act 2020), if section 98 of that Act applies,—*
 - (c) *the extent to which the district plan needs to be consistent with the plans or proposed plans of adjacent territorial authorities.*

- (2A) *A territorial authority, when preparing or changing a district plan, must take into account any relevant planning document recognised by an iwi authority...*

- (3) *In preparing or changing any district plan, a territorial authority must not have regard to trade competition or the effects of trade competition.*

6. District Plan content

Section 75 determines the contents of district plans, planning instruments that a district plan must give effect to, and that it must not be inconsistent with.

75 Contents of district plans

- (1) A district plan must state—
 - (a) the objectives for the district; and
 - (b) the policies to implement the objectives; and
 - (c) the rules (if any) to implement the policies.

- (2) A district plan may state—
 - (a) the significant resource management issues for the district; and
 - (b) the methods, other than rules, for implementing the policies for the district; and
 - (c) the principal reasons for adopting the policies and methods; and
 - (d) the environmental results expected from the policies and methods; and
 - (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and
 - (f) the processes for dealing with issues that cross territorial authority boundaries; and
 - (g) the information to be included with an application for a resource consent; and
 - (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.

- (3) A district plan must give effect to—
 - (a) any national policy statement
 - (b) any New Zealand coastal policy statement
 - (ba) a national planning standard; and
 - (c) any regional policy statement.

- (4) A district plan must not be inconsistent with—
 - (a) a water conservation order; or
 - (b) a regional plan for any matter specified in section 30(1).

- (5) A district plan may incorporate material by reference under Part 3 of Schedule 1.

7. District rules

Section 76 allows rules to be included in a district plan, to enable the Council to carry out its functions, and to achieve the objectives and policies of the plan. In making rules, the territorial authority must have regard to the effects on the environment. Rules may apply universally to the whole of the district, or to selected parts of the district only. Rules may be general or specific, can make provision for different classes of effects, and can require resource consent to be obtained for an activity likely to cause adverse effects not covered by the plan.

76 District rules

- (1) *A territorial authority may, for the purpose of—*
 - (a) *carrying out its functions under this Act; and*
 - (b) *achieving the objectives and policies of the plan,—*
include rules in a district plan.

- (3) *In making a rule, the territorial authority shall have regard to the actual or potential effect on the environment of activities including, in particular, any adverse effect.*

- (4) *A rule may—*
 - (a) *apply throughout a district or a part of a district;*
 - (b) *make different provision for—*
 - (i) *different parts of the district; or*
 - (ii) *different classes of effects arising from an activity;*
 - (c) *apply all the time or for stated periods or seasons;*
 - (d) *be specific or general in its application;*
 - (e) *require a resource consent to be obtained for an activity causing, or likely to cause, adverse effects not covered by the plan.*

Section 77A provides Council the power to make rules for the different activity classes (permitted, controlled, restricted-discretionary, discretionary, non-complying, and prohibited) and specify conditions in a plan. Under Section 77B, it is mandatory that a district plan must state the matters over which the Council has retained control for controlled activities, and to which the Council has restricted its discretion for restricted-discretionary activities. The relevant sections of the Act are quoted below:

77A Power to make rules to apply to classes of activities and specify conditions

- (1) *A local authority may—*
 - (a) *categorise activities as belonging to one of the classes of activity described in subsection (2); and*
 - (b) *make rules in its plan or proposed plan for each class of activity that apply—*
 - (i) *to each activity within the class; and*
 - (ii) *for the purposes of that plan or proposed plan; and*
 - (c) *specify conditions in a plan or proposed plan, but only if the conditions relate to the matters described in section 108 or 220.*
- (2) *An activity may be—*
 - (a) *a permitted activity; or*
 - (b) *a controlled activity; or*
 - (c) *a restricted discretionary activity; or*
 - (d) *a discretionary activity; or*
 - (e) *a non-complying activity; or*
 - (f) *a prohibited activity.*
- (3) *Subsection (1)(b) is subject to section 77B.*

77B Duty to include certain rules in relation to controlled or restricted discretionary activities

- (1) *Subsection (2) applies if a local authority makes a rule in its plan or proposed plan classifying an activity as a controlled activity.*
- (2) *The local authority must specify in the rule the matters over which it has reserved control in relation to the activity.*
- (3) *Subsection (4) applies if a local authority makes a rule in its plan or proposed plan classifying an activity as a restricted discretionary activity.*

- (4) *The local authority must specify in the rule the matters over which it has restricted its discretion in relation to the activity.*

Section 77D refers to the opportunity to specific notification standards for particular rule activities

77D *Rules specifying activities for which consent applications must be notified or are precluded from being notified*

A local authority may make a rule specifying the activities for which the consent authority—

- (a) must give public notification of an application for a resource consent:*
- (b) is precluded from giving public notification of an application for a resource consent:*
- (c) is precluded from giving limited notification of an application for a resource consent.*

8. National Environmental Standards

Sections 43 to 44A address the contents of national environmental standards and their relationship to plan rules.

9. National Policy Statements

Sections 45 and 45A deal with the purpose of national policy statements (NPSs), and their relevance to the plan-making process.

Under the relevant provisions, the purpose of NPSs is to state objectives and policies for matters of national significance, relevant to achieving the purpose of the RMA.

10. National Planning Standards

Sections 58B to 58J of the RMA establish provision for national planning standards. The purpose of the national planning standards is set out in Section 58B as follows:

58B *Purposes of national planning standards*

- (1) The purposes of national planning standards are—*
 - (a) to assist in achieving the purpose of this Act; and*
 - (b) to set out requirements or other provisions relating to any aspect of the structure, format, or content of regional policy statements and plans to address any matter that the Minister considers—*
 - (i) requires national consistency;*
 - (ii) is required to support the implementation of a national environmental standard, a national policy statement, a New Zealand coastal policy statement, or regulations made under this Act;*
 - (iii) is required to assist people to comply with the procedural principles set out in section 18A.*

The Minister for the Environment and the Minister of Conservation released the first set of national planning standards on 05 April 2019 and these came into force on 3 May 2019.

All Councils are now required to transition and adapt their respective plans to give effect to the national planning standards.

11. Section 32 evaluation

Section 32 requires the Council, before a Plan Change is notified, to evaluate alternative options for dealing with the District's resource management issues.

Section 32(1) states:

An evaluation report required under this Act must—

- (a) examine the extent to which the objectives of the proposal being evaluated are the most appropriate way to achieve the purpose of this Act; and*
- (b) examine whether the provisions in the proposal are the most appropriate way to achieve the objectives by—*
 - (i) identifying other reasonably practicable options for achieving the objectives; and*
 - (ii) assessing the efficiency and effectiveness of the provisions in achieving the objectives; and*
 - (iii) summarising the reasons for deciding on the provisions; and*
- (c) contain a level of detail that corresponds to the scale and significance of the environmental, economic, social and cultural effects that are anticipated from the implementation of the proposal.*

The scope and matters that Council must take into account during its evaluation of the evaluation required, is described as follows in Section 32(2):

An assessment under subsection (1)(b)(ii) must—

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions.*

Subsections 32(3) and (4) address the specific requirements for the evaluation report for changes affecting a national environmental standard.

Subsection 32(4A) refers to reporting requirements associated with iwi authorities.

PLAN CHANGE 53

Settlements

**Part E: Review and Research
Process**

The Settlements Plan Change has involved technical work and engagement with the community and stakeholders on the character of our existing settlements and the plan provisions, which are appropriate for these areas.

1. Overview

As discussed in Part A the Plan Change is part of a rolling review of the District Plan and the genesis of the Plan Change was first formulated through the Town Strategies.

The proposed changes for the Settlements Plan Change have evolved through the technical work and input that have been received in response to comments and feedback from the community and stakeholders on the options, which have been discussed.

2. Background Information

In the initial stage of the plan review process, Council gathered information about our settlement areas including existing land use, servicing information and visited a wide range of settlements to identify the nature and context of our existing settlements. This also included the relationship of the existing settlement areas to rural areas and large-scale industry, transportation corridors and other spatial features such as ecological features and heritage sites.

3. Population Projections

Council has reviewed population projections for the district, which help to inform Councils strategic decision making on planning and asset management and funding. As part of the Settlements Plan Change, Council also engaged with specialists to ascertain whether there would be benefit in gaining data on population projections at the level of each of our settlements to assist with decision-making on whether any additional land supply is required.

The advice and feedback Council has received is that there is little merit in carrying out population projections at such a small scale. The reasons for this are:

- Existing data would not capture the spatial extent of the settlement areas that form part of the current review process;
- It would not be possible to provide projections with any reasonable level of confidence as very small changes in the population would lead to significant swings in the projections; and
- Such small population centres do not necessarily follow the trends in broader level projections for the district or sub-catchment and are more driven by direct social and economic conditions affecting the immediate area.

Given these limitations, Council has not commissioned any specific projections or advice on the population projections for our settlement areas.

It is noted that Council does monitor and review population's projections for the Matamata-Piako District as a whole and including sub catchment areas. The latest projections for Matamata-Piako District's population under the medium scenario, show gradual growth to a peak at 39,500 by 2039, beyond which the population will stabilise for the remainder of the projection period, easing slightly to 38,700 in 2051.

4. Infrastructure and Services

Council has assessed the infrastructure, and servicing requirements and capacity within the existing settlements to ascertain what constraints and opportunities may exist and which need to be considered as part of any new District Plan rules and mechanisms for additional development.

The majority of our existing settlements do not have a municipal wastewater system and rely on their own on-site effluent disposal/septic tank system. This is a key factor in how the existing settlements have developed and what may be accommodated in terms of future subdivision and development. Any new development that requires on-site effluent disposal will need to comply with the provisions of the Waikato Regional Plan. There is provision for permitted activity disposal for lots of 2,500m² or more and smaller lots can also be a permitted activity subject to specific assessment of site conditions and effects of the discharge.

Both the Waihou and Tahuna settlements have a municipal wastewater system, and Council has assessed the capacity of the existing network and treatment plants to accommodate additional dwellings. In both cases there is a small community wastewater system, which serves the existing community and there is some additional capacity within the system. The additional capacity and function of the network is subject to many variables including the occupancy of existing dwellings connected to the network and managing infiltration and inflow into the existing reticulation network.

Council considers that there is some capacity to absorb some additional dwelling and infill development with both Waihou and Tahuna, however this must be managed to avoid new connections overloading the existing network. Each settlement has been assessed as having capacity in the order of 40 additional dwellings. A deliberate decision has been made to restrict the amount of additional land, which may be available for new development or subdivision within these settlements to ensure that the future capacity and function of the system is not compromised or there is an unintended consequence of the plan change leading to the funding of additional upgrade works.

5. Noise

The Settlements Plan Change was originally proposed to adopt the existing noise standards set out in Section 5 of the District Plan. However, Council is in the initial stages of reviewing the District Plan to align it with the national planning standards, and has undertaken some work on the appropriate noise standards that should be included in the District Plan including the noise metrics used to set and measure noise levels.

Council has commissioned specialist noise input and advice on the noise standards for the District Plan from Hegley Acoustics Consultants. This has recommended that Council adopt the new noise standard metric to align with NZS6802:2008 Acoustics – Environmental Noise as well as other matters associated with noise insulation standards.

This report and advice have been used to help inform the Settlements Plan Change and the adoption of rule mechanisms which are aligned to the New Zealand standards.

6. Consultation and Stakeholder Engagement

To help with the review process and development of provisions for our settlements, Council has undertaken two phases of community and stakeholder engagement, and has also met with and discussed the plan change with individual and groups throughout the review process.

The following summary of the consultation methodology has been prepared to illustrate the nature of the consultation, which has been undertaken and the type of feedback that has been received.

6.1 Consultation and Engagement Process – Phase 1

Phase 1 of the consultation process was an opportunity to engage with the community and stakeholders to introduce the review process and to seek feedback on the scope of the review, and what the key issues were for the settlements and rural house sites. The Phase 1 process included:

6.1.1 Community Notices

Council approached local businesses and community groups to seek the opportunity to provide stands and posters about the plan review process. The community also received feedback forms and an opportunity to meet with Council staff.

6.1.2 Community Engagement Sessions

Council staff set up and attended three presentation and information stands at local supermarkets to provide information on the plan change review process and to seek direct feedback from the community.

6.1.3 Online and Media Comments and Feedback

Council set up a webpage and social media platforms to allow the community to access information about the plan change and provide comments and input into the process. In addition, Council published articles in the Council e-newsletter, antenno, facebook and MPDC website. Articles were also placed in the Piako Post and Matamata Chronicle.

All correspondence, public notices and topic papers have also included email contacts for the community to provide engage with Council staff directly about the review process.

6.1.4 Statutory Stakeholder meetings

Council has consulted with the Waikato Regional Council, the New Zealand Transport Agency and Heritage New Zealand. Iwi and hapu who have been consulted are discussed in Section 6.3.

6.1.5 Other Stakeholder meetings

Council met with various landowners and businesses to discuss specific issues affecting their property or business interests.

6.1.6 Community Mail Out

Council sent correspondence out to property owners within the existing settlement areas to introduce the plan change review and to seek comments.

6.1.7 Phase 1 Feedback

Council received a range of feedback in terms of the direction of the plan change review, the nature and character of the settlement areas and also what areas should be included in the plan change review. This feedback has been very useful in helping to develop the plan provisions for our settlement areas.

6.2 Consultation and Engagement Process – Phase 2

A Phase 2 consultation was undertaken as this allowed the opportunity for Council to provide a draft set of provisions for the settlement areas and to provide the community and stakeholders a clear sense of how the planning provisions would affect their property and businesses.

This process also allowed Council to assess and review different approaches to the rule mechanisms and to develop a set of plan provisions aligned to the National Planning Standards.

The Phase 2 process included the following steps.

6.2.1 Phase 1 Participants

All parties who had been contacted, provided feedback or had input into the Phase 1 process were sent correspondence and information on the draft provisions and were invited to provide further feedback.

6.2.2 Land Development and Building Industry Stakeholders

The draft plan provisions included a number of standards around building and subdivision including new initiatives around earthworks, subdivision density and minor dwellings. To ensure that our land development and building industry stakeholders had an opportunity to provide input into the provisions before they were further refined as part of the notification process.

6.2.3 Community Notices

Council updated the community posters within the settlement areas and provided further details on where to obtain additional information and how to be involved in the process.

6.2.4 Online and Media Comments and Feedback

Council updated the webpage and social media platforms to provide an update on the process and opportunity to review the draft provisions. In addition, Council published additional articles in the Te Aroha News, Morrinsville News and Scene.

6.2.5 Phase 2 Feedback

Council received good feedback on the draft provisions including general support for the Settlement Provisions and specific comments and suggestions on the rule mechanisms. This feedback has assisted in refining the draft plan provision.

6.3 Iwi Consultation

Iwi consultation has occurred through regular updates to the Te Manawhenua Forum which started in December 2018 and continued through to September 2020.

The purpose of Te Manawhenua Forum mo Matamata-Piako is, “*To facilitate tangata whenua contribution to Council’s decision making*”. The forum has allowed an opportunity to present and discuss the scope of the Settlements Plan Change with Ngāti Haua, Ngāti Rahiri-Tumutumu, Ngāti Maru, Ngāti Hinerangi, Ngāti Tamatera, Ngāti Whanaunga and Ngāti Paoa.

In addition to the presentations to the Te Manawhenua Forum, the following iwi and hapu have been sent correspondence during the Phase 1 and Phase 2 consultation processes:

- Ngāti Haua
- Ngāti Hako
- Ngāti Korokī Kahukura
- Ngāti Tara Tokanui
- Ngaati Whanaunga
- Ngāti Rahiri-Tumutumu
- Ngāti Paoa
- Runanga o Ngāti Maru
- Ngāti Maru
- Ngāti Hinerangi
- Ngaati Whanaunga
- Raukawa
- Waikato

While there has been some interest and discussion on the Settlements Plan Change, Council has not received any formal feedback. This may reflect the nature and scope of the plan change which is primarily focused on the zoning and planning rules for our small settlements and rural house sites.

PLAN CHANGE 53

Settlements

Part F: Assessment of Planning Instruments and Statutory Provisions

There are a number of planning instruments that the Settlements Plan Change must take into account and give effect to as part of the review of the District Plan.

This section provides a discussion and assessment of the relevant planning instruments in accordance with the statutory requirements of the RMA.

1. National Policy Statements

The following national policy statements are currently in place:

- National Policy Statement on Urban Development
- National Policy Statement for Freshwater Management
- National Policy Statement for Renewable Electricity Generation
- National Policy Statement on Electricity Generation
- New Zealand Coastal Policy Statement

Section 75(3) states that the District Plan must give effect to the national policy statements.

The nature and scope of the Settlements Plan Change is primarily associated with establishing a new Settlement Zone for existing settlements within the Matamata-Piako District. The second part of the review addresses the performance standards for yards on rural house sites.

The only national policy statement that has some relevance to the plan review process is the National Policy Statement on Urban Development (NPS-UD). The NPS-UD came into effect on 20 August 2020 and replaced the National Policy Statement on Urban Development Capacity 2016.

National Policy Statement on Urban Development (NPS-UD)

The NPS-UD recognises the national significance of:

- Having 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 into the future; and
- Providing sufficient development capacity to meet the different needs of people and communities.

It was developed by the Ministry for the Environment and the Ministry of Housing and Urban Development.

The objectives and high-level policies of the NPS-UD 2020 apply to all councils that have all or part of an urban environment within their district or region. However, some policies apply only to Tier 1 or Tier 2 councils.

The Matamata-Piako District is a Tier 3 local authority, however Council has determined that the District does not have a housing or labour market of more than 10,000 people and therefore does not include a Tier 3 Urban Environment.

Tier 3 local authorities are strongly encouraged to adopt the provisions that Tier 1 or 2 local authorities are obliged to do under Parts 2 and 3 of the NPS-UD 2020, with whatever modifications are necessary or helpful to enable them to do so.

The objectives set out in Section 2.1 of the NPS-UD 2020 are largely concerned with urban environments (10,000 person housing or labour market) and are not directly relevant to the Matamata-Piako District. In addition, the Settlements Plan Change is only concerned with our small settlements, which are not considered an urban environment individually or combined with other urban centres as defined under the NPS-UD 2020.

While the objectives are not directly relevant to this review process, Council has previously assessed and made provision for additional land supply as part of Plan Change 47 – Plan Your Town. This earlier plan change carried out detailed assessments of available land for housing, commercial and industrial land supply and sought to ensure that there was an oversupply in each of our three main towns being Matamata, Morrinsville and Te Aroha.

The policies of the NPS-UD 2020 do include specific provisions for Tier 3 local authorities. The relevant provisions are as follows:

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 10: *Tier 1, 2, and 3 local authorities:*

- (a) *that share jurisdiction over urban environments work together when implementing this National Policy Statement; and*
- (b) *engage with providers of development infrastructure and additional infrastructure to achieve integrated land use and infrastructure planning; and*
- (c) *engage with the development sector to identify significant opportunities for urban development.*

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.*

In relation to Policy 2, Council through the earlier Plan Change 47 undertook a careful examination of land supply across our three main towns. This led to the provision of additional residential, commercial and industrial land to ensure that there was an oversupply of land based on assessed development trends to 2040. In addition, new provisions were developed for infill residential development.

Council therefore considers that the District Plan provides land supply in accordance with Policy 2. While the Settlements Plan Change provides some additional land supply and new provisions for minor residential units, the underlying purpose of the Settlements Plan Change is to provide a new Settlement Zone mechanism to the existing settlement areas and not to deliver additional land supply per se. The small nature of the settlement areas and limitations in terms of servicing do not lend the settlement areas to be significant contributors to land supply within the Matamata-Piako District.

Policy 10 again only has limited relevance to the Settlements Plan Change. There is no overlapping jurisdiction in terms of the existing settlement areas and the nature and supply of services has been taken into account with defining the nature and scope of the Settlement Zone spatial areas and location. The development sector has been provided the opportunity to engage and provide input into the plan review process.

Policy 11 is a new provision, which requires all Councils with a housing or labour market of more than 10,000 people to withdraw any provisions or rules for car parking from their respective plans. While Council has determined it does not have such a housing or labour market, the Settlements Plan Change is proposing to exclude car parking rules and to give effect to the policy direction of the NPS-UD 2020.

2. National Environmental Standards

The following national environmental standards have statutory effect:

- National Environmental Standards for Air Quality
- National Environmental Standards for Sources of Drinking Water
- National Environmental Standards for Telecommunication Facilities
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health
- National Environmental Standards for Plantation Forestry
- National Environmental Standards for Freshwater (takes effect 3 September 2020)
- National Environmental Standards for Marine Aquaculture [MPI website] (takes effect 1 December 2020)

Sections 43-43B of the RMA prescribe the relationship between the national environmental standards and plan rules. The overriding principle is that plans have to adopt and give effect to the national environmental standards and can only deviate from the standards if there is provision to do so under the respective standards.

Given the nature and scope of the Settlements Plan Change, the majority of the national environmental standards plan have little or no relevance to the plan review process. The following assessment has been made of the relevant national environmental standards.

2.1 The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NESCS)

The NESCS came into effect on 1 January 2012. The NESCS does not affect existing land uses.

The NESCS provides a nationally consistent set of planning controls and soil contaminant values and ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated or the contaminants contained to make the land safe for human use.

Any future subdivision or development will be subject to the requirements under the NESCS on a site-by-site basis and it is considered that this offer the appropriate time and mechanisms to assess any site contamination issues.

2.2 National Environmental Standards for Sources of Drinking Water (NESDW)

The NESDW is focused on regional plans and the need to ensure that any source of human drinking water is protected from contamination. Five of our existing settlement areas have a municipal water supply (or part supply) being Waihou, Tahuna, Hinuera, Te Aroha West and Te Poi. Matamata-Pikao Council holds regional consent for water bores and water takes and these will be reviewed in accordance with the provisions of the Waikato Regional Plan as and when required.

2.3 National Environmental Standards for Electricity Transmission Activities (NESETA)

The Settlements Plan Change does not affect existing transmission corridors.

3. National Planning Standards

The Settlements Plan Change has been designed to give effect to the National Planning Standards in accordance with Sections 58B to 58J of the RMA.

Given that the balance of the Matamata-Piako District Plan is yet to be reviewed, there is a need to provide separate definitions and rule provisions for the Settlement Zone and associated rules until such time as the District Plan is reviewed as a whole.

4. Waikato Regional Policy Statement

In accordance with S.75(3) of the RMA, the District Plan and by extension any plan change must give effect to the operative regional policy statement.

The Waikato Regional Policy Statement (RPS) came into effect on 20 May 2016.

The RPS has a strong focus on coordinated and integrated development and protection of the efficiency and effectiveness of regionally significant infrastructure. The issues, objectives, policies and methods, which are of direct significance to the Settlements Plan Change are identified as follows:

4.1 Issues and Objectives

- **Issue 1.4 Managing the Built Environment**
Development of the built environment, transport and other infrastructure is impacting on our ability to sustainably manage natural and physical resources and provide for our wellbeing.

- **Objective 3.1 Integrated Management**
Natural and physical resources are managed in a way that recognises:
 - a) *the inter-relationships within and values of water body catchments, riparian areas and wetlands, the coastal environment, the Hauraki Gulf and the Waikato River;*
 - b) *natural processes that inherently occur without human management or interference;*
 - c) *the complex interactions between air, water, land and all living things;*
 - d) *the needs of current and future generations;*
 - e) *the relationships between environmental, social, economic and cultural wellbeing;*
 - f) *the need to work with agencies, landowners, resource users and communities; and*
 - g) *the interrelationship of natural resources with the built environment*

- **Objective 3.2 Resource use and development**
Recognise and provide for the role of sustainable resource use and development and its benefits in enabling people and communities to provide for their economic, social and cultural wellbeing, including by maintaining and where appropriate enhancing:
 - a) *access to natural and physical resources to provide for regionally significant industry and primary production activities that support such industry;*
 - b) *the life supporting capacity of soils, water and ecosystems to support primary production activities;*
 - c) *the availability of energy resources for electricity generation and for electricity generation activities to locate where the energy resource exists;*
 - d) *access to the significant mineral resources of the region; and*
 - e) *the availability of water for municipal and domestic supply to people and communities.*

- **Objective 3.12 Built Environment**
Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which enables positive environmental, social, cultural and economic outcomes, including by:
 - a) *promoting positive indigenous biodiversity outcomes;*
 - b) *preserving and protecting natural character, and protecting outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
 - c) *Integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;*
 - d) *integrating land use and water planning, including to ensure that sufficient water is available to support future planned growth;*
 - e) *recognising and protecting the value and long-term benefits of regionally significant infrastructure;*
 - f) *protecting access to identified significant mineral resources;*
 - g) *minimising land use conflicts, including minimising potential for reverse sensitivity;*
 - h) *anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;*
 - i) *providing for the development, operation, maintenance and upgrading of new and existing electricity transmission and renewable electricity generation activities including small and community scale generation;*
 - j) *promoting a viable and vibrant central business district in Hamilton city, with a supporting network of sub-regional and town centres; and*
 - k) *providing for a range of commercial development to support the social and economic wellbeing of the region.*

- **Objective 3.21 Amenity**
The qualities and characteristics of area and features, valued for their contribution to amenity, are maintained or enhanced.

- **Objective 3.25 Values of soil**
The soil resource is managed to safeguard its life supporting capacity, for the existing and foreseeable range of uses.

- **Objective 3.26 High class soils**
The value of high class soils for primary production is recognised and high class soils are protected from inappropriate subdivision, use or development.

The Settlements Plan Change is primarily concerned with the zone and planning mechanisms which will support our existing small settlements and communities. A new Settlement Zone is introduced for these settlement areas to replace the existing Rural and Residential Zone provisions that currently apply to these areas.

The spatial area and extent of the new Settlement Zone largely reflects the existing built form and settlement areas with some extension of the Settlement Zone on the periphery of these areas where this provides a logical and/or minor extension of the settlement area. It should be noted that the Settlements Plan Change does not seek to increase the size or function of the settlement areas and this plan change does not seek to provide additional development capacity in response to any land supply or demand issues.

Council has already undertaken earlier work on land supply as part of Plan Change 47 – Plan your Town and considers that the urban areas of Matamata, Morrinsville and Te Aroha will continue to provide the primary urban areas for future land development.

The Settlements Plan Change has adopted an integrated management approach (Objective 3.1 and Objective 3.2) to the identification of plan mechanism, which can support our settlement areas and communities by assessing existing land use patterns, infrastructure provision and capacity and by considering the interface with surrounding rural land use activities including the protection of soil resources.

While the settlement areas are small and contain very modest housing capacity, (the larger settlements of Waihou and Waitoa have fewer than 140 houses), these areas are part of the built environment and therefore Objective 3.12 of the RPS is relevant. The Settlement Zone is designed to apply to existing settlement areas with some very minor additional land areas included on the periphery of existing areas. Therefore, the Settlement Plan Change will not result in the loss of biodiversity or impact on versatile soils or landscapes. Consideration has been given to the servicing of the settlement areas. The lack of public supply or limited capacity of existing supply is a factor taken into account in determining the extent and scope of any areas, which may form part of the new zone.

Objective 3.21 is a very broad-based provision regarding amenity values. Council has been mindful of the existing character and amenity values of the settlement areas in developing the performance standards for subdivision and land use activities within these areas. While new provisions are introduced which will allow some new subdivision and residential activities, including new provisions for minor residential units, care has been taken in setting minimum lot size, density and yard setbacks to maintain a sense of the existing character of these areas.

Objective 3.25 and Objective 3.26 are concerned with the soil resource. Council has been mindful of the need to protect the soil resource and this has been another factor, which has informed the spatial extent of the Settlement Zone.

Council has taken into account the objectives of the RPS is reviewing the settlement areas, and formulating the spatial extent and planning provisions for the Settlement Zone. In Council's opinion, the Settlement Zone is consistent with the objectives and gives effect to the RPS.

The RPS also includes a range of other issues including sustainable and efficient use of resources, heritage and cultural values, air quality, outstanding natural features and landscapes. These issues are still relevant to development in town but not fundamental to the guiding framework for this plan change.

4.2 Policies and Implementation Methods

- **Policy 4.4 Regionally significant industry and primary production**
The management of natural and physical resources provides for the continued operation and development of regionally significant industry and primary production activities by:
 - a) *recognising the value and long term benefits of regionally significant industry to economic, social and cultural wellbeing;*
 - b) *recognising the value and long term benefits of primary production activities which support regionally significant industry;*
 - c) *ensuring the adverse effects of regionally significant industry and primary production are avoided, remedied or mitigated;*
 - d) *co-ordinating infrastructure and service provision at a scale appropriate to the activities likely to be undertaken;*
 - e) *maintaining and where appropriate enhancing access to natural and physical resources, while balancing the competing demand for these resources;*
 - f) *avoiding or minimising the potential for reverse sensitivity; and*
 - g) *promoting positive environmental outcomes.*

The Settlements Plan Change introduces new planning provisions for our existing settlement areas and also for rural house sites which will potentially allow additional land use and development opportunities. The subdivision and density standards for our settlements intentionally require larger lots sizes both considering the requirements for on-site effluent disposal as well as in recognition of the character and amenity of the existing settlement areas.

The new provisions for rural house sites provide reduced yards to avoid over regulation for buildings or alterations/extensions on these sites and where it is not possible or practicable to provide the standard rural yard setback. However, the reduced yards only apply where the site boundary adjoins a rural residential or lifestyle lot up to 1ha in area.

It is considered that the Settlement Zone provisions and rules for rural house sites provide for the continued operation and development of primary production activities and therefore gives effect to Policy 4.4.

- **Policy 6.1 Planned and co-ordinated subdivision, use and development**
Subdivision, use and development of the built environment, including transport, occurs in a planned and co-ordinated manner which:
 - a) *has regard to the principles in section 6A;*
 - b) *recognises and addresses potential cumulative effects of subdivision, use and development;*
 - c) *Is based on sufficient information to allow assessment of the potential long-term effects of subdivision, use and development; and*
 - d) *has regard to the existing built environment.*
- **6.1.7 Urban development planning**
Territorial authorities should ensure that before land is rezoned for urban development, urban development planning mechanisms such as structure plans and town plans are produced, which facilitate proactive decisions about the future location of urban development and allow the information in Implementation Method 6.1.7 to be considered.

- **6.1.8 Information to support new urban development and subdivision**
District plan zoning for new urban development (and redevelopment where applicable), and subdivision and consent decisions for urban development, shall be supported by information which identifies, as appropriate to the scale and potential effects of development, the following:
 - a) *the type and location of land uses (including residential, industrial, commercial and recreational land uses, and community facilities where these can be anticipated) that will be permitted or provided for, and the density, staging and trigger requirements;*
 - b) *the location, type, scale, funding and staging of infrastructure required to service the area;*
 - c) *multi-modal transport links and connectivity, both within the area of new urban development, and to neighbouring areas and existing transport infrastructure; and how the safe and efficient functioning of existing and planned transport and other regionally significant infrastructure will be protected and enhanced;*
 - d) *how existing values, and valued features of the area (including amenity, landscape, natural character, ecological and heritage values, water bodies, high class soils and significant view catchments) will be managed;*
 - e) *potential natural hazards and how the related risks will be managed;*
 - f) *potential issues arising from the storage, use, disposal and transport of hazardous substances in the area and any contaminated sites and describes how related risks will be managed;*
 - g) *how stormwater will be managed having regard to a total catchment management approach and low impact design methods;*
 - h) *any significant mineral resources (as identified through Method 6.7.1) in the area and any provisions (such as development staging) to allow their extraction where appropriate;*
 - i) *how the relationship of tāngata whenua and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga has been recognised and provided for;*
 - j) *anticipated water requirements necessary to support development and ensure the availability of volumes required, which may include identifying the available sources of water for water supply;*
 - k) *how the design will achieve the efficient use of water;*
 - l) *how any locations identified as likely renewable energy generation sites will be managed;*
 - m) *the location of existing and planned renewable energy generation and consider how these areas and existing and planned urban development will be managed in relation to one another; and*
 - n) *the location of any existing or planned electricity transmission network or national grid corridor and how development will be managed in relation to that network or corridor, including how sensitive activities will be avoided in the national grid corridor.*

- **Policy 6.3 Co-ordinating growth and infrastructure**
Management of the built environment ensures:
 - a) *the nature, timing and sequencing of new development is co-ordinated with the development, funding, implementation and operation of transport and other infrastructure, in order to:*

- i) *optimise the efficient and affordable provision of both the development and the infrastructure;*
- ii) *maintain or enhance the operational effectiveness, viability and safety of existing and planned infrastructure;*
- iii) *protect investment in existing infrastructure; and*
- iv) *ensure new development does not occur until provision for appropriate infrastructure necessary to service the development is in place;*
- b) *the spatial pattern of land use development, as it is likely to develop over at least a 30-year period, is understood sufficiently to inform reviews of the Regional Land Transport Plan. As a minimum, this will require the development and maintenance of growth strategies where strong population growth is anticipated;*
- c) *the efficient and effective functioning of infrastructure, including transport corridors, is maintained, and the ability to maintain and upgrade that infrastructure is retained; and*
- d) *a co-ordinated and integrated approach across regional and district boundaries and between agencies; and*
- e) *that where new infrastructure is provided by the private sector, it does not compromise the function of existing, or the planned provision of, infrastructure provided by central, regional and local government agencies.*

The above policies and Implementation Method 6.1.8 are relevant to Settlements Plan Change 53 as the issues of integrated subdivision and development, the nature of the existing built environment, servicing, transportation, hazards are all relevant to current and future land use within our settlement areas. The Settlement Zone is largely designed to accommodate existing land use activities and provide bespoke plan rules for additional development at a suitable scale and intensity within these areas. This includes identifying within the Settlement Zone, provision for Residential, Commercial and Industrial precincts.

Council is satisfied that sufficient assessment of the settlement areas has been undertaken in terms of the above policies and implementation methods and commensurate with the scope and nature of the plan change.

5. Waikato Regional Plan

The Waikato Regional Plan (Regional Plan) became operative on 28 September 2007 and subsequently there have been a number of variations to the Regional Plan. Section 75(4) of the RMA states that the District Plan must not be inconsistent with a Regional Plan.

The Regional Plan provides further policy direction, including rules, to give effect to the RPS relating to matters within the scope of the regional council functions under the RMA. As such, the Regional Plan provides more detail regarding the management of the regional matters including:

1. *Approaches to Resource Management*
2. *Matters of Significance to Maori*
3. *Water Module*
4. *River and Lake Bed Module*
5. *Land and Soil Module*
6. *Air Module*
7. *Geothermal Module*

The provisions of the Regional Plan have been taken into account with the preparation of the Plan Change and it is considered that there are no issues arising with the changes in terms of consistency with the Regional Plan.

In some cases, and depending on the nature of the land use or subdivision activity, which may require consent under the District Plan, associated regional council consents may also be required. In these instances, the need for both district and regional council consents will ensure that any future land use or subdivision will meet the provisions of the regional plan.

6 Management Plans and Strategies

Section 74(2) of the RMA sets out a number of management plans and strategies that must be *given regard to* or *taken into account* when preparing a plan change. The relevant plans and strategies identified in relation to Plan Change 53 are discussed below.

6.1 Waikato Regional Land Transport Strategy 2011 – 2041 (RLTS)

The Regional Land Transport Strategy (RLTS) emphasises the need for integrated development. The “vision” and desired “outcomes” can be summarised as follows:

Vision

- An affordable, integrated, safe, responsive, and sustainable land transport system that enhances the environmental, economic, social, and cultural wellbeing of the population.

Outcomes

- An integrated transport system that supports economic activity and provides for efficient movement of people and goods;
- Safety and security across all modes of travel;
- An inclusive, accessible, and affordable transport system;
- A well-connected transport system that enables positive public health outcomes;
- An environmentally sustainable, resilient, and efficient transport system;
- An integrated multi-modal transport system supported by land-use planning, and enabled by collaborative planning and partnerships.

Plan Change 53 maintains a safety and security approach across all modes of travel. All new subdivision and development within the settlement areas will need to comply with the performance standards and assessment criteria within the District Plan and in particular Section 9 – Transportation.

For the reasons mentioned above, no inconsistencies with the Waikato Land Transport Strategy and the Plan Change have been identified.

Council has also consulted with Waka Kotahi - NZ Transport Agency on the scope and nature of the plan review process and has taking into account their feedback as part of the formulation of the provisions.

7 Iwi Plans and Planning Documents

The following iwi management plans and strategies have been reviewed in terms of the amendments forming Plan Change 53:

- Te Rautaki Taiao A Raukawa (Ruakawa Environmental Management Plan)
- Tai Tumu Tai Pari Tai Ao (Waikato-Tainui Environmental Plan)
- Whaia te Mahere Taiao a Hauraki (Hauraki Iwi Environmental Plan)
- Te Rautaki Tāmata Ao Turoa o Hauā (Ngāti Hauā Environmental Management Plan)

The above plans and strategies discuss the values, experiences and aspirations of iwi in terms of resource management and environmental issues. The plans and strategies in some cases are based around specific rohe which may have more or less relevance to the Matamata-Piako District.

These plans and strategies provide a comprehensive resource and wealth of information regarding the environmental issues for the respective iwi and hapu. These are also living documents which will evolve over time and they also canvass the relationships between iwi/hapu and statutory agencies which will mature and develop over time.

Given the consultation process through the plan review process, including presentations to the Te Manawhenua Forum, Council has not identified any specific aspects or provisions within the Settlements Plan Change, which would be inconsistent with the plans and strategies identified above. Through the assessment of options in terms of zoning and other plan rules, Council has also been mindful to identify any culturally significant sites or values, which has directly influenced the final make up of changes included in Plan Change 53.

8 Part 2 Assessment

The overriding purpose of the RMA is to promote the sustainable management of natural and physical resources. As previously discussed, the relationship between Part 2 and the plan review process is now subject to the King Salmon decision². The King Salmon decision from the Supreme Court established the following legal principles;

- Councils must pay careful attention to the way in which objectives and policies are expressed in all planning documents (the words mean what they say),
- More directive objectives and policies carry greater weight than those expressed in less directive terms,
- Directive objectives and policies to avoid adverse effects should usually be accompanied by a restrictive activity status, such as non-complying or prohibited,
- There is a hierarchy of planning documents and subordinate plans which must implement the objectives and policies of the national policy statements and arguably the regional policy statement and, if they are directive, must do so as an "*obligation*"

² *Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38

- When considering the higher order planning documents, Councils should not refer to Part 2 or undertake a "*balancing*" interpretation unless the policy statement does not "*cover the field*" in relation to the issues being addressed, or the wording is uncertain or conflicting.

Plan Change 53 is primarily concerned with the introduction of a new Settlement Zone and plan provisions for our existing settlement areas and also provisions for reduced yards on rural house sites.

It is considered that the national and regional planning documents provide very clear statutory direction for the current review process and the scope and nature of the plan change. In particular the RPS has carefully assessed growth and development across the Waikato region including how to respond to growth pressures and the coordination of infrastructure and servicing with new development. While the Settlements Plan Change is focussed on existing settlement areas and is not promoting substantive areas of new land for urbanisation, the principles behind the RPS have provided guidance to the review process.

It is considered that there is no statutory requirement to refer back to Part 2 given the King Salmon decision. Notwithstanding this viewpoint, it is considered that the Settlements Plan Change will enable the community to provide for their social, economic and cultural well-being by ensuring that the District Plan provides the appropriate location and type of zoning for current and future land use. Furthermore, it is considered that the planning provisions are effective and efficient at delivering the objectives of the District Plan.

PLAN CHANGE 53

Settlements

Part G: Section 32 Analysis

This section of the report provides a summary of the different regulatory options, costs and benefits considered during this plan review process, as required under s32 of the RMA. It explains why the preferred option has been chosen and also discusses some of the alternatives which have also been considered.

1. Overview

As part of the Plan Change process, Council must provide an assessment of costs and benefits in accordance with the RMA. Section 32(2) states:

An assessment under subsection (1)(b)(ii) must—

- (a) identify and assess the benefits and costs of the environmental, economic, social, and cultural effects that are anticipated from the implementation of the provisions, including the opportunities for—*
 - (i) economic growth that are anticipated to be provided or reduced; and*
 - (ii) employment that are anticipated to be provided or reduced; and*
- (b) if practicable, quantify the benefits and costs referred to in paragraph (a); and*
- (c) assess the risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the provisions*

Under the above provision, Council is required to document the evaluation process and its reasons for selecting its preferred options as the most suitable means of dealing with the resource management issues and achieving the desired environmental outcomes.

Section 32(5) requires that the “*report must be available for public inspection at the same time as the document to which the report relates is publicly notified or the regulation is made*”.

In broad terms, the purpose of the section 32 analysis is to ensure:

- That decision-makers have the necessary policy analysis on which to base their decisions;
- That the costs borne by individuals and the community are the least practicable, and consistent with achieving the purpose of the RMA; and:
- That the proposed plan provisions are necessary and more appropriate (efficient and effective) than the alternatives.

To achieve its purpose, a section 32 analysis must therefore evaluate:

- The extent to which each objective is the most appropriate way to achieve the purpose of the RMA;
- Whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives;
- The benefits and costs of the environmental, economic, social and cultural effects that are anticipated from the policies, rules or other methods; and
- The risk of acting or not acting if there is uncertain or insufficient information about the subject matter of the policies, rules and other methods.

2. Cost Benefit Analysis

The following tables have been prepared to capture the cost benefit analysis that has been prepared for Plan Change 53. This analysis takes into account the following:

- The statutory framework and purpose and principles of the RMA;
- Review of existing District Plan provisions;
- Assessment of other planning instruments, and in particular the Regional Policy Statement;
- Assessment of services and infrastructure information;
- Consultation and feedback from our community;
- Direct engagement with stakeholders;
- Feedback and input from land development professionals;
- Guidance and political leadership from Councillors;
- Review and assessment of other planning documents and best practice guidelines; and
- Input from Council technical staff.

The cost benefit analysis is presented in a series of tables. The first section discusses the broad Plan Change issues and the following sections discuss specific topic areas, specific rule provisions, and the District Plan objectives.

3. Assessment of Objectives

Section 32 requires and evaluation of whether each objective is the most appropriate way to achieve the purpose of the RMA. In light of the *King Salmon* decision, this is primarily achieved through an assessment of the objectives in terms of the higher order national and regional planning instruments.

The higher order plans have been discussed in Part F of this report. The following discussion complements the assessment already provided and discusses more specifically the actual objectives which are introduced. It should also be noted, that the Settlements Zone links to many other sections of the District Plan and these sections are supported by objectives and policies set out in Part A of the District Plan. Therefore, the Settlements Zone only includes objectives which are specific to the settlement areas and other broader objectives will still apply through linkage to the other sections of the District Plan.

The Settlements Plan Change establishes the following objectives as a result of the decisions on the submissions and further submissions:

SETZ O1	To recognise and provide for a mix of land use activities within identified settlement areas that reflect and provide for the needs of the local communities and businesses while avoiding or minimising the potential for reverse sensitivity effects on existing land use activities including major industry.
SETZ O2	Residential activities are predominantly provided for in identified precinct areas.
SETZ O3	Industrial and Commercial activities are predominantly provided for in identified precinct areas and are compatible with surrounding residential activities.
SETZ O4	To promote land use activities which support the long term social and economic cohesion of settlements.
SETZ O5	To manage activities in a manner that gives certainty to the community regarding the potential location and effects of activities.
SETZ O6	Land-use, subdivision and infrastructure are planned in an integrated manner that does not compromise the supply and capacity of public and private services.

The objectives provide a set of provisions which reflect the nature of the existing settlement areas and how these areas can be developed in future.

The objectives are the most appropriate way to achieve the purpose of the RMA taking into account the higher order plan at a national and regional level for the following reasons:

- Objective SETZ O1 recognises there is a mixed approach of land use within our existing settlement areas and that these activities need to be recognised in the planning mechanism along with the need to avoid or minimise reverse sensitivity effects;
- SETZ O2 recognises that residential activities are the predominant land use within the Residential Precinct areas and therefore it is both necessary and appropriate to support these existing activities and to enable further residential activities within these areas;
- Within some settlement areas, there are commercial and industrial activities servicing the local community and other activities representing historical development, which has changed over time. Objective SETZ O3 recognises the need to identify these areas and the precinct mechanism which has been adopted for the Settlement Zone;
- The Settlements Plan Change recognises the decline in the services and conditions of the settlement areas and it is seeking to provide mechanisms to enable and support our settlement communities. Given the small size of our settlement areas, any new land use activities must be of a scale and nature that does not disrupt or compromise the cohesion of the settlements.

- The Settlements Plans Change is seeking to minimise and manage potential conflicts between existing and future land use activities and to ensure that new residential subdivisions and activities are compatible with the amenity and character of the existing areas. SETZ O4 and SETZ O5 seek to provide the most appropriate balance of enabling new activities and development while recognising the need to avoid conflicts between activities;
- SETZ O6 recognises the limitations in terms of public reticulation services and also how new activities may need to provide their own wastewater and water supply;
- While Matamata-Piako District Council is not a Tier 1 or Tier 2 territorial authority under the NPS-UD definition, it is considered that the Settlements Plan Change is consistent and gives effect to the policy statement by providing appropriate provisions for land use planning while recognising the need to integrate land development with provision of services. As discussed in Part F of this report, the Settlements Plan Change is not providing for significant additional land supply with Council focussed on our three main towns to provide residential/commercial and industrial land supply;
- The Settlements Plan Change has adopted the provisions of the National Planning Standards including the introduction of a Settlement Zone and precincts; and
- The Settlement Plan Change gives effect to the Waikato RPS provisions for urban development, integration with infrastructure and services, and for the protection of soils in accordance with the discussion and assessment set out in Part F of this report.

4. Assessment of Plan Mechanisms and Rules

The following tables present a cost benefit analysis of the plan mechanism and rules.

4.1 Settlement Zone and Precincts

	Option 1 – Status Quo	Option 2 – New Settlement Zone and Precincts	Option 3 – Alternatives considered
Description	<ul style="list-style-type: none"> ▪ Settlement areas predominantly subject to Rural and Residential Zone provisions. 	<ul style="list-style-type: none"> ▪ New Settlement Zone ▪ New Residential, Commercial and Industrial precincts identified within each Settlement Zone area. 	<ul style="list-style-type: none"> ▪ Adoption of Settlement Zone without precincts ▪ Adoption of modified Zone provisions based on existing District Plan provisions.
Costs/ Benefits	<ul style="list-style-type: none"> ▪ Environmental – Limited benefits; some landowners may prefer existing zone regime and plan outcomes. ▪ Economic – Limited benefits given that existing commercial and industrial activities are largely dependent on existing use rights. Size of settlement areas and location away from main towns limit economic impacts. ▪ Social – Limited costs or benefits, community does not need to adapt to change and certainty for District Plan users based on existing provisions. ▪ Cultural outcomes – No significant cultural issues or benefits/cost identified. ▪ Economic outcomes <ul style="list-style-type: none"> ○ Economic growth – The existing zone provisions do not support economic growth as there is limited opportunity for commercial or industrial land use. ○ Employment – The settlement areas do not have a strong labour market given their size and location away from main towns. 	<ul style="list-style-type: none"> ▪ Environmental – Improved outcomes by recognising the type and nature of existing land use within the settlement areas and providing specific recognition to these uses and areas through the zone and precinct mechanisms. ▪ Economic – The identified commercial and industrial precincts may provide greater certainty for land and business owners to invest in their property/business activities. ▪ Social – The feedback from the community consultation is largely supportive of the plan change. The Settlement Zone and precincts will provide certainty for the type, location and nature of land use activities which may be established within the settlement areas. ▪ Cultural outcomes – No significant cultural issues or benefits/cost identified. ▪ Economic outcomes <ul style="list-style-type: none"> ○ Economic growth – The Commercial and Industrial Precincts will recognise the presence of existing activities and provide future certainty around the location of non-residential activities within each settlement. ○ Employment – The settlement areas do not have a strong labour market given 	<ul style="list-style-type: none"> ▪ Environmental – These options would offer some benefits over the existing Rural and Residential Zone provisions however they would require substantive alterations to the existing District Plan format and structure. ▪ Economic – May provide greater certainty for land and business owners to invest in their property/business activities. ▪ Social – Some benefits may accrue. ▪ Cultural outcomes – No significant cultural issues or benefits/cost identified. ▪ Economic outcomes <ul style="list-style-type: none"> ○ Economic growth – Similar assessment and outcomes anticipated as per Option 2. ○ Employment – The settlement areas do not have a strong labour market given their size and location away from main towns. The Settlements Plan Change is unlikely to have a significant impact on labour markets.

		<p>their size and location away from main towns. The Settlements Plan Change is unlikely to have a significant impact on labour markets.</p>	
Effectiveness/ Efficiency	<ul style="list-style-type: none"> The existing zone provisions are considered to be ineffective and inefficient. The current mechanism does not cater for specific provisions to enable land use and activities within a settlement context. A key issue arises with the Rural Zone provisions; it does not relate to the type of land use activity and environmental outcomes which should be anticipated within our settlement areas. 	<ul style="list-style-type: none"> The Settlement Zone and precinct mechanisms are supported under the new National Planning standards The new zone and precinct mechanisms will provide a framework to establish new activities, as well as effects-based rules to enable and manage land use activities including any potential issues relating to the location of incompatible activities. The new zone and precinct mechanisms will also recognise current and historical land use activities within the settlements. 	<ul style="list-style-type: none"> The Settlement Zone option without precincts would not be effective in recognising the location and spatial relationships of existing land use activities and where these may be developed in the future. Utilising existing District Plan Zones would not be effective or efficient as there would need to be a complex set of amendments and restructuring of the existing Zone provisions. The Settlement Zone chapter allows a consolidated set of objectives, policies and rule mechanisms to be developed which will provide ease of administration and linkages between the plan provisions.
Risks of Acting/ Not Acting - uncertain or insufficient information	<ul style="list-style-type: none"> The information available is sufficient to provide an informed assessment of the planning alternatives and costs and benefits. 		

Given the submission from GH Westbury PTY Limited to extend the Settlement Zone at Hinuera, a further analysis of this options has been presented and forms part of the Council decision.

	Option 1 – Council decision on Plan Change Status Quo	Option 2 – GH Westbury PTY Limited
Description	<ul style="list-style-type: none"> ▪ Settlement Zone boundary as per Council decision. 	<ul style="list-style-type: none"> ▪ Settlement Zone boundary extended at Hinuera in accordance with submission.
Costs/ Benefits	<ul style="list-style-type: none"> ▪ Environmental – Improved outcomes by recognising the type and nature or existing land use within the settlement areas and providing specific recognition to these uses and areas through the zone and precinct mechanisms. ▪ Economic – The identified commercial and industrial precincts may provide greater certainty for land and business owners to invest in their property/business activities. ▪ Social – The feedback from the community consultation is largely supportive of the plan change. The Settlement Zone and precincts will provide certainty for the type, location and nature of land use activities which may be established within the settlement areas. ▪ Cultural outcomes – No significant cultural issues or benefits/cost identified. ▪ Economic outcomes <ul style="list-style-type: none"> ○ Economic growth – The Commercial and Industrial Precincts will recognise the presence of existing activities and provide future certainty around the location of non-residential activities within each settlement. ○ Employment – The settlement areas do not have a strong labour market given their size and location away from main towns. The Settlements Plan Change is unlikely to have a significant impact on labour markets. 	<ul style="list-style-type: none"> ▪ Environmental – Uncertain, limited information to properly evaluate the proposal. Potential issues with loss of versatile soils, rural character, reverse sensitivity, and servicing/access. ▪ Economic – Extended Settlement Zone will provide additional land for rural-residential development which will have some positive benefits in terms of the local construction industry. ▪ Social – Uncertain, there is no feedback from the community. ▪ Cultural outcomes – Uncertain, no input from tangata whenua. No know cultural sites identified on subject site. ▪ Economic outcomes <ul style="list-style-type: none"> ○ Economic growth – Similar outcomes to Zone boundary determined by Council. ○ Employment – The settlement areas do not have a strong labour market given their size and location away from main towns. The Settlements Plan Change is unlikely to have a significant impact on labour markets.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ The Settlement Zone and precinct mechanisms are supported under the new National Planning Standards ▪ The new zone and precinct mechanisms will provide a framework to establish new activities, as well as effects-based rules to enable and manage land use activities including any potential issues relating to the location of incompatible activities. ▪ The new zone and precinct mechanisms will also recognise current and historical land use activities within the settlements. 	<ul style="list-style-type: none"> ▪ The submission proposes the adoption of the same provisions and rule mechanisms introduced by the Settlements Plan Change over the extended area of Residential Precinct. ▪ While the rules have been developed to recognise and support the Settlement areas, they have not been designed to promote greenfield development. The submission has not provided sufficient information on the planning, infrastructure and community impacts of the proposed zone extension.

Risks of Acting/ Not Acting - uncertain or insufficient information	<ul style="list-style-type: none"> ▪ The information available is sufficient to provide an informed assessment of the planning alternatives and costs and benefits. 	<ul style="list-style-type: none"> ▪ The information available is not sufficient to provide an informed assessment of the planning alternatives and costs and benefits.
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4.2 Settlement Zone - Activity Lists and Performance Standards

	Option 1 – Activity Lists and Performance Standards included within each precinct	Option 2 – Effects Based Rules	Option 3 – Linkage to existing Activity List and Rules in District Plan
Description	<ul style="list-style-type: none"> ▪ Activity lists and associated performance standards are identified for each precinct. 	<ul style="list-style-type: none"> ▪ Activities are assessed in terms of effects-based criteria and standards. 	<ul style="list-style-type: none"> ▪ Activity lists are utilised from existing District Plan provisions.
Costs/ Benefits	<ul style="list-style-type: none"> ▪ Environmental – The spatial relationship between activities and the nature and type of activities which can be established without resource consent are clearly identified. ▪ Economic – Certainty over the plan provisions may enable more confidence in terms of building and development within the settlement areas. ▪ Social – Activity based rules are a simple and easy way to present planning rules; generally easier to understand and utilize. ▪ Cultural outcomes – No significant cultural issues or benefits/cost identified. ▪ Economic outcomes <ul style="list-style-type: none"> ○ Economic growth – The activity lists and performance standards will recognise the presence of existing activities and provide future certainty around the location of non-residential activities within each settlement. ○ Employment – The settlement areas do not have a strong labour market given their size and location away from main towns. The Settlements Plan Change is unlikely to have a significant impact on labour markets. 	<ul style="list-style-type: none"> ▪ Environmental – Lack of certainty can lead to some inefficiencies and uncertainty for the community. Effects based rules often require a planning assessment before certainty is determined on whether an activity is permitted. ▪ Economic – Lack of certainty may lead to additional assessment and compliance costs before a decision can be made to invest in or develop a property. ▪ Social – Can provide for more innovative approaches to land use, as activities can be assessed on their merits without being assessed against prescribed rules and definitions. ▪ Cultural outcomes – No significant cultural issues or benefits/cost identified. ▪ Economic outcomes <ul style="list-style-type: none"> ○ Economic growth – Effects based rules may encourage innovation, however the outcomes are also uncertain. There are advantages and disadvantages of effects-based rules. ○ Employment – The settlement areas do not have a strong labour market given their size and location away from main towns. The Settlements Plan Change is unlikely to have a significant impact on labour markets. 	<ul style="list-style-type: none"> ▪ Environmental – The performance standards within the District Plan may not translate well to the nature and character of our settlement areas. ▪ Economic – Dependent on the rules which could be adopted and translated to our settlement areas. This would potentially impact on other Zones standards and would extend the scope of the plan review process. ▪ Social – Dependent on the precise rules which could be adopted and translated to our settlement areas. ▪ Cultural outcomes – No significant cultural issues or benefits/cost identified. ▪ Economic outcomes <ul style="list-style-type: none"> ○ Economic growth – the same outcomes may be achieved as per the new Settlement Zone provisions however this would require amendments to and restructuring of multiple sections of the District Plan. ○ Employment – The settlement areas do not have a strong labour market given their size and location away from main towns. The Settlements Plan Change is unlikely to have a significant impact on labour markets.

Effectiveness/ Efficiency	<ul style="list-style-type: none"> ▪ The creation of a precinct specific activity lists with associated performance standards allows for the provision of new rules which reflect and can be tailored to the specific characteristics of our settlement areas. ▪ The overlap with and need to modify other sections of the District Plan is minimised. ▪ The creation of a Settlement Zone section of the District Plan fulfils the obligation to follow the mandatory National Planning Standards. ▪ The creation of a new Settlement Zone allows for the adoption of the National Planning Standards while work is progressed on the transition of the remainder of the District Plan. ▪ The activity list approach is also adopted for other zones in the District Plan and there is efficiency in maintaining a consistent approach. 	<ul style="list-style-type: none"> ▪ Effects based rules can be effective in focussing on the effects of activities without being tied to classes of activities and definitions apply across a wide range of different activities. ▪ The disadvantage is that there is often inefficiency created with the assessment of permitted activities, and where compliance with performance standards must be demonstrated in order to assess whether an activity require land use consent. ▪ Providing advice and certainty to users of the District Plan is more difficult to achieve. 	<ul style="list-style-type: none"> ▪ This option would be less efficient and effective as it would require modification and reframing of activity lists and rules to recognise and cater for differences between the settlement areas and other urban areas.
Risks of Acting/ Not Acting - uncertain or insufficient information	<ul style="list-style-type: none"> ▪ The information available is sufficient to provide an informed assessment of the planning alternatives and costs and benefits. 		

4.3 Rural House Sites

	Option 1 – Status Quo	Option 2 – Reduced yards is specified circumstances	Option 3 – Alternatives considered
Description	<ul style="list-style-type: none"> Rural Yards are set for all rural properties with no recognition to the size of the rural lot and its ability to allow for a practicable building site. 	<ul style="list-style-type: none"> New provisions for small lots (2,500m² or less) to have reduced yards. Reduced yards only apply to common boundaries with other rural residential or lifestyle lots up to 1ha to avoid potential conflict with rural based/farming activities. 	<ul style="list-style-type: none"> Reduced yards with no standards on qualifying sites.
Costs/ Benefits	<ul style="list-style-type: none"> Environmental – Owners of small rural sites may face additional compliance costs and reduced property rights based on rural yard setbacks which are more suited to large rural land holdings. Existing <ul style="list-style-type: none"> Setbacks offer more privacy and separation between properties. Economic – Additional compliance costs of implementing rules. <ul style="list-style-type: none"> No costs associated with plan review or adapting to new rules. Social – No significant social issues or benefits/cost identified. Cultural outcomes – No significant cultural issues or benefits/cost identified. Economic outcomes <ul style="list-style-type: none"> Additional compliance costs of implementing rules. Employment – Nil. 	<ul style="list-style-type: none"> Environmental – More opportunity to utilise property without requiring land use consent Potential reverse sensitivity issues addressed, as reduced yards setbacks only apply to boundaries with other rural-residential or lifestyle lots. Economic – Compliance costs reduced. Social – No significant social issues or benefits/cost identified. Cultural outcomes – No significant cultural issues or benefits/cost identified. Economic outcomes <ul style="list-style-type: none"> Reduced compliance costs. Employment – Nil. 	<ul style="list-style-type: none"> Environmental – This could potentially lead to reverse sensitivity issues if new residential activities were located close to the boundary of larger farming or horticulture blocks. In addition, a reduced front yard can lead to issues with noise and vibration from traffic movements such that the reduced front yard should only be applied to sites which cannot otherwise accommodate a complying building site. More opportunity to utilise property without requiring land use consent Economic – Compliance costs reduced. Social – No significant social issues or benefits/cost identified. Cultural outcomes – No significant cultural issues or benefits/cost identified. Economic outcomes <ul style="list-style-type: none"> Reduced compliance costs. Employment – Nil.
Effectiveness/ Efficiency	<ul style="list-style-type: none"> The existing rules are effective and efficient in the sense that they provide a clear set of yard provisions for all rural property. However, they are not efficient in 	<ul style="list-style-type: none"> The rules provide reduced yard setbacks based on the size of the site and in relation to side and rear yards, as well as the size of the adjoining rural land holding. 	<ul style="list-style-type: none"> Reduced yard setback rules that did not have any pre-requisites on the size of the lot or adjoining lots would be effective and efficient in controlling the location of new buildings however this could lead to

	<p>recognising that some rural lots are too small to accommodate the rural yard setbacks and provide a practical building site.</p>	<ul style="list-style-type: none"> ▪ It is considered the rules are effective and efficient as they provide a clear set of standards as to what rural lots qualify for the reduced yards. 	<p>unintended consequences in terms of adjoining land use and road corridor effects.</p>
<p>Risks of Acting/ Not Acting - uncertain or insufficient information</p>	<ul style="list-style-type: none"> ▪ The information available is sufficient to provide an informed assessment of the planning alternatives and costs and benefits. 		

6. APPENDIX B

**PLAN CHANGE 53
DECISIONS REPORT**

PLAN CHANGE PROVISIONS

**PLAN CHANGE 53
PROPOSED NEW SECTION 16
AND PLAN PROVISIONS FOR
MATAMATA-PIAKO DISTRICT PLAN**

DECISIONS VERSION

25 July 2021

16 Settlement Zone

Settlement Zone Issues

The Matamata-Piako District has a number of small rural settlements which provide for residential units, community facilities and buildings and in some cases commercial and industrial activities.

The Settlement Zone provides a bespoke zone and a set of rule mechanisms specifically designed to;

- recognise existing land use activities,
- enable new activities that are compatible with the character of these areas, and
- avoid or minimise the potential for reverse sensitivity effects on existing activities including major industry.

Minimum lot size and density standards have been developed for the settlement areas based on the low-density character of these areas and also taking into account the provision of public and private three water services.

The settlement areas are largely unserviced and therefore any new development will need to ensure that adequate provision for servicing can be accommodated on site. For those settlements with wastewater reticulation, any new development will need to be accommodated within the capacity of the existing network and treatment works as no upgrading of the Council reticulation or wastewater system is proposed.

The settlements areas accommodate a range of land use activities with residential activities being the predominant land use. The Settlement Zone and rule mechanisms recognise and provide for a 'mixed use' approach to existing and future development with performance standards and rules designed to reduce and mitigate any reverse sensitivity or conflict between activities.

Settlement Zone Objectives

SETZ O1	To recognise and provide for a mix of land use activities within identified settlement areas that reflect and provide for the needs of the local communities and businesses while avoiding or minimising the potential for reverse sensitivity effects on existing land use activities including major industry.
SETZ O2	Residential activities are predominantly provided for in identified precinct areas.
SETZ O3	Industrial and Commercial activities are predominantly provided for in identified precinct areas and are compatible with surrounding residential activities.
SETZ O4	To promote land use activities which support the long term social and economic cohesion of settlements.
SETZ O5	To manage activities in a manner that gives certainty to the community regarding the potential location and effects of activities.

SETZ O6	Land-use, subdivision and infrastructure are planned in an integrated manner that does not compromise the supply and capacity of public and private services.
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Settlement Zone Policies

SETZ P1	To ensure compatibility between activities within the Settlement Zone by managing and controlling the scale and nature of activities.
SETZ P2	To maintain appropriate standards of amenity and design through setting performance standards for the bulk and location of buildings across all precincts.
SETZ P3	To provide for different land use activities and to mitigate reverse sensitivity and potential conflicts between activities by identifying residential, commercial and industrial precincts within the settlement areas.
SETZ P4	To ensure that any industrial activities within the industrial precincts are of a size, scale and intensity which is compatible with surrounding land use activities.
SETZ P5	To provide for the subdivision of land which complements and maintains the character and amenity of surrounding sites.
SETZ P6	Subdivision and development reliant on public three waters infrastructure and services shall be accommodated within the existing capacity of the public network.
SETZ P7	Subdivision and development reliant on private three waters infrastructure and services shall be in accordance with the provisions of the regional and district plans, and any approved water take or discharge consents.
SETZ P8	Where car parking is proposed or available on site, the design and construction of the access, manoeuvring and car parking areas shall ensure the safety and efficiency of all users, including pedestrians and cyclists.

Activity Status Rules

PREC1 - Residential Precinct

Permitted Activities

All permitted activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). Any activity specific standards are identified in the following activity rules.

PREC1(1) One Residential Unit

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Note: The provisions of the Waikato Regional Plan will need to be complied with for any on site effluent system.

Activity Specific Performance StandardsOutdoor Living Space

Every residential unit (excluding minor residential unit) shall have an area of open space which shall:

- Have a minimum area of 80m² and minimum width of 3m. This space may include balconies, decks having a minimum area of 10m², with no dimension less than 1.8m and conservatories;
- Be capable of containing a circle of 6m in diameter at some location within the area of open space, and located to the north, east or west of the unit. This area shall be at ground level and may include decks up to 1m above ground;
- Be unobstructed by vehicle access, parking and buildings; and
- Be directly accessible from the main living area.

PREC1(2) *Minor Residential Unit***General Performance Standards**

Refer Rules SETZ R1(1) to SETZ R1(4).

Activity Specific Performance Standards

A *Minor Residential Unit* shall comply with the following performance standards:

- (i) The minimum net site area shall be 600m²;
- (ii) The maximum floor area of the unit shall be 60m²;
- (iii) An attached carport of no more than 18m² is permissible;
- (iv) The vehicle access shall be from the vehicle crossing serving the primary residential unit;
- (v) The minor residential units shall be located within 40m of the primary residential unit;
- (vi) A minimum outdoor living space of 20m² exclusive to the minor dwelling shall be provided with minimum dimension of 3m. This shall be unobstructed by vehicle access, parking, and buildings and shall be directly accessible from the main living area; and
- (vii) All on site activities must individually and collectively comply with all permitted activity performance standards.

PREC1(3) *Home Business***General Performance Standards**

Refer Rules SETZ R1(1) to SETZ R1(4).

Activity Specific Performance Standards

A *Home Business* shall comply with the following performance standards:

- (i) A maximum of two full time equivalent positions may be employed in the home business and it must include at least one permanent resident of the site;
- (ii) The home business shall not involve the parking of heavy vehicles (Gross Vehicle Weight of 3,500kg or more) on site;
- (iii) The sale of goods directly to customers from the site is limited to those produced on site and/or which are ancillary to a service undertaken on site;
- (iv) The total area dedicated to a home occupation shall be limited to 60m² floor area, This may include up to 20m² outdoor areas for the activity including storage subject to this area being screened by fencing and/or landscaping to a minimum height of 1.8m;
- (v) A maximum outdoor area of 10m² for the display of goods for sale in addition to (iv);
- (vi) Includes non-self-contained B&B for up to six people;
- (vii) All on site activities must individually and collectively comply with all permitted activity performance standards;
- (viii) Any private day care activity shall be limited to four children (excluding children permanently resident);
- (ix) Shall not involve any pet day care or grooming services, and
- (x) The hours for delivery and collection of goods as well as onsite customer visits within the Residential Precinct shall be between: 7.30am to 5.30 pm – Monday to Sunday.

PREC1(4) Accessory Building

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(5) Activities and buildings on public reserves as provided by a Management Plan under the Reserves Act 1977 or by a Conservation Management Strategy under the Conservation Act 1987.

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(6) Demolition of buildings and structures except those outlined in Schedules 1, 2, and 3.

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(7) Earthworks

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Activity Specific Performance Standards

Earthworks shall comply with the following performance standards:

- (i) Max cut or fill height -
 - 0.5m within minimum building set back
 - 1.5m outside minimum building set back.
- (ii) All site works to be reinstated within 6 months of works commencing.
- (iii) Max volume of earthworks 100m³ within any 12 month period.
- (iv) Works must not affect or be located within a scheduled item (Schedule 1 – 3).
- (v) Works cannot involve the excavation or disposal of contaminated land/materials.
- (vi) Works shall be set back 5m from any overland flow path and 10m from any water body.

Exclusion:

Any earthworks which;

- have been approved as part of a land use or subdivision consent,
- are for the removal of topsoil for building foundations and/or driveways, or
- any earthworks associated with utility installation, maintenance , upgrading and / or removal where the ground surface is fully reinstated within one month from when the work started.

PREC1(8) Temporary Activities Listed in Rule 4.11.1.**General Performance Standards**

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(9) Relocatable Buildings.**General Performance Standards**

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(10) Amateur Radio Configuration.**General Performance Standards**

Nil.

Activity Specific Performance Standards

An *Amateur Radio Configuration* shall comply with the following performance standards:

Amateur radio configurations shall comply with the following performance standards

- (i) there are no more than 6 antennas and aerials per site;
- (ii) no part of any aerial, antenna or mast associated with amateur radio configuration overhangs any site boundary;
- (iii) within any Residential, Commercial or Industrial Precinct which adjoins, or is opposite to, a Residential Precinct site, all support structures, aerials and antennas

are located no closer than 5 m to the road boundary, or 3 m to any other affected site boundary (except that guy wires and poles up to 2m in height may be located within 1.5m of the site boundary but not the road boundary); and

(iv) for antennas:

- a. where attached to a building or other structure (including a mast), provided that radio and telecommunications antenna do not exceed:
 - i. for an antenna dish; 2m in diameter, or
 - ii. for panel antenna: 4m² in area; and
 - iii. a height of 4m above the point of attachment to a building and no higher than the top of any mast
- b. provided there is no more than one pedestal mounted antenna per site, which:
 - i. is pivoted less than 4m above the ground with a maximum diameter of 5m and a maximum height of 6.5m;
 - ii. complies with the bulk and location standards for buildings in the zone in which they are located; and
 - iii. if guy wires are used, where these do not exceed 12mm in diameter; and

(v) for aerials:

- a. provided any element making up an aerial does not exceed 80mm in diameter;
- b. for horizontal HF yagi aerials, provided the maximum element length does not exceed 14.9m, and maximum boom length does not exceed 13m; and
- c. for whip aerials, provided the maximum length does not exceed 3.5m in height above the maximum height for the support structure; and

(vi) for support structures (masts):

- a. provided there is only one primary mast per site, which does not exceed a maximum height of 20m. This mast may be a pole of lattice mast, and may be guyed or self-supporting. Lattice masts shall be no more than:
 - i. 1000mm in outside diameter up to 9m in height
 - ii. 420mm in outside diameter above 9m in height;
- b. provided there is only one secondary mast per site with a maximum height of 12m. This mast may be fitted with a rotator for VHF and/or UHF aerials; and
- c. provided all masts (except for as provided for in clause (vi)(a) above) shall be less than 115mm in outside diameter.

Advice Note: Any Amateur Radio Configuration will also need to comply with the provisions of the Building Act and New Zealand standard NZS 2772.1:1999 Radiofrequency fields – Maximum exposure levels.

Controlled Activities

All controlled activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). The activity specific standards are identified in the following activity rules.

PREC1(11) Two or more Residential Units

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Activity Specific Performance Standards

- (i) The maximum density for residential units on a site which is served by a public reticulated wastewater supply is one residential unit per 1,000m² net site area.
- (ii) The maximum density for residential units on a site which is not served by a public reticulated wastewater supply is one residential unit per 2,500m² net site area.
- (iii) Each residential unit must comply with the subdivision standards set out in Rule 6.2 and the application shall nominate internal lot boundaries to demonstrate compliance with the relevant performance standards.

Assessment Criteria

General Criteria - Rule SETZ R2(1).

Specific Criteria - Rule SETZ R2(2).

Non-compliance with Activity Specific Performance Standards

Refer PREC1(14) (i) or (ii).

Restricted Discretionary Activities

All restricted discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). The activity specific standards are identified in the following activity rules.

PREC1(12) Any permitted or controlled activity which does not comply with one or two performance standards unless otherwise stated in the performance standard rule

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Assessment Criteria

General Criteria - Rule SETZ R2(1)

Specific Criteria - Rule SETZ R2(3)

Discretionary Activities

All discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). Any activity specific standards are identified in the following activity rules.

The assessment criteria Rule SETZ R2(1) to SETZ R2(3) may be used to inform and guide the assessment of a discretionary activity. However, there is no limit or restriction on the matters or effects that may be assessed.

PREC1(13) Any permitted or controlled activity which does not comply with three or more performance standards unless otherwise stated in the performance standard rule.

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(14) Two or more *Residential Units*

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Activity Specific Performance Standards

- (i) The maximum density for residential units on a site which is served by a public reticulated wastewater supply is one residential unit per 600m² net site area.
- (ii) The maximum density for residential units on a site which is not served by a public reticulated wastewater supply is one residential unit per 1,000m² net site area.
- (iii) Each residential unit must comply with the subdivision standards set out in Rule 6.2 and the application shall nominate internal lot boundaries to demonstrate compliance with the relevant performance standards.

Assessment Criteria

General Criteria - Rule SETZ R2(1).

Specific Criteria - Rule SETZ R2(2).

Non-compliance with Activity Specific Performance Standards

Any land use that does not comply with the PREC1(11) (i) or (ii), or PREC1 (14) (i) or (ii) shall be a Non-complying Activity.

PREC1(15) *Educational facilities.*

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(16) *Community facilities*

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(17) *Accommodation facilities*

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(18) *Retailing*

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(19) Medical facilities and veterinary clinics

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(20) Offices

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC1(21) Any activity not specifically listed within the Residential Precinct

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Non-complying Activities

The assessment criteria Rule SETZ R2(1) to SETZ R2(3) may be used to inform and guide the assessment of a non-complying activity. However, there is no limit or restriction on the matters or effects that may be assessed

PREC1(22) Light Industry.

PREC1(23) Industry.

PREC1(24) Any discretionary activity that does not comply with three or more performance standards.

PREC2 - Commercial Precinct

Permitted Activities

All permitted activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). Any activity specific standards are identified in the following activity rules.

Note: See specific activity rule **PREC2(17)** for Commercial Precinct - Waitoa

PREC2(1) Permitted Activities as provided for by the following rules;

- **PREC1(1) One Residential Unit**
- **PREC1(2) Minor Residential Unit**
- **PREC1(3) Home Business**
- **PREC1(4) Accessory Building**
- **PREC1(5) Activities on Reserves**
- **PREC1(6) Demolition of Buildings and Structures**
- **PREC1(7) Earthworks**
- **PREC1(8) Temporary Activities**

- **PREC1(9) Relocatable Buildings**
- **PREC1(10) Amateur Radio Configurations**

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Note: The provisions of the Waikato Regional Plan will need to be complied with for any on site effluent system.

Activity Specific Performance Standards

Refer specific performance standards as per relevant rule.

PREC2(2) Educational facilities

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC2(3) Accommodation facilities

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC2(4) Retailing

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC2(5) Medical facilities and veterinary clinics

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC2(6) Offices

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Controlled Activities

All controlled activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). The activity specific standards are identified in the following activity rules.

PREC2(7) Two or more Residential Units

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Activity Specific Performance Standards

- (i) The maximum density for residential units on a site which is served by a public reticulated wastewater supply is one residential unit per 1000m² net site area.
- (ii) The maximum density for residential units on a site which is not served by a public reticulated wastewater supply is one residential unit per 2500m² net site area.
- (iii) Each residential unit must comply with the subdivision standards set out in Rule 6.2 and the application shall nominate internal lot boundaries to demonstrate compliance with the relevant performance standards.

Assessment Criteria

General Criteria - Rule SETZ R2(1)

Specific Criteria - Rule SETZ R2(2)

Non-compliance with Activity Specific Performance Standards

Refer PREC2(14) (i) or (ii).

Restricted Discretionary Activities

All restricted discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). Any activity specific standards are identified in the following activity rules.

PREC2(8) Any permitted or controlled activity which does not comply with one or two performance standards unless otherwise stated in the performance standard rule

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Assessment Criteria

General Criteria - Rule SETZ R2(1)

Specific Criteria - Rule SETZ R2(3)

PREC2(9) *Community facilities*

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Activity Specific Performance Standards

The hours of operation shall be limited to between 7am and 10pm.

Assessment Criteria

General Criteria - Rule SETZ R2(1)

Specific Criteria - Rule SETZ R2(3)

PREC2(10) *Light industry*

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Activity Specific Performance Standards

The hours of operation shall be limited to between 7am and 10pm.

Assessment Criteria

General Criteria - Rule SETZ R2(1)

Specific Criteria - Rule SETZ R2(3)

Discretionary Activities

All discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). The activity specific standards are identified in the following activity rules.

The assessment criteria Rule SETZ R2(1) to SETZ R2(3) may be used to inform and guide the assessment of a discretionary activity. However, there is no limit or restriction on the matters or effects that may be assessed.

PREC2(11) Any permitted or controlled activity which does not comply with three or more performance standards unless otherwise stated in the performance standard rule.

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC2(12) Any restricted discretionary activity which does not comply with one or more performance standards unless otherwise stated in the performance standard rule.

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC2(13) Any activity not specifically listed in the Commercial Precinct

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC2(14) Two or more *Residential Units*

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Activity Specific Performance Standards

- (i) The maximum density for residential units on a site which is served by a public reticulated wastewater supply is one residential unit per 600m² net site area.
- (ii) The maximum density for residential units on a site which is not served by a public reticulated wastewater supply is one residential unit per 1,000m² net site area.
- (iii) Each residential unit must comply with the subdivision standards set out in Rule 6.2 and the application shall nominate internal lot boundaries to demonstrate compliance with the relevant performance standards.

Assessment Criteria

General Criteria - Rule SETZ R2(1).

Specific Criteria - Rule SETZ R2(2).

Non-compliance with Activity Specific Performance Standards

Any land use that does not comply with the PREC2(7) (i) or (ii), or PREC2 (14) (i) or (ii) shall be a Non-complying Activity.

Non-complying Activities

The assessment criteria Rule SETZ R2(1) to SETZ R2(3) may be used to inform and guide the assessment of a non-complying activity. However, there is no limit or restriction on the matters or effects that may be assessed.

PREC2(15) Industry.

PREC2(16) Any discretionary activity that does not comply with three or more performance standards.

PREC2(17) Residential Units, Minor Residential Units, Education facilities and Accommodation facilities within the Commercial Precinct at Waitoa.

PREC3 Settlement Zone (PREC3 - Industrial Precinct)

Permitted Activities

All permitted activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). Any activity specific standards are identified in the following activity rules.

PREC3(1) Permitted Activities as provided for by the following rules;

- PREC1(4) Accessory Building
- PREC1(5) Activities on Reserves
- PREC1(6) Demolition of Buildings and Structures
- PREC1(7) Earthworks
- PREC1(8) Temporary Activities
- PREC1(9) Relocatable Buildings
- PREC1(10) Amateur Radio Configurations
- PREC2(4) Retailing
- PREC2(5) Medical facilities and veterinary clinics
- PREC2(6) Offices

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Note: The provisions of the Waikato Regional Plan will need to be complied with for any on site effluent system.

Activity Specific Performance Standards

- (i) Refer specific performance standards as per relevant rule.

PREC3(2) Light industry

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Controlled Activities

All controlled activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). Any activity specific standards are identified in the following activity rules.

PREC3(3) Note: There are no Controlled Activities in the Industrial Precinct. This rule is only included to retain formatting sequence.

Restricted Discretionary Activities

All restricted discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). Any activity specific standards are identified in the following activity rules.

PREC3(4) Any permitted or controlled activity which does not comply with one or two performance standards unless otherwise stated in the performance standard rule

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Assessment Criteria

General Criteria - Rule SETZ R2(1)

Specific Criteria - Rule SETZ R2(3)

PREC3(5) Community facilities

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Activity Specific Performance Standards

The hours of operation shall be limited to between 7am and 10pm.

Assessment Criteria

General Criteria - Rule SETZ R2(1)

Specific Criteria - Rule SETZ R2(3)

Discretionary Activities

All discretionary activities must comply with the general and relevant activity specific performance standards. The general performance standards are listed in SETZ R1(1) to SETZ R1(4). The activity specific standards are identified in the following activity rules.

The assessment criteria Rule SETZ R2(1) to SETZ R2(3) may be used to inform and guide the assessment of a discretionary activity. However, there is no limit or restriction on the matters or effects that may be assessed.

PREC3(6) Any permitted or controlled activity which does not comply with three or more performance standards unless otherwise stated in the performance standard rule.

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

PREC3(7) Any activity not specifically listed in the Industrial Precinct

General Performance Standards

Refer Rules SETZ R1(1) to SETZ R1(4).

Non-complying Activities

The assessment criteria Rule SETZ R2(1) to SETZ R2(3) may be used to inform and guide the assessment of a non-complying activity. However, there is no limit or restriction on the matters or effects that may be assessed.

PREC3(8) Industry.

PREC3(9) Any residential unit or residential activity listed in the following rules;

- PREC1(1) One Residential Unit
- PREC1(2) Minor Residential Unit
- PREC1(3) Home Business

PREC3(10) Any discretionary activity that does not comply with three or more performance standards.

SETZ R1 Performance Standards for PREC1, PREC2, and PREC3

SETZ R1(1) General Rule

All activities shall be required to comply with the following performance standards. Rule SETZ R1(2) to Rule SETZ R1(4) are general performance standards for all activities including linkage rules to other sections of the District Plan.

SETZ R1(2) Building Envelope

Unless otherwise stated, the following performance standards apply to all buildings in the Settlement Zone.

(a) Maximum height

Residential Precinct and Commercial Precinct

9m

Industrial Precinct

12m

The maximum height rule does not apply to a single *design feature* or *building component*, which does not exceed the maximum permitted *height* by more than 2 metres and/or an external dimension of 2 metres in any other direction (excluding diagonal measurements)

Refer Section 8 for rules for antenna and dishes.

(b) Height relative to site boundaries

No part of any *building* shall exceed a height of 2m plus the shortest horizontal distance between that part of the *building* and the nearest site boundary, provided that this shall not apply;

- (i) to the apex of the gable ends of a roof, being no more than 1m² in area (See Appendix 2), or
- (ii) a *design feature* or *building component* that does not exceed an external measurement of 2 metres in any direction (excluding diagonal measurements); and
- (iii) subject to no more than a total of two *design features* or *building components* (including the apex of a gable end) encroaching through the height relative to boundary plane of all boundaries.

Exemption: This rule does not apply between sites which are both located within the Industrial Precinct.

(c) Yards (Residential Precinct and Commercial Precinct)

Front	5m, or 10m, if the front boundary is adjacent to a road with a posted speed environment of 70 km/h or more
Side and Rear	3m
Rear Sites	3m
River protection	20m

Yards (Industrial Precinct)

Front	5m
Side and Rear	5m to non-Industrial Precinct boundary
River protection	20m
Adjoining Industrial Precinct	0m

Provided that:

- (i) Accessory buildings may be erected on any rear and/or side yard or any rear site yard so long as;
- the written consent of all property owners contiguous to any building is obtained and Rule SETZ R1(2)(b) is not compromised, or
 - the length of all buildings erected within 1.5m of the side boundary does not exceed 12m or 50% of the boundary whichever is the lesser, and the wall of any habitable room facing the boundary shall have no windows or doors.
- (ii) For sites located along a state highway or railway line corridor, internal noise levels for buildings shall comply with the acoustic insulation standards in Rule 5.2.12.

Advice Notes:

For garages and carports encroaching a front yard, see the General Access Standards in 9.1.2(ix).

All structures on or adjacent to site boundaries must also comply with the provisions of the Building Act.

(d) Fences and walls

No fences or walls or a combination of these (whether separate or joined together) shall:

- exceed 2m in height within the yard setback and / or
- exceed the maximum height and height to boundary rules in SETZR1(2) (a) and (b) above.

SETZ R1(3) Maximum Building Coverage

Residential Precinct and Commercial Precinct

- 35% of the net site area

SETZ R1(4) District Plan Linkage Rules – Performance Standards

All activities shall comply with the relevant performance standards identified in the following sections of the District Plan.

- Rule 1.2 Development Suitability
- Rule 3.5: Activities adjacent to the National Grid
- Rule 3.6 Development adjacent to sub-transmission lines
- Rule 3.7 Approach and restart sight triangles at railway level crossings
- Rule 3.8 Activities adjacent to Flood Control Assets
- Rule 3.9 Signage
- Rule 5.2 Noise
- Rule 5.3 Vibration
- Rule 5.4 Lighting and Glare

- Rule 5.5 Air Emissions
- Rule 5.6 Management of Disposal of wastes
- Rule 5.7 Use and Storage of Hazardous Substances
- Rule 5.9 Infrastructure and servicing
- Section 7: Development Contributions
- Section 9: Transportation (except Rule 9.1.4 regarding the minimum number of carparks shall not apply)

SETZ R2 Assessment Criteria for PREC1, PREC2, and PREC3

SETZ R2(1) General Assessment Criteria

The following assessment criteria shall apply to all Controlled and Restricted Discretionary activities:

- (a) The extent of non-compliance with any performance standards and the degree to which this adversely affects the amenity and character of the site and surrounding area;
- (b) The degree to which on site amenity is retained for residents and the appropriate level of separation, space and amenity between sites;
- (c) The extent to which the scale and nature of the proposal including any specific site features or design mitigates the adverse effects of the activity;
- (d) Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites, including potential reverse sensitivity effects on existing activities including major industry;
- (e) Traffic, parking and access effects, including the safety and efficiency of the roading network and any effects of not providing carparking;
- (f) The provision of three waters servicing, including where applicable, demonstrating that the site can be serviced via a private supply through consultation with the private supply provider (see advice note in section 5.9.1); and
- (g) Whether adequate capacity exists to maintain acceptable levels of service within available public reticulated three waters services.

SETZ R2(2) Controlled Assessment Criteria - Two or more *Residential Units*

Note: These specific Controlled Assessment criteria apply in addition to all other general assessment criteria and other assessment criteria resulting from the rule mechanisms that apply to the activity

In addition, the criteria set out in Rule SETZ R2(1), the following assessment criteria shall apply to any controlled activity for two or more *Residential Units*:

- (a) The nature and design of buildings and outdoor spaces to ensure that a high level of residential amenity is provided for residents;

- (b) The future development potential of the site; and
- (c) The scale, density and design of buildings and the degree that this maintains the residential amenity and values of other surrounding sites.

SETZ R2(3) Restricted Assessment Criteria - *Community facilities and Light industry*

Note: These specific Restricted Discretionary Assessment criteria apply in addition to all other general assessment criteria and other assessment criteria resulting from the rule mechanisms that apply to the activity

In addition to SETZ R2(1), the following assessment criteria shall apply to *Community facilities and Light Industry* in the Commercial Precinct:

- (a) The type and location of surrounding land use activities and whether these may be affected by the scale, nature and intensity of the proposed use.

Note: The assessment criteria Rule SETZ R2(1) to SETZ R2(3) may be also used to inform and guide the assessment of a discretionary activity. However, there is no limit or restriction on the matters or effects that may be assessed.

SETZ R3 OTHER PLAN PROVISIONS

SETZ R3(1) Other Plan Provisions

Any activity within the Settlement Zone will also need to be reviewed and assessed against the following rules and sections of the District Plan

- Rule 1.1 Information requirements for resource consent applications
- Rule 1.5 Notified and non-notified consents
- Section 5 Performance Standards
- Section 6 Subdivision
- Section 8 Works and network utilities
- Section 10 Natural Environments and heritage
- Section 11 Natural Hazards
- Section 12 Surface of Water
- Section 13 Other Methods
- Section 14 Monitoring
- Section 15 Definitions

PLAN CHANGE 53
PROPOSED RURAL HOUSE SITE PROVISIONS FOR
MATAMATA-PIAKO DISTRICT PLAN

Part 3 - Development Controls

C.2.1) Delete Rule 2.2.3.4 and renumber rule numbering

- 3.4 One dwelling per Certificate of Title for a rural lot (existing at November 1996) less than or equal to 4.2ha in area

C.2.2) Amend Rule 3.2.1 to include new rule 3.2.1(iv) for Rural House Lots,

3.2.1 Building envelope

(iv) Rural House Sites

For Rural Zoned lots which contain less than 2,500m², the following yards shall apply:

- (a) Front Yard..... 15m
- (b) Side/Rear Yards..... 10m, unless the adjacent property is 1ha or less in which case a minimum side/rear yard of 5m shall apply.
- (c) For sites located along a state highway or railway line corridor, internal noise levels for buildings shall comply with the acoustic insulation standards in Rule 5.2.12.

PART C.3

**PLAN CHANGE 53
OTHER PROPOSED CHANGES TO
MATAMATA-PIAKO DISTRICT PLAN**

Part 3 - Signage

C.3.1) Insert New Rules for Signage into Rule 3.9.1.

	Zone	Type of sign permitted	Total site signage
12	Settlement Zone (Residential Precinct)	A sign stating name, profession, occupation or trade or property name.	0.5m ²
13	Settlement Zone (Industrial and Commercial Precinct)	Signs related to permitted activities established on the site for the advertisement or identification of the established permitted activities.	6m ²

Part 5 - Noise

C.3.2) Insert New Rule 5.2.11 for Noise

5.2.11 Settlement Zone

(i) Residential Precinct and Commercial Precinct

The noise level (L_{Aeq}) as measured at any point within the boundary of an adjacent Residential Precinct and Commercial Precinct site or the notional boundary of any rural dwelling shall not exceed the following:

Monday to Saturday	7.00am to 10.00pm	50dBA
At all other times including Sundays and Public Holidays		40dBA
10.00pm to 7.00am. The L_{AFmax} shall not exceed 65dBA.		

The day time levels may be exceeded for infrequent and short-term noise from normal household activities such as lawn mowing and domestic use of power tools.

(ii) Commercial Precinct

The noise level (L_{Aeq}) as measured at any point within the boundary of an adjacent Industrial Precinct site or the notional boundary of any rural dwelling shall not exceed the following:

Monday to Saturday	7.00am to 10.00pm	55dBA
At all other times including Sundays and Public Holidays		45dBA
10.00pm to 7.00am. The L_{AFmax} shall not exceed 75dBA.		

(iii) Industrial Precinct

(a) The noise level (L_{Aeq}) as measured at any point within the boundary of an adjacent Residential Precinct and Commercial Precinct site or the notional boundary of any rural dwelling shall not exceed the following:

Monday to Saturday	7.00am to 10.00pm	55dBA
At all other times including Sundays and Public Holidays		45dBA
10.00pm to 7.00am. The L_{AFmax} shall not exceed 75dBA.		

- (b) The noise level (L_{Aeq}) as measured at any point within the boundary of an adjacent Industrial Precinct site shall not exceed 65dB

5.2.12 Noise Insulation for Rural House Sites and the Settlement Zone

(i) Performance Standards

- (a) New (including relocated) buildings to be used for a noise sensitive activity located:

- i. Within 40m of a railway line included in the definition of “regionally significant infrastructure”;
- ii. Within 80m of a state highway or significant district road with a posted speed limit above 70km/h; or
- iii. Within 40m of a state highway or significant district road with a posted speed limit of 70km/h or less.

Shall be designed, insulated, constructed, or screened by suitable barriers and maintained to ensure that noise received within any new bedroom, habitable space, or other space containing a noise sensitive activity, will not exceed the limits below:

Space	Internal noise limit	
	Road traffic noise	Railway noise
Inside bedrooms	40dB $L_{Aeq(24h)}$	35dBA L_{Aeq} (1 hour)
Inside other habitable rooms	45dB $L_{Aeq(24h)}$	40dBA L_{Aeq} (1 hour)
Inside other spaces containing a noise sensitive activity	No greater than the recommended maximum design guidelines in AS/NZS 2107-2000: Acoustics – recommended design sound level and reverberation times for building interiors	

- (b) The distances referred to above are measured from the:
 - i. Edge of a railway track;
 - ii. Edge of the nearest traffic lane of the state highway;
 - iii. Face of the closest external wall of a new building.
- (c) If windows are required to be closed to achieve the noise limits above, the building shall be designed and constructed to provide an alternative means of ventilation in accordance with Clause G4 of the New Zealand Building Code.
- (d) An acoustic design report prepared by an appropriately qualified practitioner confirming compliance with the limits above must be submitted to Council as part of any resource or building consent application.

Advice Note: Compliance with Clause G4 will not guarantee thermal comfort. Owners should consider the installation of additional ventilation equipment such as a heat pump.

- (ii) Permitted activities
 - (a) A new (including relocated) building to be used for a noise sensitive activity that has demonstrated compliance with the performance standards in 5.2.12(i) above is a permitted activity.
 - (b) A new (including relocated) building, not to be used for a noise sensitive activity is a permitted activity and is not required to demonstrate compliance with the performance standards in 5.2.12(i) above.
- (iii) Restricted-discretionary activities

A new (including relocated) building, to be used for a noise sensitive activity not meeting the performance standards in 5.2.12(i) above is a restricted-discretionary activity
- (iv) Matters of discretion

Council has restricted its discretion to the following matters and may impose conditions relating to these matters if consent is granted:

 - (a) The effects of noise from the state highway and/or railway network on the activity to be constructed/relocated;
 - (b) The reverse-sensitivity effects of the activity to be constructed/relocated on the operation of the state highway and/or rail network and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the state highway and/or railway network;
 - (c) The degree of noise attenuation achieved by the noise sensitive activity;
 - (d) Technical advice provided by the railway operator (KiwiRail) and/or the NZ Transport Agency.
- (v) Non-notification

Applications utilising Rule 5.2.12(iii) that do not simultaneously trigger other consent requirements, shall not be publicly notified and shall not be served on any party other than the railway operator (Kiwirail) and/or the NZ Transport Agency.

Part 5 - Lighting and Glare

C.3.3) Amend Rule 5.4

5.4 Lighting and Glare

- (i) At no time between 7.00am and 10.00pm shall any outdoor lighting be used in a manner that causes an added illuminance in excess of 125 lux, measured horizontally or vertically at the boundary of any non-Industrial zoned or non-Industrial precinct site adjoining.
- (ii) At no time between the hours of 10.00pm and 7.00am shall any outdoor lighting be used in a manner that causes:
 - (a) An added illuminance in excess of 10 lux measured horizontally or vertically at any window of an adjoining building within a non-Industrial zone or non-Industrial precinct;
 - (b) An added illuminance in excess of 20 lux measured horizontally or vertically at any point along any non-Industrial zone boundary or non-Industrial precinct.
- (iii) Where measurement of any added illuminance cannot be made because any person refuses to turn off outdoor lighting, measurements may be made in locations of a similar nature which are not affected by such outdoor lighting.
- (iv) The outdoor lighting on any site adjoining any non-Industrial zoned or non-Industrial precinct site shall be so selected, located, aimed, adjusted and screened as to ensure that glare resulting from the lighting does not cause a significant level of discomfort to any occupants of the non-industrial site.

Part 5 – Infrastructure and Services

Insert New Advice Note Into 5.9.1

Advice Note: There are a number of private water supply networks within the District. These are subject to statutory requirements including water quality standards. New or additional connections to these private networks must be agreed with the private supplier. Council does not have any control over the capacity or water quality of private supply networks.

Part 6 - Subdivision

C.3.4) Amend Activity Table 6.1

6.1 Activity Table

KEY									
P	Permitted activity				C	Controlled activity			
D	Discretionary activity				RD	Restricted Discretionary activity			
N/C	Non Complying activity				PRHB	Prohibited activity			
All activities not listed in the Activity Table are deemed to be non-complying unless otherwise provided for. See Rule 2.1.5									
Type of subdivision		Zones							
		Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)	Settlement Zone (including precincts)	
1.	All Zones								
(a)	Boundary Adjustment	C	C	C	C	C	C	C	
(b)	Bonus Protection Lots	D	D	D	D	D	D	D	
(c)	Works and Network Utilities.	C	C	C	C	C	C	C	
(d)	Subdivision with one or more new vacant developable lots: <ul style="list-style-type: none"> • Within a National Grid Subdivision Corridor; • Within 20m either side of the centreline of a sub-transmission line. 	RD	RD	RD	RD	RD	RD	RD	
(e)	Subdivision with one or more new vacant developable lots adjoining: <ul style="list-style-type: none"> • Any state highway, or • A railway line included in the definition of "regionally 	See 6.3.11	See 6.3.11	See 6.3.11	See 6.3.11	See 6.3.11	See 6.3.11	See 6.3.11	

	significant infrastructure”							
(f)	Subdivision of Scheduled Sites				D			
8.	Settlement Zone							
(a)	Subdivision							See 6.3.12

C.3.5) *Insert new Performance Standards and Activity Status Rule 6.3.12*

6.3.12 Subdivision within the Settlement Zone

(i) Additional Performance Standards

(a) Minimum Net Lot Size (Controlled Activity)

- i. Lots connected to public wastewater reticulation1,000m²
- ii. Lots not connected to public wastewater reticulation
2,500m²

(b) Minimum Net Lot Size (Discretionary Activity)

- i. Lots connected to public wastewater reticulation
600m²
- ii. Lots not connected to public wastewater reticulation
1,000m²

(ii) Assessment Criteria

See section 6.4 and 6.6.

(iii) Non-compliance

Any subdivision that does not comply with Rule 6.3.12(i) (a) or (b) shall be a Non-complying activity.

C.3.6) *Insert new Discretionary Assessment Criteria Rule 6.6.3*

6.6.3 Settlement Zone (Discretionary Activity Subdivision)

For subdivision which is a Discretionary Activity under Rule 6.3.12, Council shall assess and take into account:

- (i) The ability of the lots to provide for wastewater disposal and treatment;
- (ii) The nature and context of surrounding land use and built form; and
- (iii) Any input, advice or consents for wastewater disposal and treatment provided by the Waikato Regional Council.

Part 8 - Works and Network Utilities

C.3.7) Amend Tables 8.1.1, 8.2.1, 8.3.1, 8.4.1, 8.5.1, 8.6.1, 8.8.1, 8.9.1 to include Settlement Zone into each Activity Table.

Activity	Zones and Precincts							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential, & Settlement Zone (Residential Precincts)	Business and Settlement Zone (Commercial Precinct)	Industrial and Settlement Zone (Industrial Precinct)	Rural	Public Reserves	Formed Roads	Unformed Roads

Add Advice Note under table

For Amateur Radio Configurations within the Settlement Zone see also Rule PREC(1)(10)

Part 9 - Transportation

C.3.8) *Insert new rule 9.1.2(xi) to address access and manoeuvring standards as a consequence of the minimum car parking rules being withdrawn from activities within the Settlement Zone.*

(xi) Access Standards for Settlement Zone

Parking and manoeuvring areas shall be designed to ensure that all vehicles can enter and exit in a forward direction in the following circumstances;

- For any common vehicle access serving more than one activity or lot;
- For any activity which has access directly off a significant, arterial or collector road; and
- For any activity which has access directly off a road which has a posted speed limit of more than 50 km/h.

Schedule 4: Designations

C.3.9) *Amend* Schedule 4 table to update underlying zoning.

Designation No	Underlying Zone	Authority	Location	Purpose	Map No	Legal Description
6	Settlement Zone (Industrial Precinct)	Matamata-Piako District Council	Te Poi Road Te Poi	Water Supply	41	For legal description refer Schedule 4: No changes are proposed to the legal descriptions within the table.
159	Settlement Zone (Residential Precinct)	Matamata-Piako District Council	Campbell Road Waihou	Proposed Reserve	23	
12	Settlement Zone (Commercial Precinct)	Matamata-Piako District Council	Morrinsville-Tahuna Road Tahuna	Water Supply	37	
101	Settlement Zone (Industrial Precinct)	Chorus New Zealand Limited	Te Poi Road Te Poi	Telecommunications and Radio Communications Purposes	41	
102	Settlement Zone (Commercial Precinct)	Chorus New Zealand Limited	State Highway 26 Waitoa	Telecommunications and Radio Communications Purposes	24	
103	Settlement Zone (Residential Precinct)	Chorus New Zealand Limited	Walton Road walton	Telephone Exchange	39	
130	Settlement Zone (Residential Precinct)	Ministry of Education	State Highway 26 Waitoa	Primary School	24	
116	Settlement Zone (Residential Precinct)	Ministry of Education	Tahuna-Ohinewai Road Tahuna	Primary School	37	
131	Settlement Zone (Residential Precinct)	Ministry of Education	Manawaru Road, Manawaru	Primary School	38	
153	Settlement Zone (Residential Precinct)	Ministry of Education	State Highway 29 Hinuera	Primary School	42	
132	Settlement Zone (Residential Precinct)	Manawaru Playcentre	Manawaru Road, Manawaru	Play Centre	38	

Schedule 5 and Planning Maps: Development Concept Plan

Remove all reference and provisions for the Te Aroha Skin Processors Limited Development Concept Plan from the District Plan and Planning Maps.

Definitions

For the purpose of Plan Change 53, the following definitions will apply only in relation to activities and provisions within Section 16 of the District Plan and any associated rule mechanisms.

In some instance, the definitions are those mandated for adoption by the National Planning Standards. These are identified by the annotation (NPS)

C.3.10) Insert the following definitions into Section 15.

Activity	Proposed Definition
Accessory building (NPS)	For the Settlement Zone, means a detached <i>building</i> , the use of which is ancillary to the use of any <i>building</i> , <i>buildings</i> or activity that is or could be lawfully established on the same <i>site</i> , but does not include any <i>minor residential unit</i> .
Allotment (NPS)	has the same meaning as in section 218 of the RMA
Amateur radio configuration	For the Settlement Zone means antenna, aerials and associated support structures which are owned and operated by licensed amateur radio operators.
Ancillary activity (NPS)	For the Settlement Zone, means an activity that supports and is subsidiary to a primary activity.
Building (NPS)	For the Settlement Zone, means a temporary or permanent movable or immovable physical construction that is: <ul style="list-style-type: none"> a. partially or fully roofed, and b. is fixed or located on or in <i>land</i>, but c. excludes any motorised vehicle or other mode of transport that could be moved under its own power.
Building component	For the Settlement Zone, means a component of a <i>building</i> that is integral to and complements its function including, but not limited to eaves, chimneys, balustrades and solar panels.
Building coverage (NPS)	For the Settlement Zone, means the percentage of the <i>net site area</i> covered by the <i>building footprint</i> .
Building footprint (NPS)	For the Settlement Zone, means, in relation to <i>building coverage</i> , the total area of <i>buildings</i> at ground floor level together with the area of any section of any of those <i>buildings</i> that extends out beyond the ground floor level limits of the <i>building</i> and overhangs the ground.
Community facility (NPS)	For the Settlement Zone, means <i>land</i> and <i>buildings</i> used by members of the community for recreational, sporting, cultural, safety, health, welfare, or worship purposes. It includes provision for any <i>ancillary activity</i> that assists with the operation of the community facility.
Design feature	For the Settlement Zone, means a distinctive part of a <i>building</i> designed for visual effect that is not integral to the day to day functioning of that <i>building</i> .

Earthworks (NPS)	For the Settlement Zone, means the alteration or disturbance of <i>land</i> , including by moving, removing, placing, blading, cutting, contouring, filling or excavation of earth (or any matter constituting the <i>land</i> including soil, clay, sand and rock); but excludes gardening, cultivation, cultivation and disturbance of <i>land</i> for the installation of fence posts.
Education facility (NPS)	For the Settlement Zone, means <i>land</i> or <i>buildings</i> used for teaching or training by child care services, schools, or tertiary education services, including any <i>ancillary activities</i> .
Height (NPS)	For the Settlement Zone, means the vertical distance between a specified reference point and the highest part of any feature, structure or building above that point.
Height in relation to boundary (NPS)	For the Settlement Zone, means the <i>height</i> of a <i>structure</i> , <i>building</i> or feature, relative to its distance from either the boundary of; <ul style="list-style-type: none"> a. a <i>site</i>; or b. another specified reference point.
Home business (NPS)	For the Settlement Zone, means a <i>commercial activity</i> that is: <ul style="list-style-type: none"> a. undertaken or operated by at least one resident of the <i>site</i>; and b. incidental to the use of the <i>site</i> for a <i>residential activity</i>.
Industrial Activity (NPS)	For the Settlement Zone, means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or goods. It includes any <i>ancillary activity</i> to the industrial activity.
Land (NPS)	has the same meaning as in section 2 of the RMA
Light industry	For the Settlement Zone, means an industrial activity with the exception that the following activities are not defined as Light Industry; <ul style="list-style-type: none"> • any activity that requires air discharge consent, • any activity that requires a trade waste permit, • depots (which cater for heavy vehicles over 3,500kg) or • activities that involve the maintenance or repair of vehicles or other engineering activities in outdoor areas.
L _{Aeq} (NPS)	For the Settlement Zone, it has the same meaning as 'time-average A-weighted sound pressure level' in New Zealand Standard 6801:2008 Acoustics -Measurement of Environmental Sound.
L _{AF(max)} (NPS)	For the Settlement Zone, it has the same meaning as the 'maximum A-frequency weighted, F-time weighted sound pressure level' in New Zealand Standard 6801:2008 Acoustics – Measurement Of Environmental Sound
Minor residential unit	For the Settlement Zone, means a self-contained <i>residential unit</i> that is ancillary to the principal <i>residential unit</i> , and is held in

(NPS)	common ownership with the principal <i>residential unit</i> on the same <i>site</i> .
Net site area (NPS)	For the Settlement Zone, means the total area of the <i>site</i> , but excludes: <ul style="list-style-type: none"> a. any part of the <i>site</i> that provides legal access to another <i>site</i>; b. any part of a rear <i>site</i> that provides legal access to that <i>site</i>; c. any part of the <i>site</i> subject to a designation that may be taken or acquired under the Public Works Act 1981.
Outdoor Living Space (NPS)	For the Settlement Zone, means an area of open space for the use of the occupants of the <i>residential unit</i> or units to which the space is allocated.
Residential Activity (NPS)	For the Settlement Zone, means the use of <i>land</i> and <i>building(s)</i> for people's living accommodation.
Residential Unit (NPS)	For the Settlement Zone, means a <i>building(s)</i> or part of a <i>building</i> that is used for a <i>residential activity</i> exclusively by one household, and must include sleeping, cooking, bathing and toilet facilities.
Site (NPS)	For the Settlement Zone, means: <ul style="list-style-type: none"> a. an area of <i>land</i> comprised in a single record of title under the Land Transfer Act 2017; or b. an area of <i>land</i> which comprises two or more adjoining legally defined <i>allotments</i> in such a way that the <i>allotments</i> cannot be dealt with separately without the prior consent of the council; or c. the <i>land</i> comprised in a single <i>allotment</i> or balance area on an approved survey plan of <i>subdivision</i> for which a separate record of title under the Land Transfer Act 2017 could be issued without further consent of the Council; or d. despite paragraphs (a) to (c), in the case of <i>land</i> subdivided under the Unit Titles Act 1972 or the Unit Titles Act 2010 or a cross lease system, is the whole of the land subject to the unit development or cross lease.
Specified reference point	For the Settlement Zone, means the finished ground level as identified and approved as part of an approved subdivision consent for which S.224(c) has been granted, <u>or</u> the natural ground level, immediately below the building or building component which is being measured

Reserve Annotations




- C.3.11) Delete annotations and descriptions of Council reserves on planning maps within the new Settlement Zone areas. Note: this does not affect designated sites.

7. APPENDIX C

**PLAN CHANGE 53
DECISIONS REPORT**




PLAN CHANGE MAPS

Matamata-Piako District Plan Legend




	SETTLEMENT ZONE		SHOP FRONTAGE
	BUSINESS PRECINCT		WATER CATCHMENT ZONE
	INDUSTRIAL PRECINCT		INSTABILITY AREA
	RESIDENTIAL PRECINCT		BUSINESS/RESIDENTIAL INTERFACE AREA
	INDUSTRIAL		TE AROHA HERITAGE CHARACTER AREA
	RESIDENTIAL		RESIDENTIAL INFILL AREA
	RURAL		FUTURE RESIDENTIAL POLICY AREA
	BUSINESS		PEAT SOIL
	RURAL RESIDENTIAL 1		FLOOD HAZARD
	RURAL RESIDENTIAL 2		WATER COURSE
	KAITIAKI (CONSERVATION)		DETENTION PONDS & SPILLWAYS
	OUTSTANDING OR SIGNIFICANT		CROWN LAND RESERVED FROM SALE
	NATURAL FEATURES AND OTHER PROTECTED ITEMS		RESERVE
	DESIGNATED SITE		FIRE LINE EDGE
	HERITAGE SITE		FIRE HAZARD BUFFER
	PROTECTED TREE		DISTRICT BOUNDARY
	WAAHI TAPU SITE		PARCEL BOUNDARY
	STRUCTURE PLAN		ROAD
	PRINCIPAL ROAD LANDSCAPING AREA		DESIGNATION
			NOISE EMISSION CONTROL BOUNDARY
			DEVELOPMENT CONCEPT PLAN AREA

Third Party Works and Utility Features



Waikato Regional Council

	FLOODGATE
	PUMP STATION
	EMBANKMENT

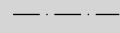


Powerco

	SITE
	SUB TRANS OVERHEAD LINE CORRIDOR
	SUB TRANS UNDERGROUND CABLE CORRIDOR

Transpower

	SITE
	TRANSMISSION LINE

Vector Gas

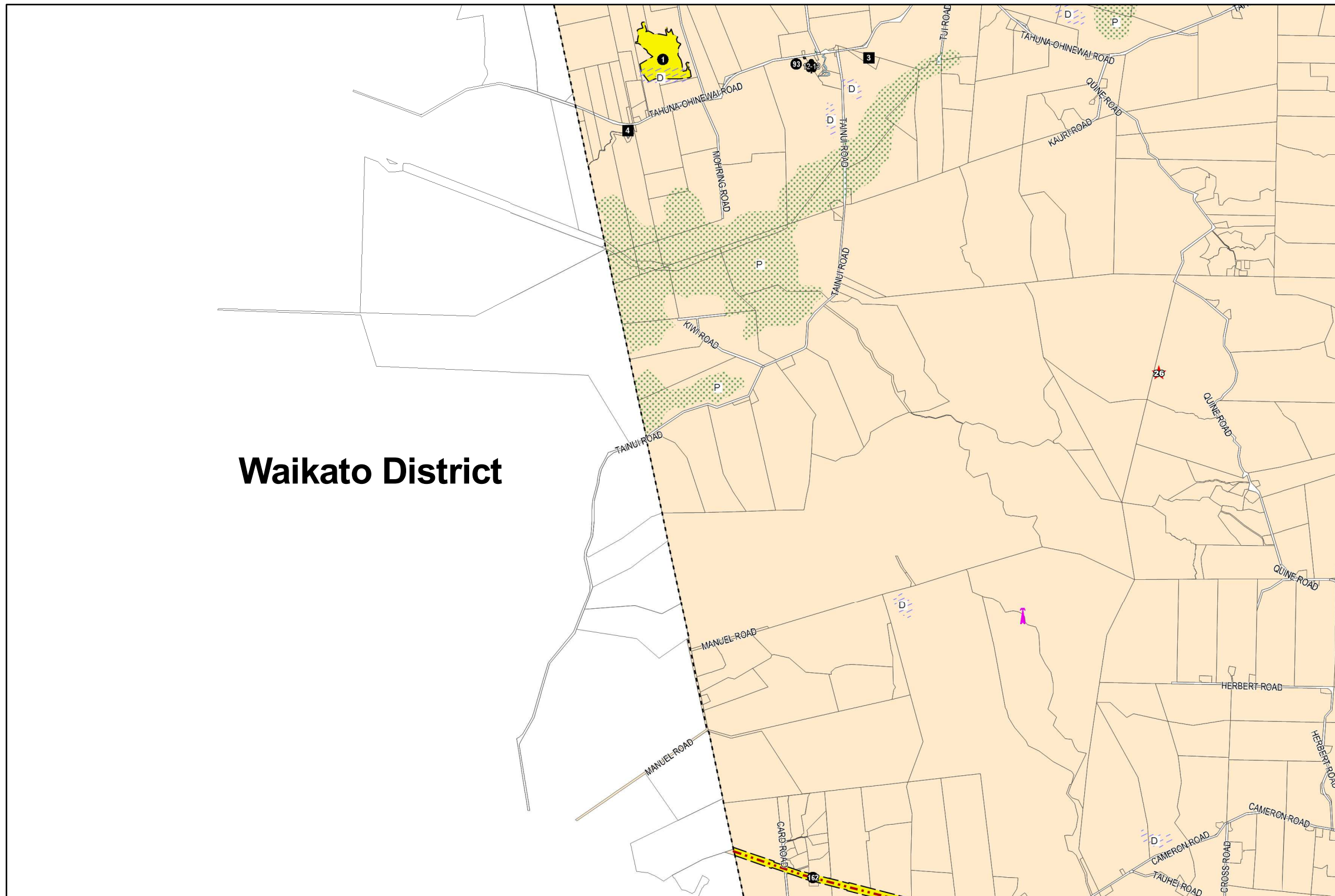
	GAS PIPELINE
	GAS STATION SITE
	GAS PIPE CORRIDOR

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MATAMATA-PIAKO DISTRICT PLAN LEGEND

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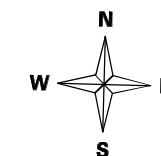


Waikato District

HANGAWERA HILLS

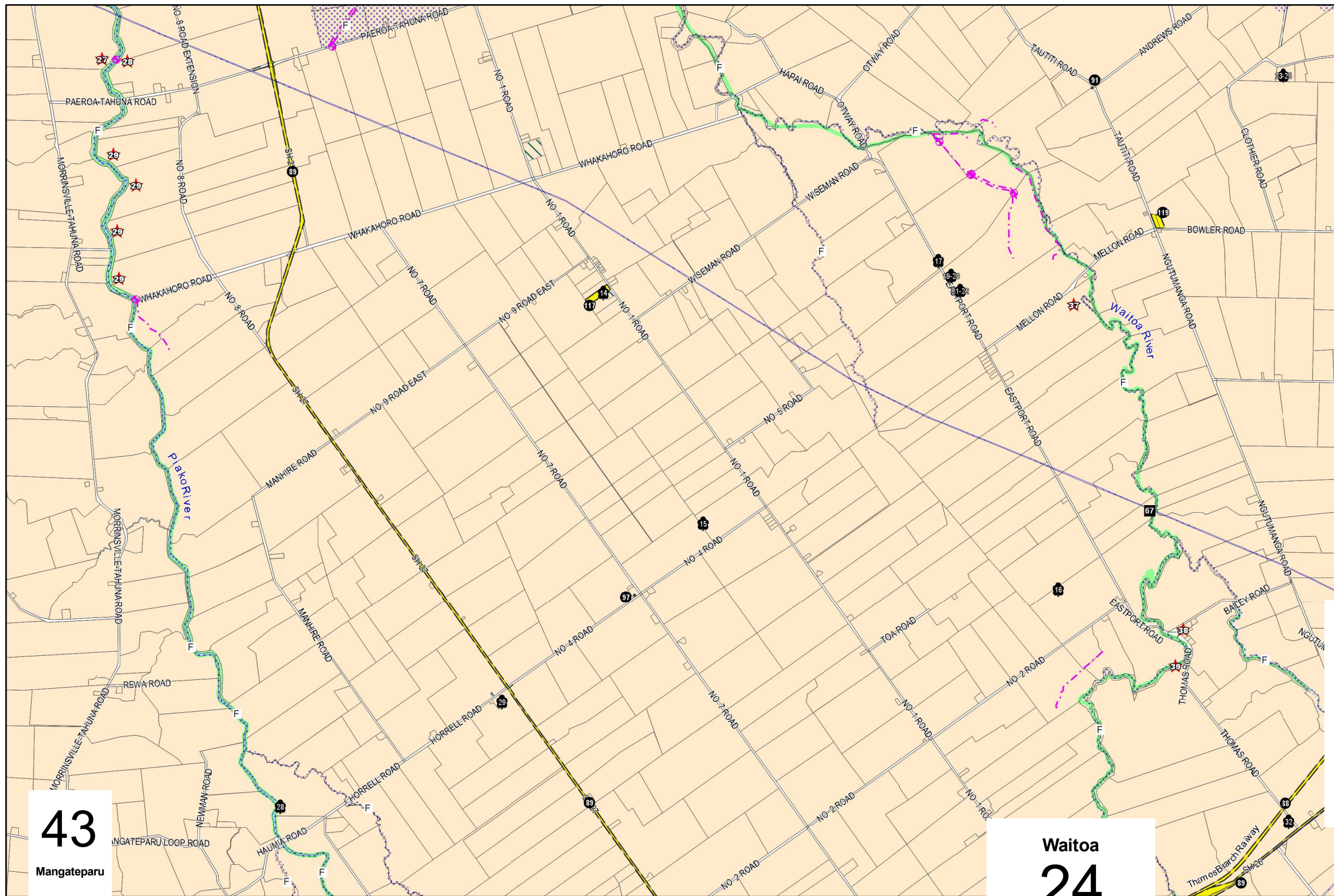
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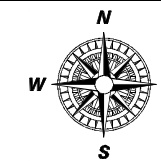




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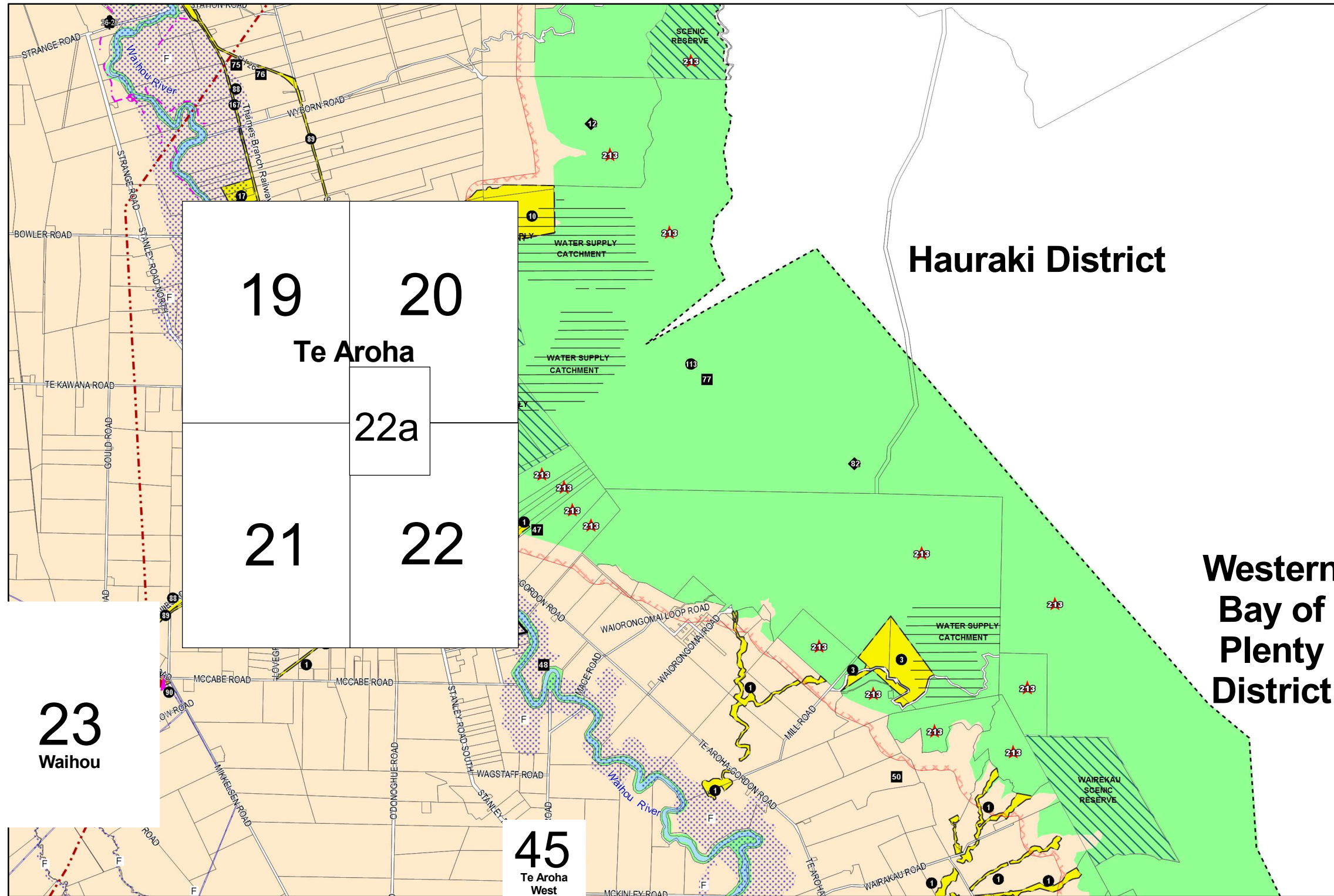
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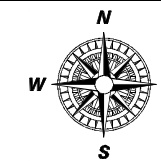




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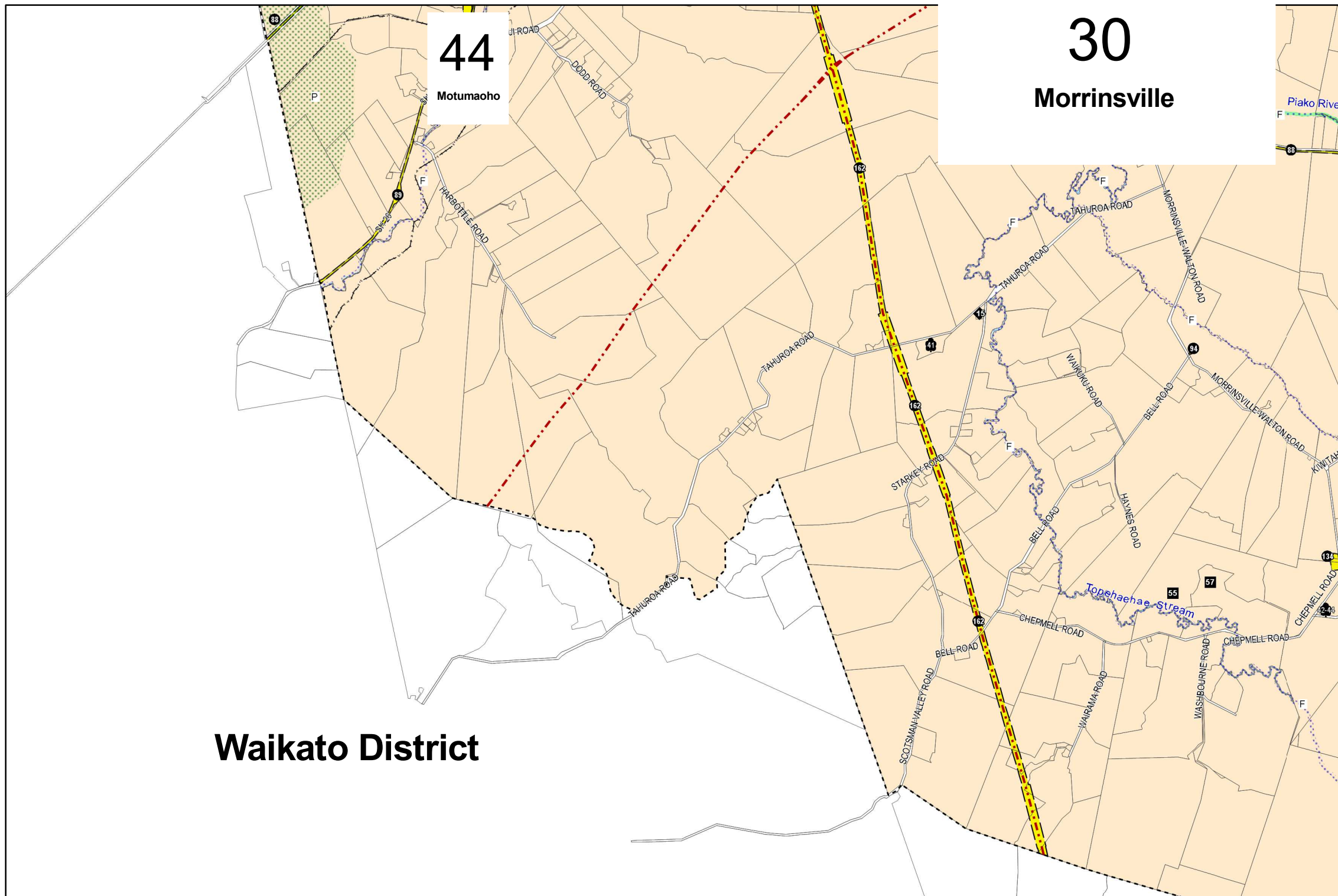
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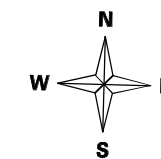




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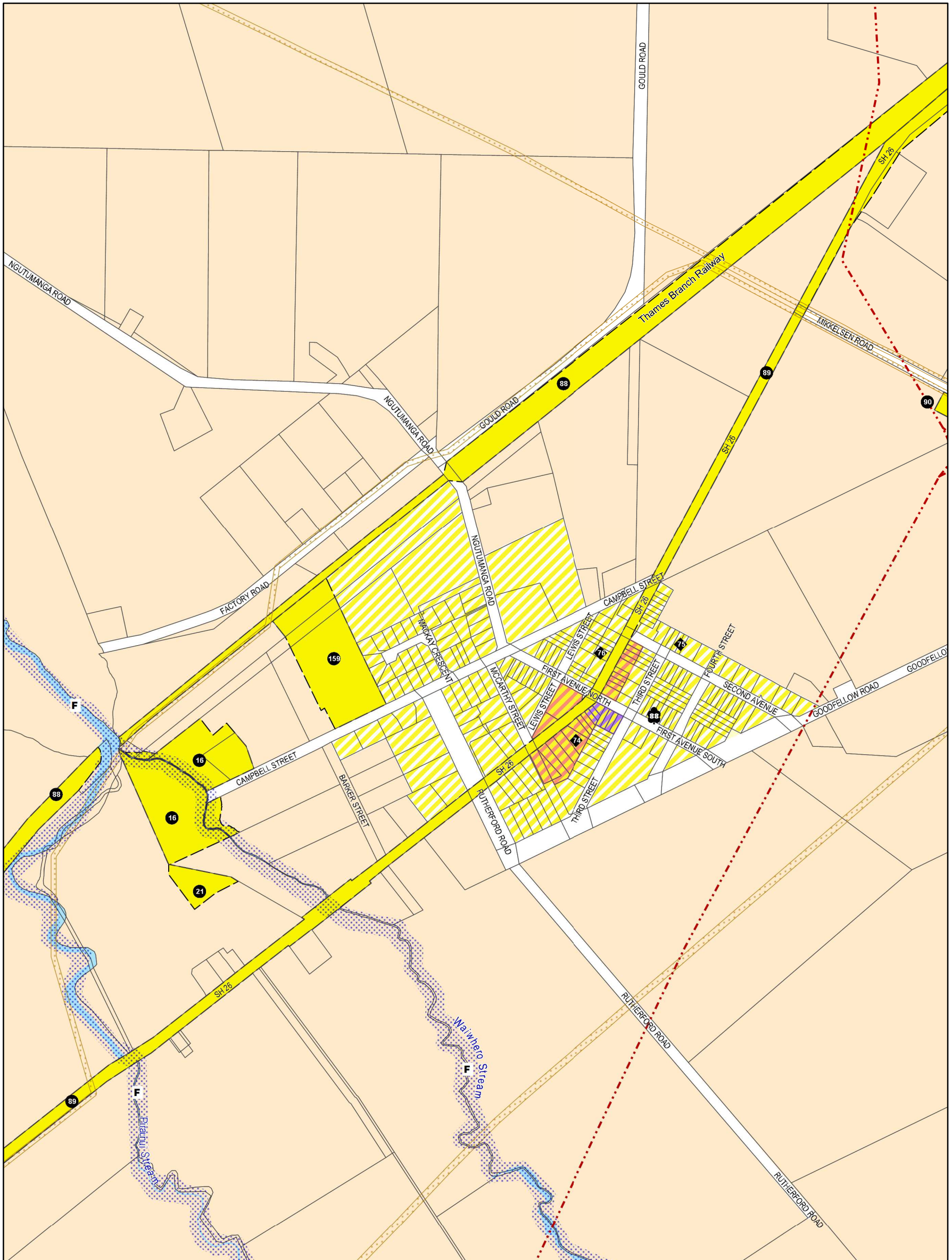
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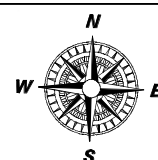




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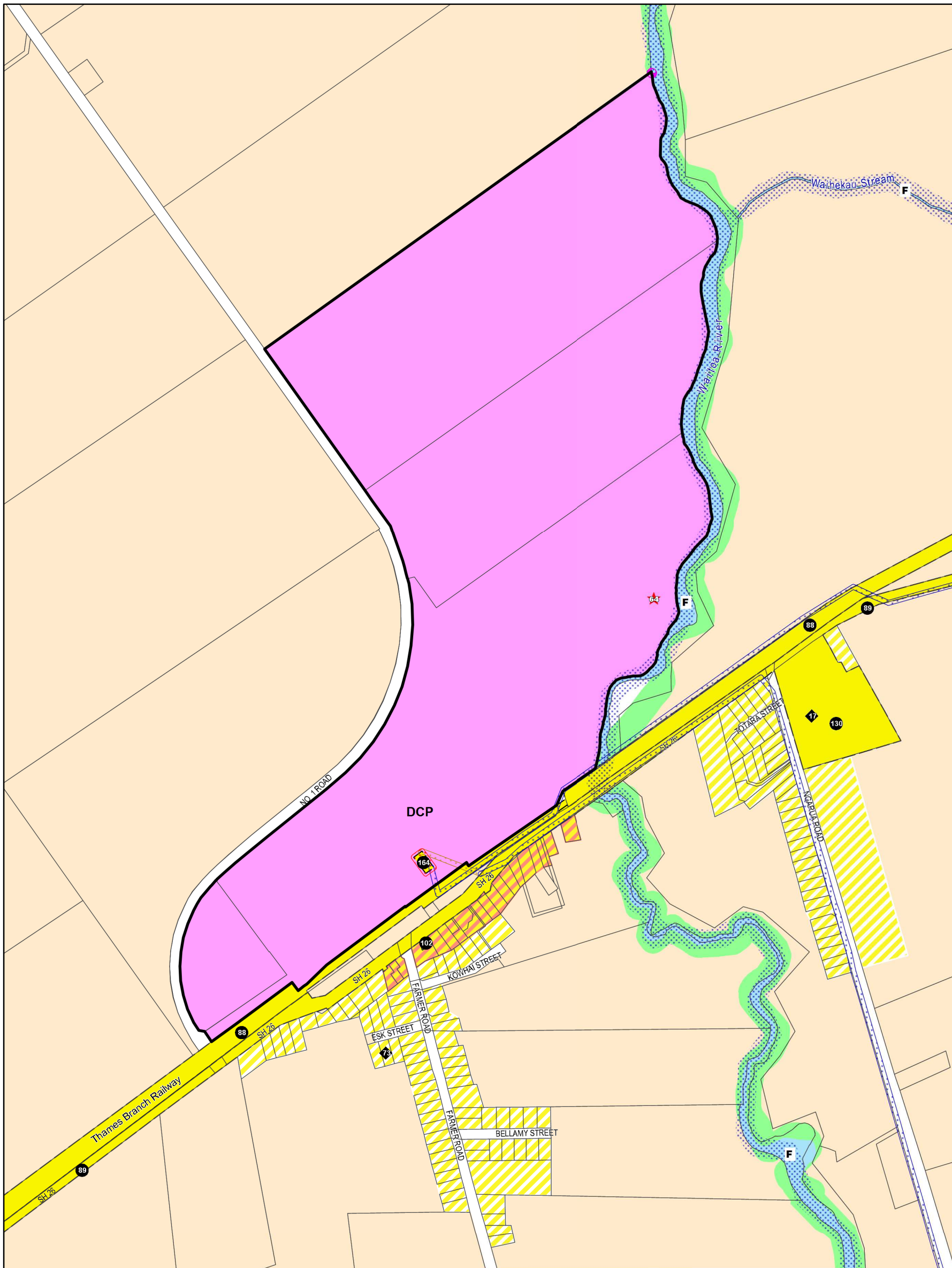
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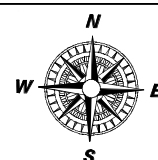




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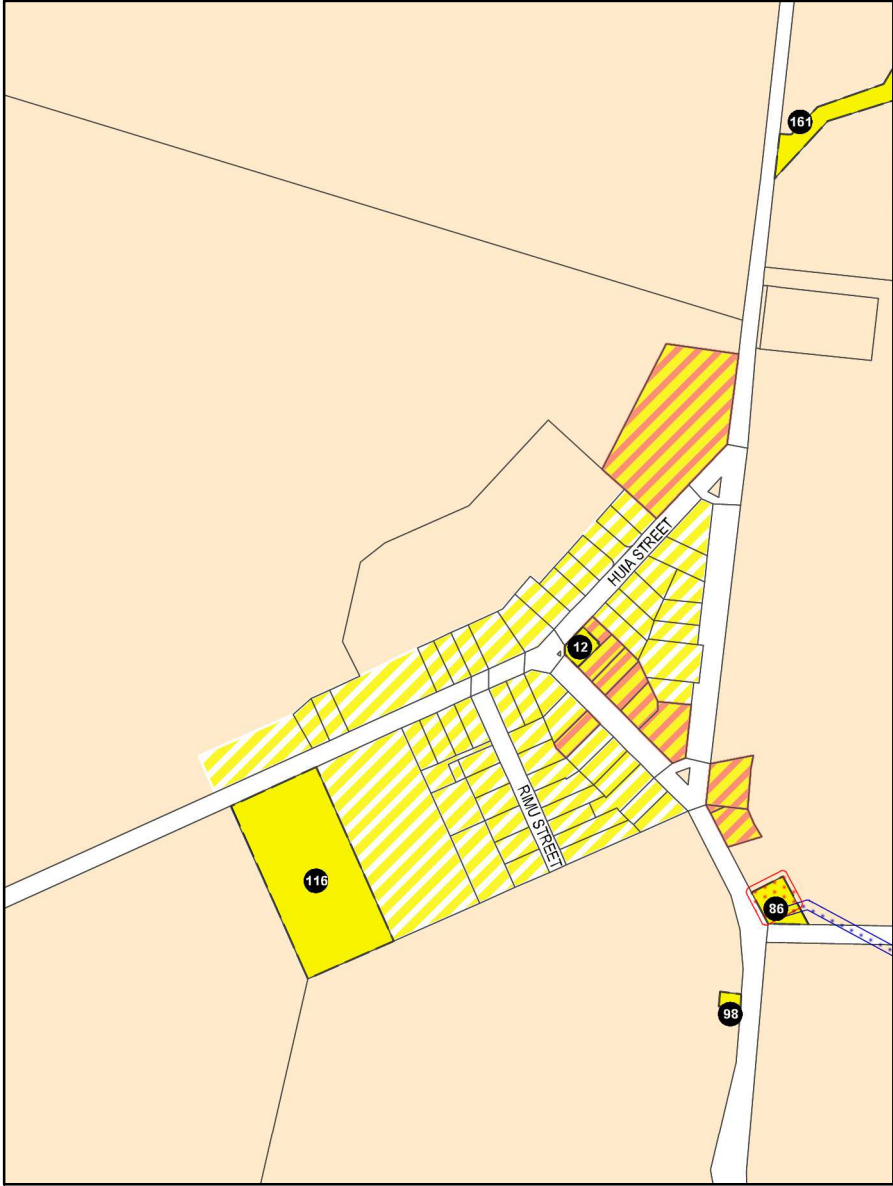
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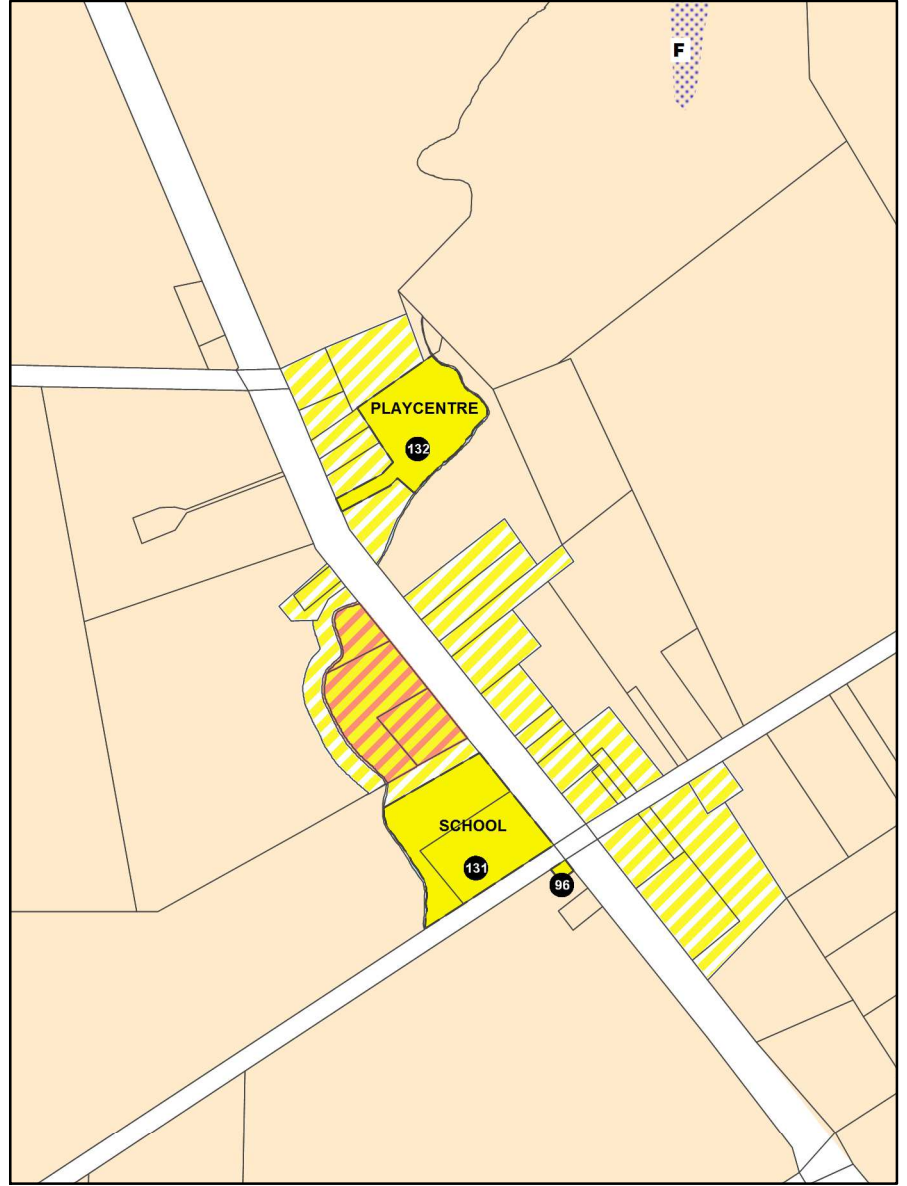


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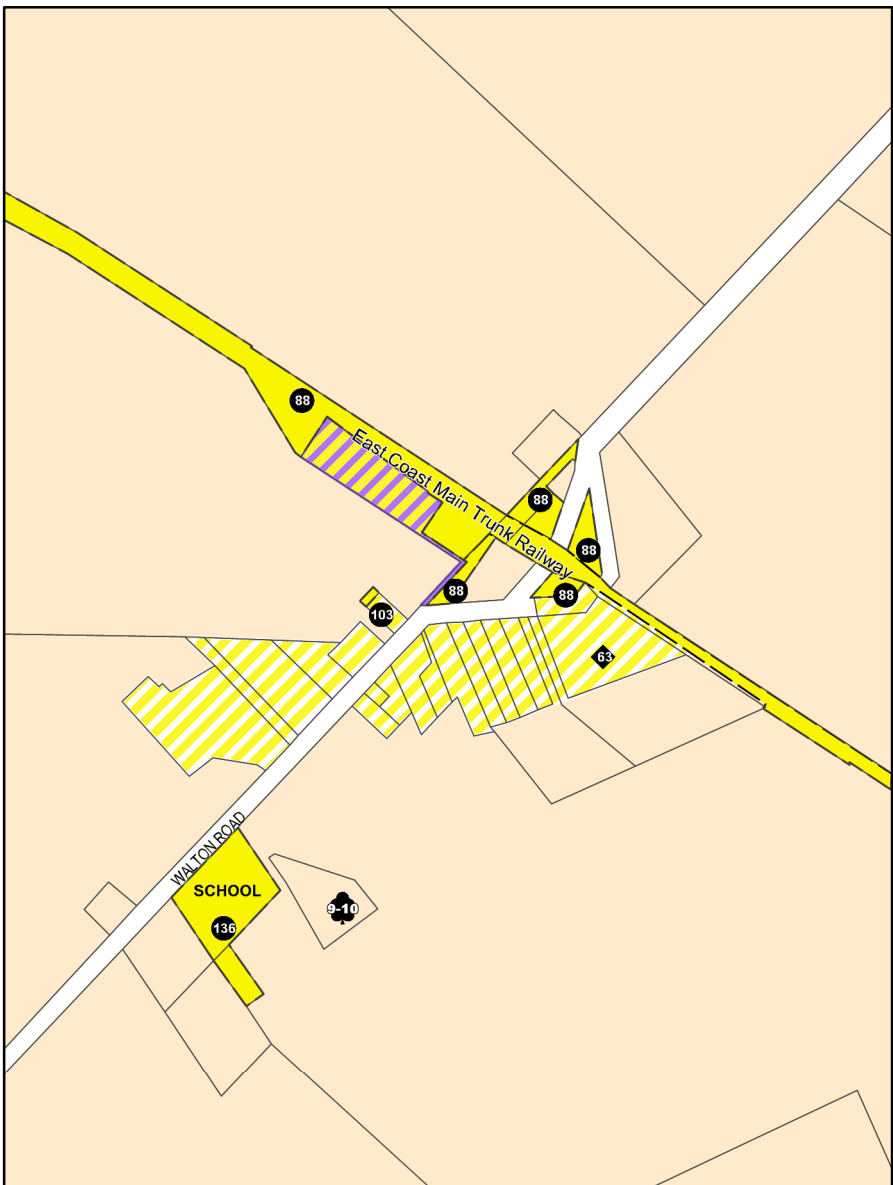




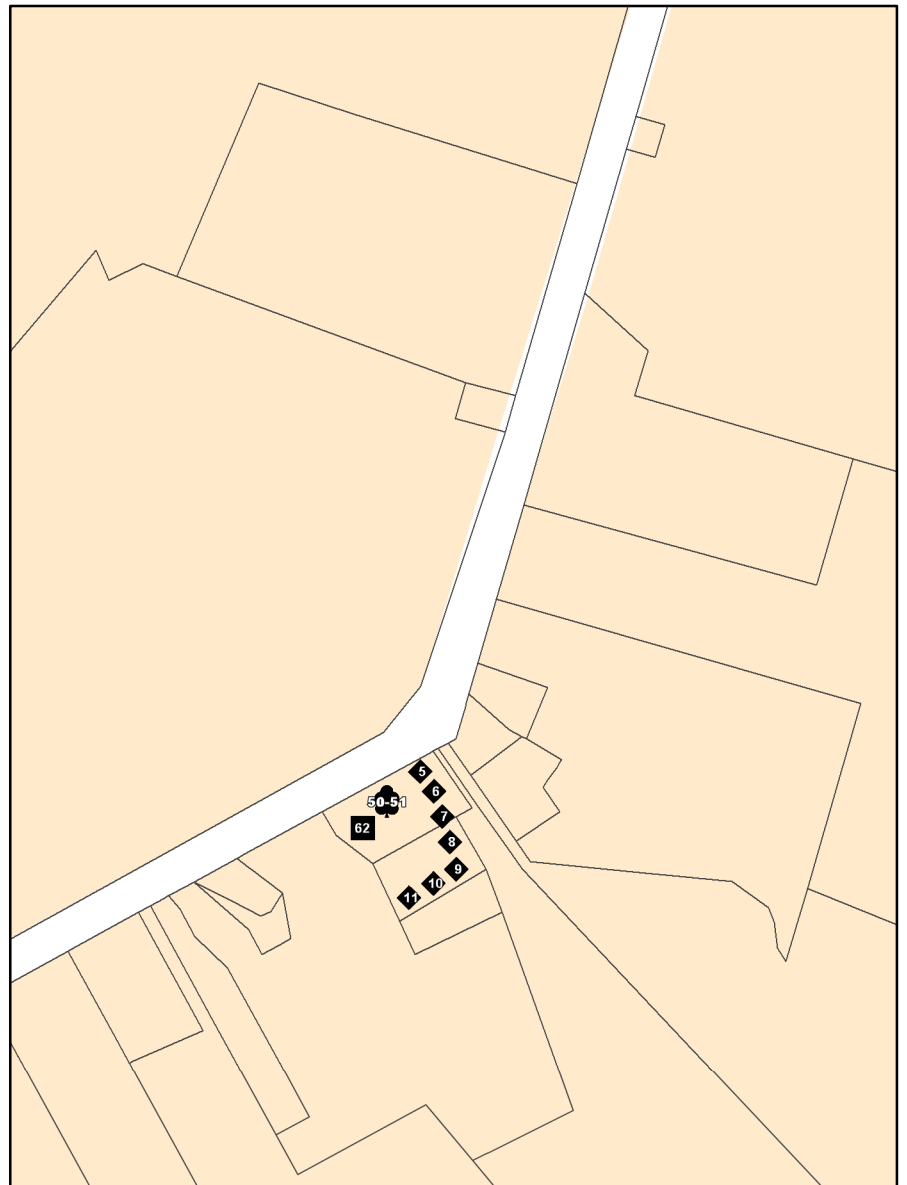
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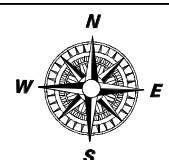
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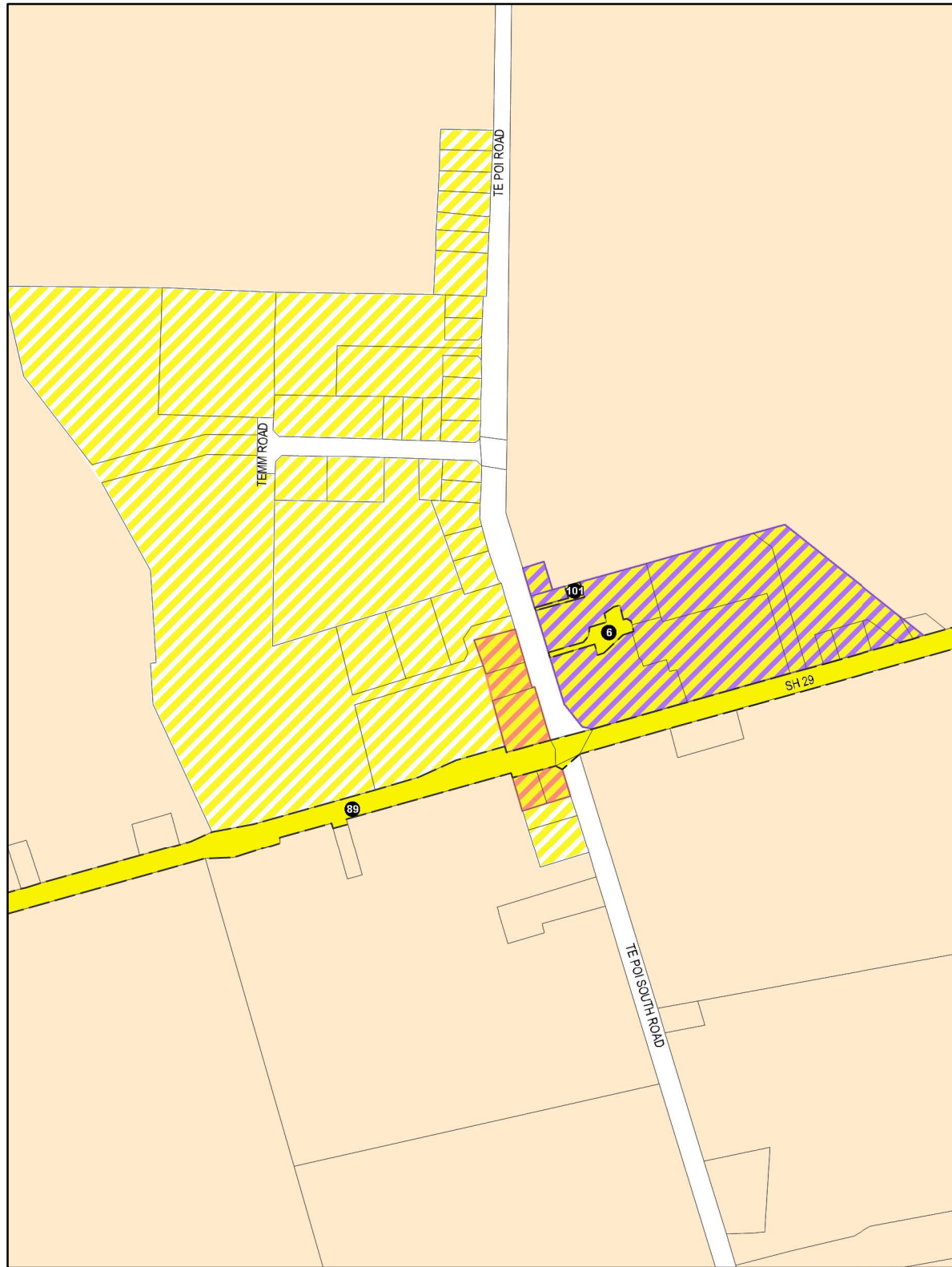
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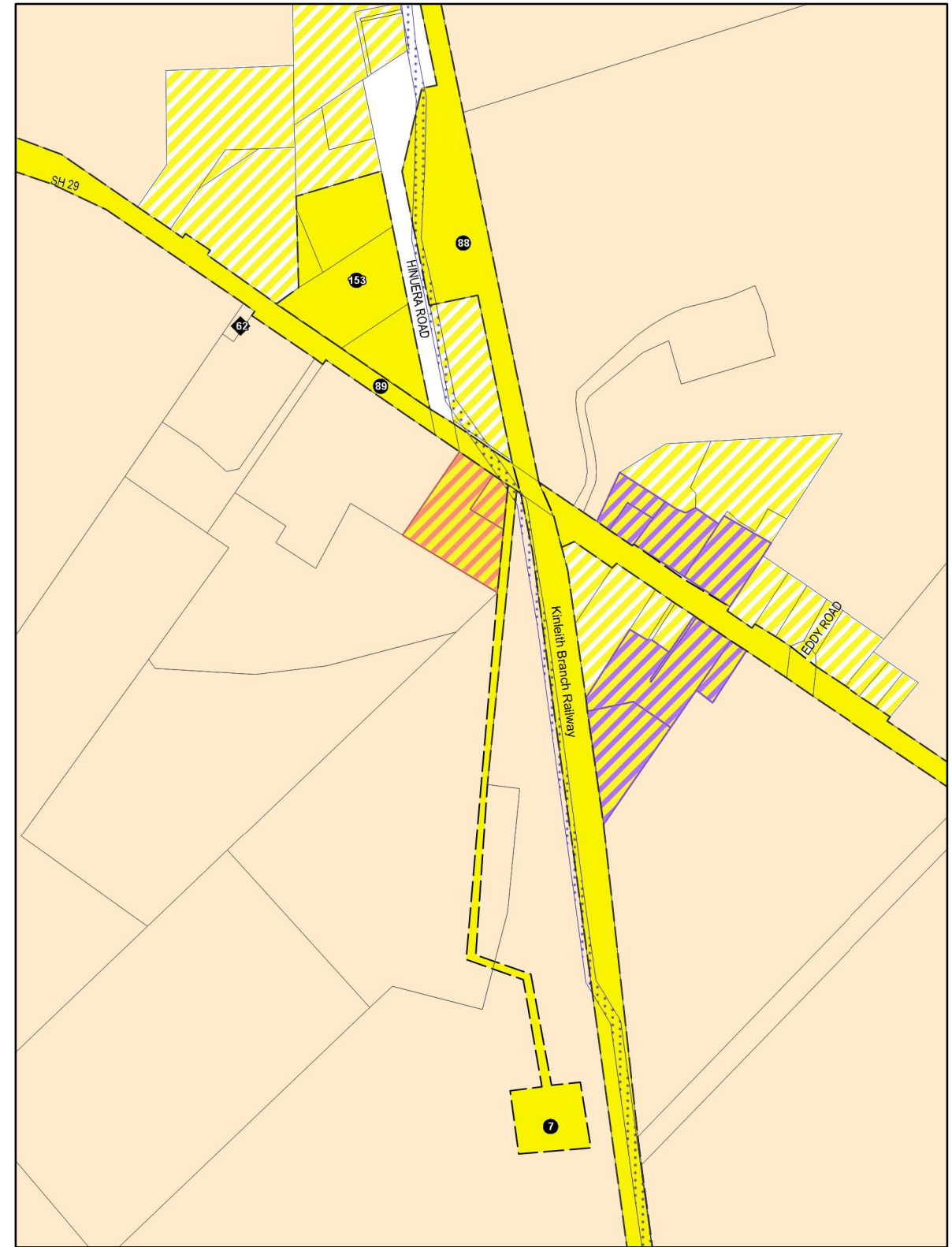


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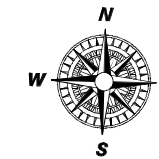
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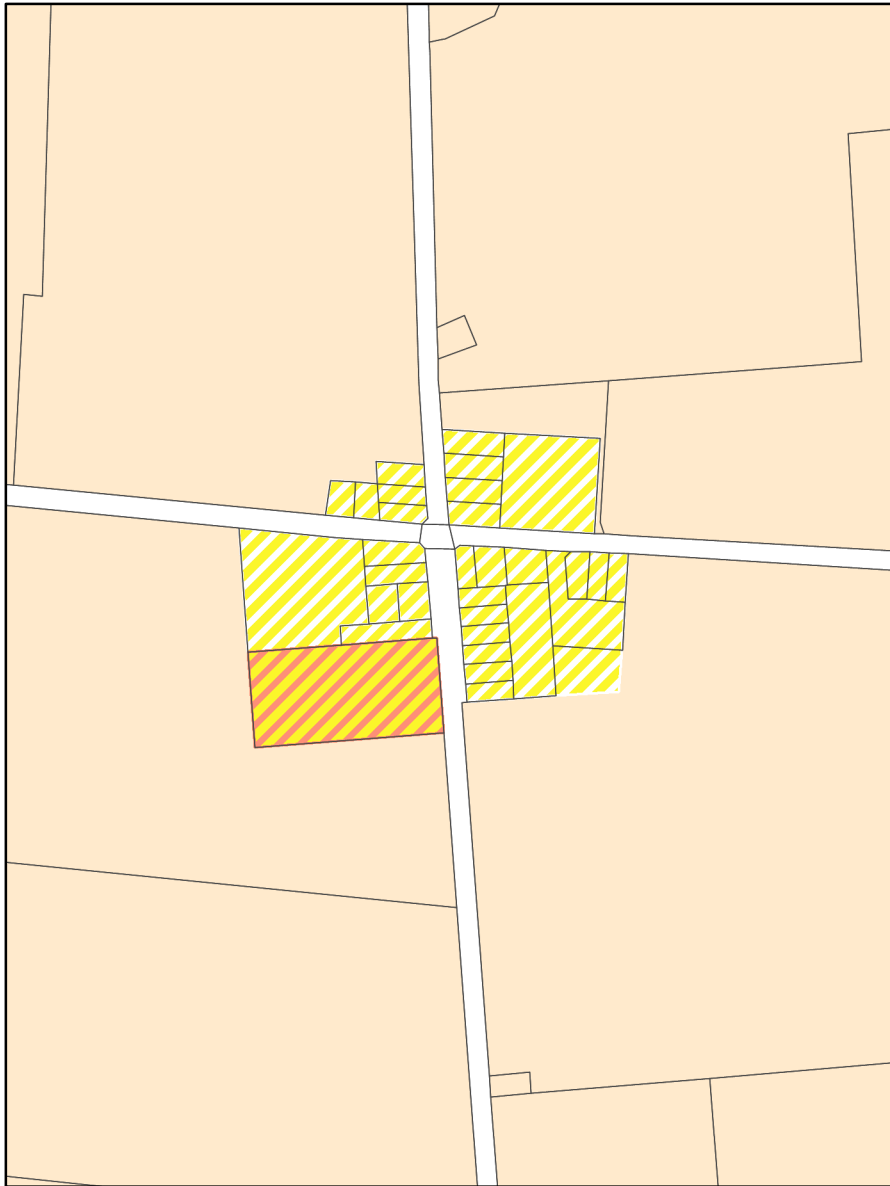
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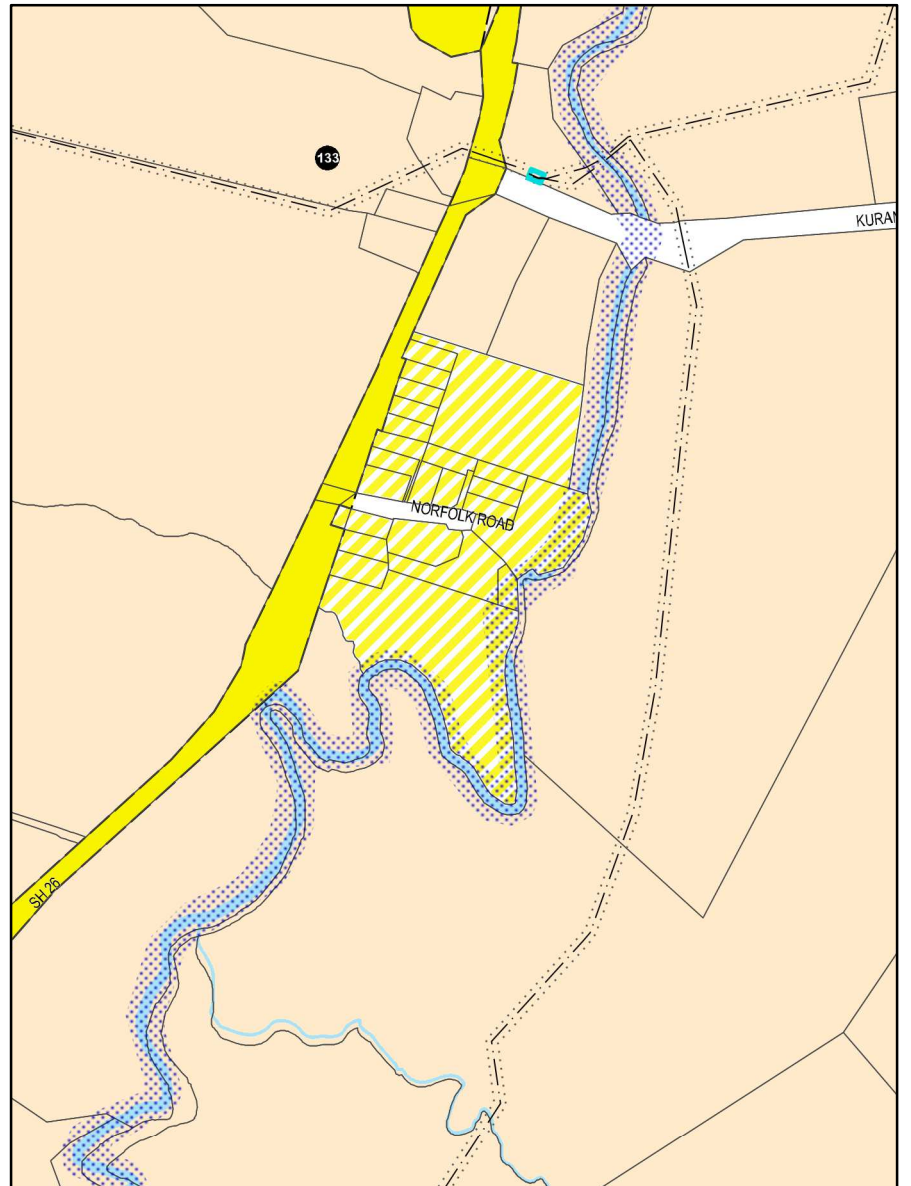


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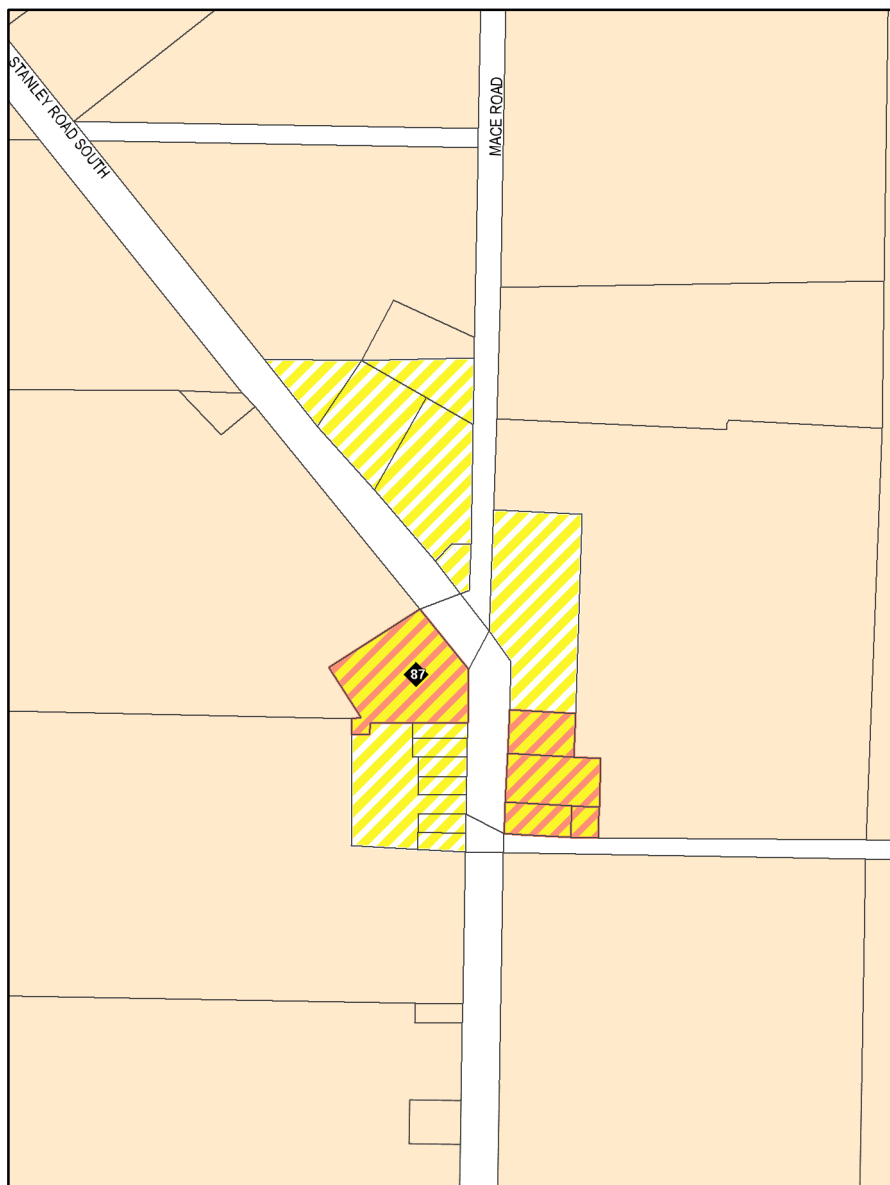




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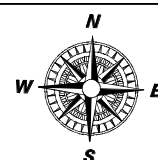
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Version 1 - Operative TBC



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