



# **Matamata-Piako District Plan Review**

## **Plan Change 47 – Plan Your Town**

### **Hearings Report**

#### **Planner's Report including Parts A & B Volume 1**

**June 2017**



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## **PART A     INTRODUCTION**

## **1.0 Background**

### **1.1 Overview of Plan Change**

1. This Plan Change covers a town-by-town review of the Residential, Rural-Residential, Industrial and Business Zones for Matamata, Morrinsville and Te Aroha. The Plan Change also responds to the new population projections and established land budgets to support future urbanisation and growth.
2. It also assesses the need for new plan mechanisms such as Future Residential Policy Areas, residential infill areas and a introduction of two rural-residential zones.
3. Along with a review of zoning and new policy areas, the existing objectives and policies within the District Plan have been reviewed to assess whether they are still appropriate in achieving the purpose and principles of the Resource Management Act 1991 (RMA). Overall there has been limited need to modify the existing objectives which indicates that the existing objectives largely capture and reflect the appropriate objectives for the sustainable management of our communities.
4. Some of the existing policies within the District Plan have been deleted or modified to reflect the changes proposed to the rule mechanisms.
5. This Plan Change reviews the relevant urban zoning provisions, in particular the development controls within Section 3 and Section 4 of the District Plan which relate to development within each of the zones. A major component of the Plan Change affects the subdivision provisions and a number of changes and modifications to the existing rule mechanisms have been proposed.
6. The proposed change in zoning at Horrell Road, Morrinsville and the associated notice of requirement, as well as the Kuranui Road rezoning proposal have been deferred and will be subject to a separate hearing process. This is to enable further work to be completed on the intersection upgrade requirements.
7. In some cases, the changes reflect a reformatting of the District Plan sections and in other cases existing rules have been deleted and new rules introduced in response the zoning and policy area changes. The amendments are largely intended to address some of the existing implementation issues and to provide some new opportunities for the type and nature of subdivision and development within our towns while maintaining the core environmental and planning outcomes which the District Plan seeks to achieve.

## **1.2 Town Strategies**

8. The Town Strategies reports were completed in 2013 and these strategies provided the planning framework for the review process. The Town Strategies process also enabled community engagement into the review and provided a description of urban growth opportunities and constraints, changes in the demographics of our population, land budgets, alternative options, and ultimately a strategy for each town.
9. The planning period for the Town Strategies covered 20 years from 2013 to 2033. The study found that overall there is a surplus of land zoned for urban uses in all three towns. In some instances, changes are required in the proportion of land set aside for residential, business, and industrial land uses. The strategies included separate provision for four types of residential development: low-density, medium-density, rural-residential, and lifestyle living. Changes in the placement of future development, compared to the existing zoning, were also proposed.
10. The conclusion reached was that in some cases the urban footprint could be rationalised to ensure the integrated and efficient development and infrastructure servicing of our towns into the future. The principle of providing an oversupply of land for future development was however considered important to ensure that land supply was not constrained by the planning framework.

## **1.3 Community Engagement and Consultation**

11. The Section 32 Report, which was prepared when the Plan Change was notified, contains a comprehensive account of the consultation process that was adopted for the review including the earlier consultation and engagement process through the Town Strategies process.
12. In summary, a wide level of consultation was adopted given the nature and scope of the Plan Change. The process and methodology for consultation included:
  - Advertising in local newspapers
  - Council website information
  - Letters to specific groups and communities
  - Community open days
  - Community/Specific topic meetings
  - Requests and assessments of submissions
  - Direct engagement with specific communities and interest groups
  - Consultation with statutory agencies such as the Waikato Regional Council and NZ Transport Agency
  - Online comments, receiving and responding to correspondence
  - Engagement with local surveyors and businesses.
13. The formal submissions and further submissions process also provides further opportunity for community and stakeholder input into the Plan Change process.

## **1.4 Submissions and further submissions**

14. The Plan Change was notified in November 2016 with the submission period closing on 16 December 2016. Sixty submissions were received to the Plan Change and eight submissions were received to the Horrell Road Notice of Requirement which was notified alongside the Plan Change. As discussed above, the submissions to Horrell Road and Kuranui Road will not be addressed as part of the current report and hearing.
15. The Summary of Submissions was notified in February 2017 with the period for receiving further submission closing on 1 March 2017. Eleven further submissions were received.
16. The submissions and further submissions have helped to inform the assessment of the Plan Change and this has led to a number of recommended changes to the notified version of the Plan Change.

## **2.0 Purpose of Hearings Report**

17. The purpose of this report is to provide recommendations on submissions and further submissions to the Plan Change. In particular the purpose is to:
  - Provide an overview of the plan change process and the statutory provisions and matters that Council must consider in making its decisions;
  - Review and comment on the submissions and further submissions received.
  - Provide a recommendation on whether the submissions and further submissions should be accepted, accepted in part or rejected.
  - Provide any amendments to the provisions of the District Plan as a result of the recommendations.
18. The recommendations contained in the report represent staff's assessment only, not the Council's position or decision. Before making its decisions, the Council will consider these recommendations, jointly with the submissions and evidence heard during the upcoming hearing. Ultimately the authority to decide on the submissions lies solely with the Council, and its decisions may or may not coincide with staff's recommendations.
19. This planning report relies on information and refers back to various parts of the Section 32 report prepared for the Plan Change. The Section 32 report outlines the assessment and options that have been considered in developing the Plan Change provisions.

## **3.0 Key matters for determination**

20. The Plan Change addresses a wide range of planning provisions for our towns. The key issues that have been raised in submissions include:

- The provision of residential land in Matamata and, in particular, whether the Tower Road or Banks Road areas should be made available for urbanisation,
  - The provision of Rural-Residential zones in Morrinsville,
  - Whether or not there is merit in the proposed Equine overlay areas and associated planning provisions,
21. There are many other site or issue specific topics raised in submissions including the location and extent of residential infill areas, shop frontage areas, and specific requests for changes to the proposed subdivision and land use rules.

## **4.0 Overview of Statutory Requirements**

22. 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.

### National Policy Statement on Urban Development Capacity (NPS-UDC)

23. At the time of notification, the Plan Change was not affected by changes to the RMA regarding the sufficient supply of land for residential and business land supply. This is despite these matters being at the heart of the Plan Change.
24. Changes have been made to the RMA functions to explicitly require councils to ensure that sufficient land supply is available and the new NPD-UDC came into effect on 1 December 2016.
25. The NPD-UDC is primarily focussed on those cities and districts which are facing significant growth pressures and where housing affordability has become a national issue. The Plan Change by evaluating land supply and population projections has in effect pre-empted the changes to the RMA and it is considered that the Plan Change is consistent with the new functions prescribed in Section 31 of the RMA and would satisfy the broader directions outlined in the NPS-UDC.



**PART B      ASSESSMENT AND  
RECOMMENDATIONS ON SUBMISSIONS  
AND FURTHER SUBMISSIONS**

# 1 General Matters

## 1.1 Population Projections

26. Population projections are a key source of information which have been used to inform and guide the development of the Plan Change. The Town Strategies process used earlier projections which were subsequently updated for the Section 32 report and the notified provisions of the Plan Change.
27. One submitter, Calcutta Farms Ltd (Sub: 48) has contested the population projections adopted by Council and has attached to their submission population projections prepared by the University of Waikato for the Waikato region. These were prepared in 2016 and include higher rates of growth than those adopted by Council and which were used for the Plan Change.
28. Council regularly commissions updates on its population projections to ensure that it can plan and fund infrastructure and growth within the district. Since the notification of the Plan Change, Council has received a further update of the projections<sup>1</sup>. The following table is sourced from the Section 32 report and has been amended to include the projections from the University of Waikato and Council's 2017 update. This table also includes reference to population projections commissioned earlier by the Waikato Regional Council.

TABLE 1. COMPARISON POPULATION PROJECTIONS				
Source Projections	District Population			
	2013	2028	2043	2063
Waikato Regional Council Projections	32,910	36,087	38,314	38,978
Matamata-Piako 2014 Projections	32,910	35,351	37,012	
University of Waikato 2016 Projections	32,910	Low 34,683 Med 36,087 High 37,557	Low 35,376 Med 38,314 High 41,511	Low 33,942 Med 38,978 High 44,771
Matamata-Piako 2017 Projections	32,910	Low 34,080 Med 36,540 High 39,040	Low 31,710 Med 37,000 High 42,540	

29. At its meeting on 26 April 2017, Council resolved to adopt the medium growth projections (highlighted grey) for its annual planning process and infrastructure funding models.

<sup>1</sup> Rationale Report – Matamata-Piako District Projections for Resident Population, Dwellings, and Rating Units to 2048 - April 2017

30. As part of the Town Strategies review and the preparation of the Plan Change, an assessment was also undertaken of the population projections across each of our towns.

<b>TABLE 2. COMPARISON POPULATION PROJECTIONS</b>						
	<b>Matamata</b>		<b>Morrinsville</b>		<b>Te Aroha</b>	
	<b>Projection</b>	<b>Growth Rate</b>	<b>Projection</b>	<b>Growth Rate</b>	<b>Projection</b>	<b>Growth Rate</b>
<b>Matamata-Piako 2014 Projections (to year 2045)</b>	9,211	0.7%	8,744	0.5%	4,671	0.4%
<b>Matamata-Piako 2017 Projections (to year 2048)</b>	8,790	0.5%	8,750	0.5%	4,340	0.2%

31. Table 2 shows that the projections now adopted by Council for Matamata and Te Aroha are lower than those considered at the time of the Plan Change being notified.
32. It is evident from the various projections and the underlying assumptions that underpin each set of projections that there will always be variations in the projections and that these will change over time. It is not possible to determine whether one projection is superior to another and subtle variations in the growth assumptions can have a material influence on the compounding year on year projections. There is also a significant variation in the low, medium and high projections from the respective reports.
33. Common ground does exist in the projection reports with respect to the impacts of aging populations and how this has a negative effect on natural population increase. It is also evidence that the projections show a higher rate of increase over the shorter term with the projected level of growth diminishing towards the end of the projection period. The low growth scenarios also show some population decline.
34. As Council has considered and adopted the 2017 Rationale medium growth scenario, it would be reasonable to also adopt these projections for the District Plan review process. This does not prevent the opportunity for submitters to present their own data and opinions on the population projections and ultimately any Council decision on the Plan Change must satisfy the statutory RMA tests on the cost, benefits and the assessment of alternatives in justifying any new zones and/or rule provisions.

## **1.2 Land Budgets and Rezoning**

35. Through the Town Strategies process, the District Plan's urban zoning and spatial structure were reviewed in terms of the future needs of the community and servicing provisions.
36. Based on the likely population growth, a "land budget", comparing the supply and demand of zoned land, was prepared for each of the towns. The land budget calculated the current supply of vacant zoned land for the various land uses, the likely growth in demand for zoned land over time, and the resulting need (or otherwise) for more zoned land.
37. Through the review of zoning and land supply, the Plan Change promoted a number of changes to the location and supply of Residential, Rural-Residential and Business land. Given the specific environmental and servicing requirements for industry, the changes promoted for industrial land supply were more limited.
38. Through the submission process, a number of landowners have sought changes in their zoning to provide more intensive or urbanised land use.

## 2 Plan Provisions

### 2.1 Policies

39. Waikato Regional Council (Sub: 51.4) supports the proposed Policy (3.3.2.1 P6) in relation to the provision of Future Residential Policy Areas. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

**Submission Recommendations Table**

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 51.3		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part

### 2.2 Subdivision – Performance Standards and Rules

40. The Plan Change proposes a number of changes to the subdivision section of the District Plan. To a large extent, these are necessary to reformat the subdivision sections to align with the 'rolling review' of the District Plan. As such, while a substantive number of changes are proposed to the formatting and structure of the subdivision provisions, these do not all equate to a change in the content of the plan provisions.
41. In summary, the changes included in the Plan Change are:
- Reformatting of the Activity Status table and the assessment criteria sections,
  - Revision of the 'net site' rules and minimum lot size to align with land use provisions,
  - Linkage rules to new rule sections for Residential Infill subdivision,
  - Refinement of rule mechanisms for Structure Plans and linkage rules,
  - Revision of urban design criteria assessments, and
  - Deletion of rule provisions for Precinct F Structure Plan and replacement provisions for new Eldonwood South Structure Plan.
42. A number of submitters have requested additional zoning and these submissions are addressed in the following sections of the report. There were relatively few submissions on the subdivision sections, however a number of specific points have been made on specific plan rules.

43. A Holroyd (Sub: 39) has made submission in relation to rezoning and to the subdivision rules. He supports the infill provisions, however, the submission states that there is a pinch point in the sewer reticulation between Vosper St and Hohaia Crescent in Matamata that should be addressed. In addition, the submitter contends that Council should provide a schedule of infrastructure items for each serviced area to assist with the understanding of implementation of the Development Contributions. Details of maintenance requirements are also sought.
44. The District Plan process is closely tied to the planning and funding of infrastructure however the Plan Change process is not the correct process to address any matters with the existing standard of reticulation or the Development Contributions policy. These matters will need to be addressed in submissions to Council's Long Term Plan.
45. Kiwirail (Sub: 40) supports all the changes to the subdivision provisions and seeks that Council retains the changes as notified. This submission is supported with the exception of some minor changes to the net site rules for infill subdivision. As such, the submission is accepted in part.
46. Harris and Holroyd (Sub:43) make a number of submission points on the subdivision provisions. These are discussed below with an assessment and commentary on the submission points:
- 325m<sup>2</sup> net site area for infill development should be replaced with provision for assessment of yield based on an average yield of 325m<sup>2</sup> for the whole site area (Rule 4.13.4(i)),  
*Commentary:* This amendment is supported and the plan rules were drafted with the intention that the density or yield potential would be based on the whole site area.
  - Provision should be made for a reduction in lot size down to 250m<sup>2</sup> in the Business Zone in or outside the shop frontage area (6.1.2(d)),  
*Commentary:* The District Plan does not specify any minimum lot size for subdivision in the Business Zone where the property is located within the shop frontage area. The minimum lot size of 500m<sup>2</sup> is considered appropriate for subdivision outside the shop frontage area as these sites will need to provide onsite car parking.
  - Support changes to General Performance Standards (Rule 6.2.1)  
*Commentary:* Submission supported and notified changes are to be retained.
  - Seek clarification around onsite stormwater requirements for rural and rural-residential areas (Rule 6.2.3 & 6.5.6),  
*Commentary:* As most subdivision in the rural areas does rely on onsite soakage, it is considered that the wording of the rules is appropriate. If more appropriate wording can be suggested, then this will be considered.

- More flexibility in the building shape factor (10x15m) and outdoor living circle (6m) in Rule 6.2.4,  
*Commentary:* It is accepted that the current standard is quite rigid and does not provide flexibility. It is therefore proposed to amend the rule to require a minimum area of 150m<sup>2</sup> which shall accommodate a rectangle with any dimension not less than 10m. With regard to the outdoor living circle, it is proposed to retain the current 6m circle as the change to the shape factor will provide appropriate flexibility for the design of new lots.
  - Seek some modification to the boundary adjustment rule and activity status to make the rule more practical (Rule 6.3.6).  
*Commentary:* The rural boundary adjustment rules were assessed as part of an earlier plan change. In terms of the Residential standards, subdivision down to the minimum (new proposed standard) of 450m<sup>2</sup> net site area can be undertaken as a Controlled Activity. As such, there is little need for the boundary adjustment rule in the Residential Zone.
  - Supports amendments to only require urban design assessment on larger scale subdivision (Rule 6.5.3).  
*Commentary:* Submission supported and notified changes are to be retained.
47. Waikato Regional Council (Sub: 51) submits that the proposed changes to reduce the residential lots size (Rule 6.1.2(b) are supported; however, amendments are sought to the rule provisions to ensure that any stormwater effects from more intensive landuse can be managed. The Plan Change proposed to amend the existing minimum lot size of 500m<sup>2</sup> to a minimum net lot size of 450m<sup>2</sup>. This will provide some flexibility of lot size, however it will not materially affect how many existing residential sites can be subdivided or increase the potential yield within the residential areas. All subdivision will also need to comply with the performance standards for stormwater reticulation and servicing and as such it is considered that the Plan Change provisions are appropriate and do not require further amendment. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission, subject to the amendments proposed by Fonterra in their original submission.
48. Powerco (Sub: 52) submitted in support of the subdivision provisions for network utilities, however amendments are sought to:
- Include an advice note regarding the NZ Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003 within the subdivision provisions,
  - Establish reverse sensitivity criteria for all subdivision, and not just for rural and rural-residential subdivision.
  - Include new provision for integration of infrastructure with growth and subdivision.

49. The District Plan already refers to the standards in the land use sections. The submission point to include additional reference to the standard in Section 6 is supported however some of the advice note text is considered unnecessary and therefore a refined version of the advice note is recommended to be adopted.
50. In terms of residential subdivision in a Residential Zone, it is not clear how reverse sensitivity issues would arise as a general planning matter. Existing infrastructure assets will be protected by existing use rights, or by way of resource consent, and the location, scale and intensity of any such facilities will need to be consistent with the residential character and amenity values of those neighbourhoods in which they are located. At this stage, the submission to include reverse sensitivity criteria in the Residential Zone is not supported and the submitter may wish to expand on their submission at the hearing.
51. As a general performance standard for all subdivision, the provisions of Section 5.9 (Infrastructure and Servicing) apply and it is considered that this provides appropriate assessment criteria for servicing and no further criteria are considered necessary in Section 6.
52. The NZ Fire Service Commission (Sub: 54) submit that the plan provisions should include performance standards for firefighting water supply in accordance with NZS 4509:2008. This includes new lots in both reticulated and non-reticulated areas.
53. The matters raised in the submission are valid and the submission is therefore generally supported. However, it is considered that the appropriate changes to the rule provisions are in Section 5.9 of the District Plan. The following changes are therefore recommended:

**Insert** Rule 5.9.1(vi) in relation to firefighting water supply.

(vi) *Firefighting Water Supply*

*Where a connection to a reticulated water supply is not possible, adequate provision shall be made for firefighting water supply and access to the supply in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.*

**Insert** Rule 5.9.2(vi) in relation to firefighting water supply.

(vi) *Firefighting Water Supply*

*Failure to comply with Rule 5.9.1(vi) shall be considered a Restricted Discretionary Activity. Council has restricted its discretion to the matters outlined in Section 5.9.3(vi). If consent is granted Council may impose conditions to avoid, remedy or mitigate adverse effects relating to these matters.*

**Insert** Rule 5.9.3(vi) in relation to firefighting water supply.

(vi) *Firefighting Water Supply*

*The need to provide adequate supply for firefighting purpose and access to the supply.*



54. In relation to the policy change request, it is considered that Policy 3.4.3.1 P1 adequately covers infrastructure requirements and no specific policy on firefighting is necessary.

#### **Submission Recommendations Table**

<b>Submission Ref</b>	<b>Further Sub. Ref</b>	<b>Submitter/Further Submitter</b>	<b>Recommendation</b>
Sub: 39.4-6		A Holroyd	Accept in part
Sub: 40		Kiwirail	Accept in part
Sub: 43.3, 5-7,11-12		Harris and Holroyd	Accept in part
Sub: 51.4		Waikato Regional Council	Accept in part
	FS: 10	Fonterra	Accept in part
Sub: 52.1		Powerco	Accept in part
Sub: 54		NZFSC	Accept in part

## **2.3 Land Use - Performance Standards and Rules**

### **Residential and Rural-Residential Yards**

55. Harris and Holroyd (Sub: 43.2) support the proposed amendments to the yard setbacks which seek to provide greater flexibility and more appropriate setback standards. They also seek additional performance standards for permitted activity provision for situations where the adjoining neighbours have given written approval, and internal yards on subdivision.
56. It is considered that removing the need for resource consent for side and rear boundaries when the adjoining neighbour has given written approval is appropriate and will avoid unnecessary costs. This change will also be consistent with the Resource Legislation Amendment Act 2017 (RLAA). While it would be possible to adopt some changes into the District Plan to give effect to the submission, these would effectively be superseded once the RLAA comes into effect on 18 October 2017. A statutory process will then be applied to these types of exemptions which will then be adopted by all councils across New Zealand. As such, while the submission is supported, no changes are proposed to the District Plan and it is acknowledged that these changes will come into effect with the RLAA.
57. With respect to existing buildings which may encroach a side or rear yard requirement resulting from a subdivision consent, these will also be made a Permitted Activity by the RLAA and as above, no changes are proposed to the District Plan as the statutory provision will take precedence from 18 October 2017.

### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 43.2		Harris and Holroyd	Accept in part.

### Tahuna/Waiti Performance Standards

58. R Kett (Sub: 57) submits that the zoning and boundary requirements for small settlements should follow the residential provisions and standards and not the Rural Zone standards.
59. This submission has merit and Council does intend to review the planning provisions for all its small settlements as a separate plan change process. This may require a new zone mechanism to recognise that some of these settlements do have a residential nature however they also in some cases are not serviced and will not have a fully urbanised character.
60. It is therefore considered that the submission will need to be rejected as part of this process but that these matters will be addressed through a separate plan change.

### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 57		R Kett	Reject

### Rule 5.9 Future Residential Policy Areas.

61. Waikato Regional Council (Sub: 51.4) supports the intent of the proposed Rule 5.9 however they consider that it may need some clarity. No suggestions on how this clarification may be provided are suggested. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.
62. The rule as notified seeks to ensure that any new activities proposed on a site which is subject to a Future Residential Policy Area do not compromise the opportunity for future roading links. It is difficult to prescribe a rule in this instance with more specificity given the nature of the policy overlay and that the rule needs to apply to all land use activities. There is some minor editing of the rule which would be beneficial and this is shown as follows:

#### *Rule 5.9 Future Residential Policy Areas*

*Any activity ~~shall not be located~~ within a Future Residential Policy Area, ~~shall not be established or located in such a manner that~~ in a location which may interfere with or compromise the alignment of ~~any~~ and roading linkage to adjacent Residential Zoned land ~~and/ or an identified~~ road corridor.*

63. Council is open to alternative wording if the proposed wording can be improved.

#### **Submission Recommendations Table**

<b>Submission Ref</b>	<b>Further Sub. Ref</b>	<b>Submitter/Further Submitter</b>	<b>Recommendation</b>
Sub: 51.3		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part

#### **Heritage Provisions and Network Utilities**

64. Powerco (Sub: 52.4) submit that Section 10 of the District Plan (Natural Environment and Heritage) should be amended to include a permitted activity rule for the operation, maintenance, replacement and minor upgrading of existing network utilities.
65. Heritage NZ (FS: 14) has made a further submission requesting further assessment and information on the scope of the changes such that there can be an informed assessment of the proposed changes. Heritage NZ note that the protection of heritage is a matter of national importance.
66. The only changes which have been proposed to Section 10 as part of the current Plan Change relate to the Te Aroha Character area and the deletion of a generic rule (10.1) which was not implementable. It appears that the Powerco submission is seeking a new Permitted Activity status for all network utilities within any scheduled area and this raises a question of scope.
67. Section 8 of the District Plan also sets out provisions for upgrading and maintenance of network utilities and therefore it is considered that no additional provisions are required in Section 10.

#### **Submission Recommendations Table**

<b>Submission Ref</b>	<b>Further Sub. Ref</b>	<b>Submitter/Further Submitter</b>	<b>Recommendation</b>
Sub: 52.4		Powerco	Reject
	FS: 14	Heritage NZ	Accept

#### **Performance standards for multi house hold units and infill development**

68. Harris and Holroyd (Sub: 43) oppose the Plan Change proposal to delete the specific requirements for multi household units (Rule 3.1.4(ii)).
69. The Plan Change proposes this deletion as new provisions are proposed for infill housing. The existing rule is designed to apply to developments such as retirement or lifestyle villages which would generally be subject to a comprehensive urban design layout and unit typology plan and be considered as a Discretionary activity.

70. On balance, it is considered appropriate to retain the rule with a minor amendment to explicitly apply the rule to retirement/lifestyle village proposals rather than infill development which is subject to new rule provisions. Amendments to the existing rule are proposed as follows:

(ii) *For accommodation facilities, each independent residential unit shall ~~Alternatively each multi-household unit may~~ provide a living court or balcony with a minimum area of 15m<sup>2</sup> for each unit which can accommodate a 6m diameter circle to the north, east or west of the unit and which is assessed directly from the main living areas. In addition, a communal area shall be provided which shall:*

71. Harris and Holroyd (Sub: 43.4) submit that the performance standard for yard setbacks (Rule 4.13.4(iii)g) on internal boundaries for infill development should be clarified.

72. It is considered that the rule standard could be clarified as follows:

g) *No yard or height relative to boundary~~ies~~ rules shall apply to new internal boundaries established as part of any concurrent subdivision application*

#### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 43		Harris and Holroyd	Accept in part
Sub: 43.4		Harris and Holroyd	Accept

#### Site Coverage Definition

73. Z Energy (Sub: 53.2) submits in support of the new definition of 'Site Coverage' which includes clarification that below ground structures are excluded.

#### Submission Recommendations Table

Sub mission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 53.2		Z Energy	Accept

## 2.4 Rural-Residential - Subdivision, Performance Standards and Rules

74. J Bowen (Sub: 04) considers that the subdivision rules do not support appropriate forms of subdivision around the main towns and that the Plan Change does not adequately respond to issues associated with the housing shortage. The Waikato Regional Council, NZTA and Fonterra raise concerns with the request to provide more flexibility with the subdivisions standards.

75. Council has previously reviewed the subdivision provisions for rural areas and the current Plan Change has adopted a new regime for rural-residential subdivision including some new areas for subdivision. There is no obvious data available to indicate that there is a housing shortage in the Matamata-Piako District and the Plan Change will achieve an oversupply of zoning. It is therefore considered that the new subdivision provisions are appropriate and that they will serve the objectives for achieving appropriate subdivision around our urban areas.
76. Harris and Holroyd (Sub: 53.10 & 11) consider that the new proposal for subdivision of 5,000m<sup>2</sup> should be applied through the Rural-Residential Zone unless there are specific development restrictions.
77. It is considered that a variety of lifestyle and rural-residential areas should be provided and that having a dedicated set of standards for the Rural-Residential 1 and 2 areas will enable current and future owners to choose the type of area they would like to purchase and live.

#### **Submission Recommendations Table**

<b>Submission Ref</b>	<b>Further Sub. Ref</b>	<b>Submitter/Further Submitter</b>	<b>Recommendation</b>
Sub: 04		J Bowen	Reject
	FS: 04	Waikato Regional Council	Accept
	FS: 09	NZTA	Accept
	FS: 10	Fonterra	Accept in part
Sub: 43.10 & 11		Harris and Holroyd	Reject

## **2.5 Business/Industrial Performance Standards and Rules**

### **Landscape Provisions**

78. The Plan Change reviewed the rules for landscaping in Industrial and Business Zones which currently require landscaping on all sites. The Plan Change proposes to remove this general requirement and only require landscaping along 'principal' roads and it also proposes to refine the type of development that will trigger the landscaping requirements.
79. Progressive Enterprises Ltd (Sub: 17) supports the changes.
80. Z Energy (Sub: 53) supports the proposed changes to the landscape provisions.
81. Lowe Corporation Ltd (Sub: 56) submit in support of removing the landscaping provisions from all industrial sites and oppose their property on Waihou Road from

being included in a Principal road landscaping area and, consequently, still being subject to landscaping requirements for site redevelopment.

82. The Plan Change proposes a reduced standard for landscaping and new threshold of development (50m<sup>2</sup>) before any landscaping is required. It is considered that this is a balanced response between not imposing unnecessary constraints on industrial operators, but also maintaining some amenity for the main roads coming into our towns. The submission is supported in part in terms of the support for removing the landscaping requirement from all industrial sites.
83. Harris and Holroyd (Sub: 43.13) oppose the landscaping requirement on Broadway without further clarification of the rule.
84. The new landscaping provisions reduce the extent of the business and industrial areas and the require landscaping and the site landscaping standard has also been reduced. As such, it is considered that the new provisions are appropriate and will reduce any unnecessary compliance costs.

#### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 17		Progressive Enterprises Ltd	Accept
Sub:43.13		Harris and Holroyd	Reject
Sub: 53.1		Z Energy	Accept
Sub: 56.5&6		Lowe Corporation	Accept in part.

#### Shop Frontage Areas

85. The Plan Change reviewed the extent and provisions for Shop Frontage Areas (SFA's). Business properties within the SFA are required to provide a pedestrian verandah as these areas are viewed as being part of the inner town pedestrian area. The District Plan also does not require onsite car parking for sites which are in the SFA.
86. Progressive Enterprises Ltd (Sub: 17.1-3) has submitted on parts of the SFA in each of our towns.
  - Matamata: Progressives submit that the SFA should be removed from both sides of Arawa Street, north of Rewa Street.  
*Commentary:* It is considered that the submission has merit. There is unlikely to be much pedestrian movement north of Rewa Street. The existing building fabric and presence of car parks along this area of Arawa Street is also considered to make any verandah requirement impractical to implement.

- **Morrinsville:** The submission contends that the SFA along Studholme Street, north of Thames Street should be removed.  
*Commentary:* Studholme Street is linked directly to the Thames Street which is a pedestrian Street. However, the recent redevelopment of the Westpac Bank, which did not include a verandah, on the corner of Studholme and Thames Streets, and the presence of private and public carparking along Studholme Street reduces the opportunity to achieve a continuous verandah link. As such the submissions point is supported.
- **Te Aroha:** Progressive Enterprises submit that the SFA should be removed from Whitaker Street east of Boundary Road.  
*Commentary:* By and large, the building frontages along this section of Whitaker Street have verandahs with the exception being the carpark for the Countdown supermarket. It is considered that the SFA should remain along this section.

87. Z Energy (Sub: 53.03) supports the provisions for SFA's, specifically the exemption provided to service stations from the need to provide a verandah.

#### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 17.1		Progressive Enterprises Ltd	Accept
Sub: 17.2		Progressive Enterprises Ltd	Accept
Sub: 17.3		Progressive Enterprises Ltd	Reject
Sub: 53.3		Z Energy	Accept

#### Accommodation Facilities

88. Harris and Holroyd (Sub:43.1) submit that accommodation facilities should be provided for as Controlled Activities in the Business Zone.
89. It is considered that the assessment of accommodation facilities would be dependent on scale and location of a particular proposal and therefore a broader assessment of effects may be required in some cases. In addition, the Plan Change has not specifically assessed the make-up of activities within the Business Zone and therefore there may be some issues with the submission being within the scope of changes covered by the Plan Change.

#### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 43.1		Harris and Holroyd	Reject

## **2.6 Equine Overlay**

90. The Plan Change promoted an equine overlay around both the Matamata and the Te Aroha racecourses. The proposed equine overlay provides for limited subdivision opportunities for new equestrian sites which can demonstrate a direct and ongoing association to the equine industry and the respective racecourses.
91. The initial concept for additional subdivision mechanism to support the equine industry were first considered with the rural subdivision review back in 2012/2013. The concept was to support new equine activities which in turn may help to support the local racing clubs and training facilities/industry.
92. Council staff have consulted with landowners and industry representatives in developing the rule provisions and the response was tentative.
93. With respect to the formal submissions process, there are no submissions in full support, either from affected landowners or from the horse racing/training sector.

### **Matamata Equine Overlay**

94. Weatherley Bloodstock and Johnson (Sub: 16) consider that there is insufficient justification for the proposed Equine overlay. This submission is supported by a further submission from Inghams (FS: 03).
95. Two submitters, W O'Hearn (Sub: 21) and V O'Hearn (Sub: 22) accept the 'call for equine rezoning' but seek that the area is also available for residential development. Submissions in opposition to the Equine overlay raise concerns with reverse sensitivity (Inghams), whether there is any justification for the rule provisions and that some of the area would be more suitable for Residential zoning.
96. NZTA (Sub: 37) submit that the equine area should not be progressed until further assessment is provided on potential traffic effects on the state highway network. This submission is supported by a further submission from Inghams (FS: 03).

### **Te Aroha Equine Overlay**

97. Lowe Corporation (Sub: 56) question the need for any additional rule provisions for equine activities and are concerned about potential reverse sensitivity issues. The Waikato Regional Council (Sub: 51) submits that any development within the proposed equine area will need to manage potential flood hazard risk.
98. Silver Fern Farms (Sub: 36) oppose the proposed equine area in Te Aroha on the basis of reverse sensitivity issues and concern over how the rules will be implemented.



99. It is noted that Council staff have also raised concerns with how the subdivision rules would be administered. It is very difficult to tie any subdivision to create a new land title to a future land use. Land use, owners and the viability of any equine venture may well change over time and therefore any proposal used to justify a new lot at consent stage may not exist in the future.
100. Waikato Regional Council (Sub: 51.3) supports in part the equine area subject to appropriate mitigation of natural hazard risk. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission
101. It appears that there is a lack of any real community, landowner or industry sector support, and given the objections raised to the proposed overlay and the potential issues with the administration of the rules, serious doubts exist over the merits of the equine provisions. Council has promoted the equine overlay in good faith however without any tangible support and a clearly identifiable community or environmental benefit, there is little merit in retaining the proposal. It is therefore considered that the equine provisions should no longer be pursued.

#### **Submission Recommendations Table**

<b>Submission Ref</b>	<b>Further Sub. Ref</b>	<b>Submitter/Further Submitter</b>	<b>Recommendation</b>
Sub: 12.2-7		Inghams Enterprises Ltd	Accept in part
Sub: 16		Weatherly Bloodstock and R and S Johnson	Accept in part
Sub: 21		W O'Hearn	Reject
Sub: 22		V O'Hearn	Reject
Sub: 36		Silver Fern Farms	Accept
Sub: 37.1		NZ Transport Agency	Accept in part
	FS: 03	Inghams Enterprises Ltd	Accept in part
Sub: 51.3		Waikato Regional Council	Accept in part
	FS: 10	Fonterra	Accept in part
Sub: 56.1-4		Lowe Corporation	Accept

## **2.7 Residential Infill and Policy Areas**

102. The Residential Zone currently requires a minimum lot size of 500m<sup>2</sup> for a new residential lot. Additional rules provided for smaller lots with a minimum lot size of 350m<sup>2</sup> in areas within 200m of existing Business Zones.

103. The District Plan review process has reviewed the location and rule provisions for subdivision and introduced new Residential Infill spatial areas for each of our towns. The Residential Infill areas are largely based around the town centres and cover much of the earlier areas which were identified around the Business Zones. Plan Change 47 also introduced new rule provisions to enable a minimum density of 325m<sup>2</sup> and special rules to ensure that the scale and type of infill development would be compatible with the surrounding residential areas. In addition, the proposal rules would allow consideration of smaller sections outside the identified areas as a Discretionary Activity and where neighbour approval would likely be required before consent could be granted.
104. Through the consultation process there were some concerns about the density and type of development which could be enabled by the new infill provisions. Careful attention has therefore been given to the rules for any development using the infill provisions.
105. J Maitland-Smith (Sub: 10) has identified an implementation issue with the infill provisions and the qualifying area for density. As notified the plan rule required a net site area of 325m<sup>2</sup> for each dwelling. The intention of the infill provisions was to enable the opportunity for three dwellings to be developed on a ¼ acre (1012m<sup>2</sup>) section. The submitter seeks to change to the rule mechanism such that the density is based on the gross section area. This submission is supported.
106. KiwiRail (Sub: 40) has made submission on the various infill areas shown across our three towns and note that in some cases these are adjacent to existing railway corridors. KiwiRail is accepting of the new infill provisions based on the performance standards and mitigation measures included within the District Plan regarding noise, vibration and setbacks.
107. The Ministry of Education (Sub: 49) has made a submission raising potential issues with the infill areas and reverse sensitivity around schools, potential traffic effects and pedestrian linkages and that Council should consult with the Ministry about new growth areas and the provision of education facilities.
108. New residential growth that supports our community and our schools is a positive outcome and it is difficult to understand the Ministry's concern with reverse sensitivity. Any road specific measures in terms of speed calming or reduced speed limits would need to be assessed on a case by case basis and would be assessed and agreed with Council as the road controlling authority, not through the District Plan.
109. Council would consult with the Ministry if the population projections indicated significant increases that may require new schools however this is not the case with the projections adopted by Council.

110. Overall, the intent of the Ministry's submission is supported, however no specific relief or changes to the Plan Change are proposed. The same points are made in relation to the proposed Future Residential Policy Areas.
111. A and J Gray (Sub: 50) submit that the infill areas are not of any benefit for current or future generations. Instead they contend that further opportunity should be available for small house site subdivision in the rural areas. The submission is opposed in further submissions by S and M Dalrymple (FS: 02), Waikato Regional Council (FS: 04), NZTA (FS: 09) and in part by Fonterra (FS: 10).
112. The infill provisions are an 'enabling' provisions and do not set a mandatory size for all new lots and a number of urban design controls are applied to proposed new lots. The provision for small lots in the rural areas is not part of the scope of this Plan Change; however, this matter was addressed in an earlier Plan Change and provisions do exist for small rural lots to be created.
113. Waikato Regional Council (Sub: 51.1) supports the new infill provisions and the intention to enable more compact forms of residential settlement. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.
114. Some submitters have sought changes to the spatial area identified for infill subdivision and these submissions are discussed as below:

#### **Infill Areas in Matamata**

115. S Wooler and M Dalrymple (Sub: 23) generally support the residential infill area along Smith Street; however, the submitter seeks additional flexibility in terms of the assessment criteria and activity status for infill development for sites adjoining Pohlen Park. The submitter seeks a Controlled Activity for infill, a reduction in the density requirement to 300m<sup>2</sup> gross site area or less, and removal of the recreational space and parking rule mechanisms.
116. While any infill development in the area may well take advantage of the Pohlen Park outdoor area and open space, it is not considered appropriate to introduce specific rule provisions specifically for this area. If such an approach was adopted, then many other areas would also need to be considered in terms of location or site specific rules. It is considered that any such local conditions are more appropriately considered through an individual resource consent process. With respect to carparking, it is considered unlikely that residents will not be car dependent and therefore no change to the car parking requirements is proposed. It is proposed to amend the notified rule mechanism such that the density is calculated on 325m<sup>2</sup> gross site area and not 325m<sup>2</sup> net site area. This part of the submission is therefore supported in part although not down to a density of 300m<sup>2</sup> which is sought by the submitter.

## **Infill Areas in Morrinsville**

117. T Richardson (Sub: 8) has submitted that the residential infill area should be pulled back from the industrial area around Page Street and McPherson Drive. It is also submitted that more infill areas could be considered along Coronation Road. Although there is no industrial activities on the land at the end of Page Street, the land is zoned for industrial activities and it is appropriate to manage potential reverse sensitivity issues.
118. Infill development adjacent to Industrial zones could potential expose more residents to off-site effects although the obligations in the first instance would be on any industrial operator to manage effects within their own boundary. On balance it is considered appropriate to remove the infill area from the end of McPherson Drive and west towards the end of Page Street. The proposed infill area extends along part of Coronation Road and it is considered that this is an appropriate area and distance from the town centre.
119. K Semmens (Sub: 05) does not support the higher density provisions around the town centre and cites concerns regarding overcrowding and poor urban design outcomes from more intensive development. Along with the new infill areas, considerable effort has been made to refine the performance standards for any infill development to ensure that good urban design outcomes are achieved and that there are no adverse effects on the local neighbourhood.
120. It is also noted that the infill standards still provide a comparable lot size to many other town centres which set a 325m<sup>2</sup> to 350m<sup>2</sup> standard for suburban residential development with lot sizes down to 200m<sup>2</sup> for higher density and duplex development. Given the new performance standards for infill development, it is considered that positive outcomes will be achieved by retaining the provisions as notified and the submission is not therefore supported.
121. Fonterra (Sub: 38) has submitted in opposition to the Residential Infill areas proposed to the north of Allen Street on the basis that this could potential give rise to reverse sensitivity effects for its manufacturing site on the south side of Allen Street. Fonterra also make submissions on the associated noise provisions which are discussed in Section 4.5.
122. The proposed infill area is located over an existing Residential Zone and therefore any reverse sensitivity issues would need to be assessed against the existing residential land use and zoning along Allen Street. Notwithstanding this, the infill area is an enabling provision and it is not necessary to 'fix' it to any particular area. Therefore it is considered that there is no real reason why the infill area should not be amended in accordance with the Fonterra submission.

### Infill Areas in Te Aroha

123. M Ritchie (Sub: 03) would like to have the properties on Gilchrist Street included in the infill area as they have large sections. This area has been reassessed; however, it is considered that Gilchrist Street is further away from the town centre and that should any specific sites be suitable for infill housing, then the new provisions for infill development across the general Residential Zone areas could apply.
124. Overall, it is considered that providing for higher density subdivision is appropriate subject to appropriate controls and performance standards to ensure that the relatively low density character of our three towns is maintained.

### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 03		M Ritchie	Reject
Sub: 05		K Semmens	Reject
Sub: 08.1-2		T Richardson	Accept in part
Sub: 10		J Maitland-Smith	Accept
Sub: 23.1-4		S Wooler and M Dalrymple	Accept in part
Sub: 38.1 & .3		Fonterra	Accept
Sub: 40		KiwiRail	Accept
Sub: 49.1-4		Ministry of Education	Accept in part
Sub: 50		A and J Gray	Reject
	FS: 02	S and M Dalrymple	Accept in part
	FS: 04	Waikato Regional Council	Accept
	FS: 09	NZTA	Accept
	FS: 10	Fonterra	Accept in part
Sub: 51.1		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part

### 3 Matamata

#### 3.1 Banks Road Structure Plan and Surrounding Zoning

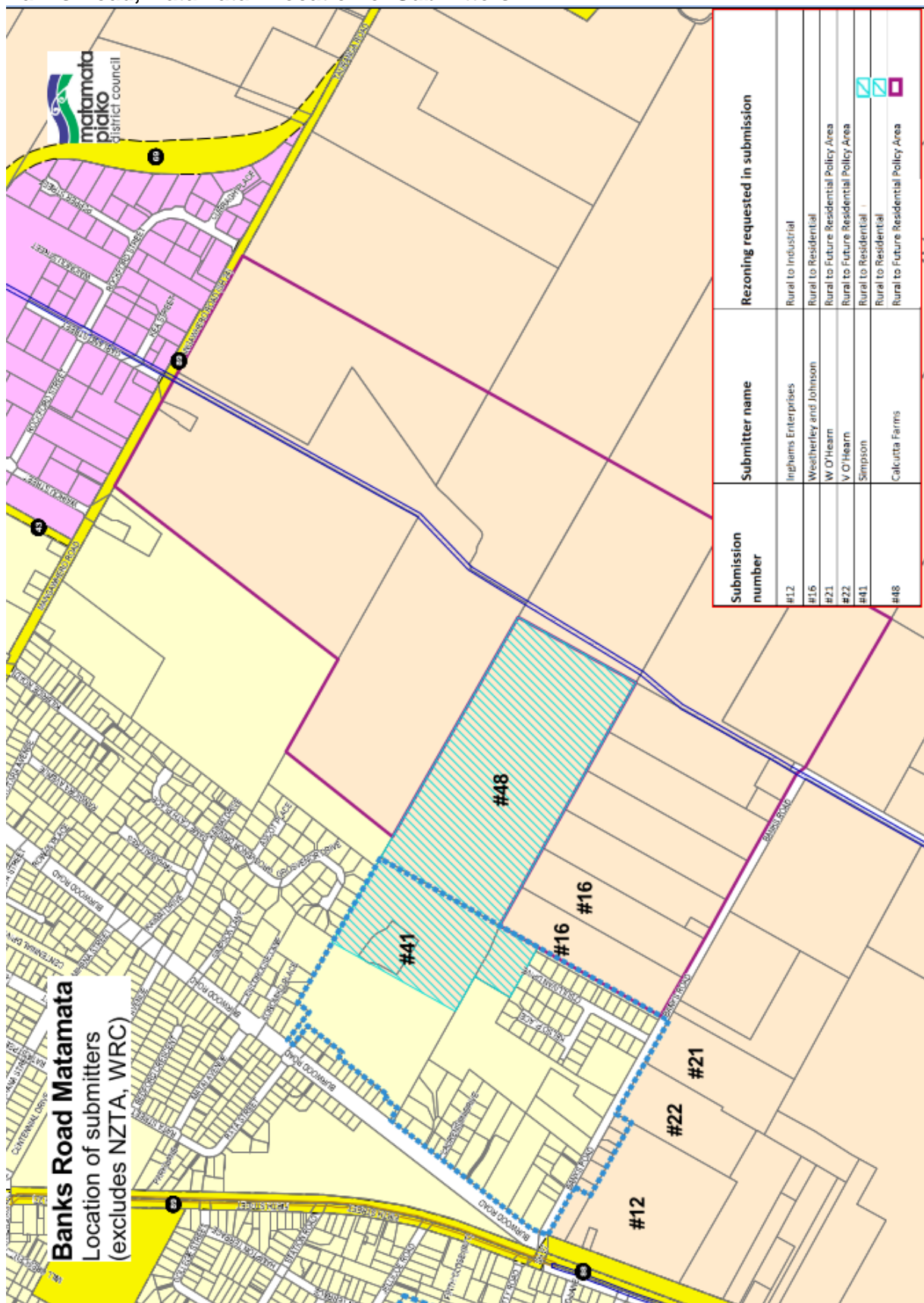
125. The Town Strategies did consider the options for zoning of land around the existing Banks Road Structure Plan: however, Council opted to notify the Plan Change with new residential areas at Tower Road. The Plan Change also promoted a new Equine Area around the Matamata race course with submissions on this topic addressed in Section 2.6. The recommendation regarding the Equine overlay is that this proposal no longer be pursued.
126. The area around the existing Banks Road Structure Plan has been subject to a number of submission seeking changes to the existing Residential and Rural Zones. Please see the “Banks Road, Matamata - Location of submitters” map.
127. In summary, the zoning requests and further submissions are as follows, with an assessment and recommendation on the submission points:
- Inghams (Sub: 12) has a hatchery site on the corner of Banks Road and SH27. They have opposed the proposal for the Equine overlay based on reverse sensitivity issues and this part of the submission is addressed in Section 2.6. The submission also seeks a rezoning of the current hatchery site and a further 7.69 ha to the south of the hatchery to enable the option for future expansion.

Further submissions to the Inghams submission were received. Calcutta Farms (FS: 07) raise issues about managing reverse sensitivity effects and the inadequate amount of information provided in the submission to support a rezoning. NZTA (FS: 09) oppose the zoning based on a lack of assessment of effects, particularly around access on the state highway.

*Commentary:* The issues for the existing Inghams hatchery around reverse sensitivity and Equine overlay will be resolved if Council decides to discard the proposed Equine provisions. With respect to the request for industrial zoning, it is considered that there is insufficient justification or merit in this submission and a detailed assessment of environmental and infrastructure/roading issues would need to be addressed in order for the submission to be supported. The concerns raised in the further submissions are accepted.

- Weatherly Bloodstock and Johnson (Sub: 16) submitted on a number of matters associated with the assessment of land budgets and the options for rezoning in Matamata which led to the Council decision to promote new residential areas at Tower Road. The submissions seek the rezoning of two sites on Banks Road, with a combined area of 8.39ha, to Residential and considers that there is a lack of justification for the Equine overlay. Further submissions have been received in support and in opposition to the rezoning.

## Banks Road, Matamata - Location of Submitters



- Inghams (FS 3) are opposed to the rezoning given their existing hatchery operation and submission for industrial expansion. The Waikato Regional Council (FS: 04) is neutral to the rezoning subject to appropriate analysis of the zoning impacts and assessment against the relevant regional policies for new urbanised areas. Calcutta Farms (FS: 7) supports a Residential Zone or policy area as long as this is consistent with their own submission and rezoning request. NZTA (FS: 09) oppose the rezoning unless further assessment of traffic effects are provided and potential adverse effects are addressed.

*Commentary:* In response to the multiple requests for rezoning in the Banks Road area, it is recommended that a small extension of the Residential Zone is adopted as part of this process and a further Future Residential Policy Area is also introduced to identify this area including the submitter properties as suitable for future urbanisation. A further plan change process will be necessary including a full assessment of all environmental, roading and servicing effects to consider the type of residential development that would be suitable in this area including any structure plan requirements and the need to provide linkages through the land to the north and through to Mangawhero Road.

- W O'Hearn (Sub: 21) and V O'Hearn (Sub: 22) have made submissions about the Equine overlay and also seek that the area to the south of Banks Road be considered for future residential development.

Further submissions have been received from Inghams (FS: 03) opposing the rezoning submission on the basis of reverse sensitivity issues and from Calcutta Farms (FS: 07) raising matters over any infrastructure and servicing proposal that does not match their own Development Concept Plan. NZTA (FS: 09) has also made a further submission confirming their position that any rezoning proposal must be carefully planned with a clear assessment of effects and servicing conditions.

*Commentary:* It is the recommendation from this report that changes are made to the extent of the Residential Zone and that a Future Residential Policy Area also be established. These recommendations do not propose residential zoning to the south of Banks Road and therefore the original submissions are not supported.

- A Holroyd (Sub: 39) and Harris and Holroyd (Sub: 39.8) submits on the Lot 1 DP 486931 and the adjoining parcels should be zoned Residential and that appropriate servicing is available for this area.



Further submissions have been received from Inghams (FS: 03) opposing the rezoning submission on the basis of reverse sensitivity issues and from Calcutta Farms (FS: 07) raising matters over any infrastructure and servicing proposal that does not match their own Development Concept Plan. NZTA (FS: 09) has also made a further submission confirming their position that any rezoning proposal must be carefully planned with a clear assessment of effects and servicing conditions.

*Commentary:* As discussed above, after reviewing the land budgets and provision for future urbanisation, it is considered appropriate that the remaining portion of Lot 1 DP 486931 which forms part of the Banks Road Structure Plan and currently zoned Rural, is rezoned to Residential. In addition, a Future Residential Policy Area can be established to enable a planning framework to consider additional residential area connecting the Banks Road area through to Mangawhero Road.

- KR Simpson & KR Simpson Family Trust (Sub: 41) submit that a Residential Zone should be adopted for the remainder of the Banks Road Structure Plan with services and access from the east.

Further submissions have been received from the Waikato Regional Council (FS: 08), Calcutta Farms (FS: 07) and (FS: 09) with the same submission points raised to the other submissions discussed above.

*Commentary:* As discussed above, after reviewing the land budgets and provision for future urbanisation, it is considered appropriate that the remaining portion of Lot 1 DP 486931 which forms part of the Banks Road Structure Plan and currently zoned Rural, is rezoned to Residential. In addition, a Future Residential Policy Area can be established to enable a planning framework to consider additional residential area connecting the Banks Road area through to Mangawhero Road.

- Calcutta Farms (Sub: 48) submit that the Council's analysis of population projections is outdated and requires further explanation, that there is insufficient information on infrastructural costs and that the Tower Road area is inferior option to extending the Residential Zone between Banks Road and Mangawhero Road.

Further submissions have been received from the Waikato Regional Council (FS: 04), Calcutta Farms (FS: 07) and Inghams (FS: 03) with the same submission points raised to the other submissions discussed above.

*Commentary:* As discussed above, after reviewing the land budgets and provision for future urbanisation, it is considered appropriate that the remaining portion of Lot 1 DP 486931 which forms part of the Banks Road Structure Plan and currently zoned Rural, is rezoned to Residential. In addition, a Future Residential Policy Area can be established to enable a planning framework to consider additional residential area connecting the Banks Road area through to Mangawhero Road.

128. As a result of the submissions and a reconsideration of whether Tower Road area or Banks Road area should be advanced as a growth area, it is recommended that only the Tower Road Residential Zone be retained and that the Future Residential Policy Area at Tower Road be abandoned. This will turn the focus of any future plan change for additional Residential Zone to the Banks Road area.

#### **Submission Recommendations Table**

<b>Submission Ref</b>	<b>Further Sub. Ref</b>	<b>Submitter/Further Submitter</b>	<b>Recommendation</b>
Sub: 12.1		Inghams Enterprises Ltd	Reject
	FS: 07	Calcutta Farms Ltd	Accept
	FS: 09	NZTA	Accept
Sub: 16		Weatherly Bloodstock Limited and Johnson	Accept in part
	FS: 03	Inghams Enterprises Ltd	Accept in part
	FS: 04	Waikato Regional Council	Accept
	FS: 07	Calcutta Farms Ltd	Accept in part
	FS: 09	NZTA	Accept
Sub: 20 & 21		W O'Hearn; V O'Hearn	Reject
	FS: 03	Inghams Enterprises Ltd	Accept
	FS: 07	Calcutta Farms Ltd	Accept in part
	FS: 09	NZTA	Accept
Sub: 39.1		A Holroyd	Accept in part
	FS: 03	Inghams Enterprises Ltd	Accept in part
	FS: 07	Calcutta Farms Ltd	Accept in part
	FS: 09	NZTA	Accept
Sub: 41		KR Simpson & KR Simpson Family Trust	Accept in part
	FS: 04	Waikato Regional Council	Accept
	FS: 07	Calcutta Farms Ltd	Accept in part
	FS: 09	NZTA	Accept
Sub: 43.8		Harris and Holroyd	Accept in part
	FS: 03	Inghams Enterprises Ltd	Accept in part

	FS: 07	Calcutta Farms Ltd	Accept in part
	FS: 09	NZTA	Accept
Sub: 48.1- 2		Calcutta Farms	Accept in part
	FS: 03	Inghams Enterprises Ltd	Accept in part
	FS: 04	Waikato Regional Council	Accept
	FS: 09	NZTA	Accept

### 3.2 Eldonwood South Structure Plan

129. A major change proposed in Plan Change 47 is the replacement of the Precinct F Structure Plan and zonings with the Eldonwood South Structure Plan and a new zoning regime. The reason for these changes is the significant costs to provide infrastructure and servicing to the area and concerns over the viability of concentrated residential zoning in this area.
130. N Schick (Sub:20) supports the changes however the submitter does not support the differential Rural-Residential zoning and suggests that all the Rural-Residential zoning should be based on a single zone with a 1ha average lot size.
131. The split zoning has been introduced to provide some variation and mix in the nature and type of Rural-Residential lots that may be subdivided. An important consideration for the changes in this area was also the baseline of Residential Zoning which was provided within the Precinct F Structure Plan.
132. It is considered that a mix of Rural-Residential 1 and 2 zoning in the revised Eldonwood South Structure Plan area is appropriate. The submission is recommended to be accepted in part given that it supports the rezoning within the Structure Plan area.
133. NZTA support the principle of connectivity within the Structure Plan but do not make a submission point to support or oppose the zoning.

#### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 20		N Schick	Accept in Part

### 3.3 Tower Road Structure Plan

134. The Plan Change proposes a new Residential Zone at Tower Road plus an additional area of Future Residential Policy Area.
135. As discussed in Section 3.1 above, it is now apparent that there are infrastructural advantages with promoting new residential areas and a Future Residential Policy Area at Banks Road. This in turn would leads to a change in position with the allocation of land at Tower Road with the recommendation now being that only the Residential Zone is advanced at Tower Road, and not the Future Residential policy area.
136. One submitter, J McDonald (Sub: 01) supports the new Tower Road zoning however the submission also states that a third roading linkage should be made along Findlater St to alleviate any potential traffic and roading issues.
137. Council has commissioned traffic assessment of the local roading network which would service the new zoning and this has confirmed that the existing roading network can sustain the new zoning without any significant effects in terms of traffic safety or efficiency. The cost of land purchase for a new linkage would also add considerable costs on the Council. If the policy area is also retracted, this will also reduce the potential of future traffic movements utilising the existing local network. As such, it is considered that a third road linkage may provide some benefits however it is not justified. The submission is accepted in part given its support for the new zoning.
138. Powerco (Sub: 52.2) submits that the general provisions for servicing and infrastructure for the Tower Road Structure Plan should be retained however they also consider that additional criteria should be added to explicitly refer to the potential need to upgrade the power reticulation network.
139. The submission point is accepted as it is considered important that the schedules supporting the Structure Plan areas identify potential network upgrades.

#### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 01		J McDonald	Accept in Part
Sub: 51.1		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part
Sub: 52.2		Powerco	Accept.

### 3.4 New Residential Zones and Policy Areas

140. Waikato Regional Council (Sub: 51.1) submits in support of the new residential areas and policy areas. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

**Submission Recommendations Table**

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 51.1		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part

### 3.5 New Rural-Residential Zones

141. Waikato Regional Council (Sub: 51.1) submits a neutral submission on the Eldonwood South Structure Plan and other rural-residential areas and identifies policies in the regional policy statements and plans for Rural-Residential development. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.
142. Harris (Sub: 44) submit that a block of approximately 27ha located between Waharoa Road West and Peria Road should be rezoned from Rural-Residential 1 to Rural-Residential 2 (to allow 5,000m<sup>2</sup> lots). It is contended that this zone would allow for future infrastructure extensions and that the water table and stormwater disposal options for this area are more suitable for development than the area to the south of Peria Road. NZTA has made a further submission raising concerns over access and the need to that insufficient information has been put forward to support the rezoning request.
143. The Plan Change has sought to provide variation in the type and nature of Rural-residential areas that are available for the community by promoting a Rural-Residential 1 Zone (1 ha average) and a Rural-Residential 2 Zone (5,000 m<sup>2</sup> average). In both cases, the minimum lot size is 2,500m<sup>2</sup>. It is therefore considered that maintaining a variation of Rural-Residential areas is appropriate and provides for future choice on the type and nature or rural-residential living that the community may desire.
144. In addition, the land budgets are very much exceeded in terms of the Residential and Rural-Residential land supply and therefore there is no shortage of land supply that would justify a higher yield from the existing Rural-Residential areas.

145. It must be acknowledged that any regime of Rural-Residential lot sizes will not be suitable to all landowners and aspirations for semi-rural living. Some landowners may only seek a larger house site for separation from neighbours and the opportunity to have a larger curtilage for gardens and lawn. Other Rural-Residential owners may seek to have 'pet' farm animals or small paddocks to support livestock as a home based meat supply. No one set of Rural-Residential subdivision standards will meet all expectations and on balance it is considered preferable to maintain two types of Rural-Residential areas.
146. Harris (Sub: 45) submit that a block of approximately 5ha located at the end of Cameo Place should be rezoned from Rural-Residential 1 to Rural-Residential 2 (to allow 5,000m<sup>2</sup> lots). It is contended that this would be in keeping with the existing lots created off Cameo Place and that stormwater disposal options for this area are available to the west of the site.
147. This area has been subdivided under the existing provisions for Rural-Residential subdivision which requires a 1ha average. In this case, smaller lots of 3,000m<sup>2</sup> to 4,000m<sup>2</sup> have been created off Cameo Place with a larger 5ha balance lot located off the end of Cameo Place. While it may be considered that the area is characterised by smaller rural-residential lots (i.e <1ha), there should be no expectation that this will lead to more subdivision. The matters discussed above in relation to submission (Sub: 44) are also relevant to this submission.

**Submission Recommendations Table**

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 44		Harris	Reject
Sub: 45		Harris	Reject

### 3.6 New Industrial Zone

148. The Plan Change proposes an extension of the Industrial Zone along Mangawhero Road/State Highway 24 to the east of the existing Industrial area.
149. NZTA (Sub: 37) has submitted that the frontage is a limited access road and that they would not support the rezoning area unless any new road connections are from the existing local road intersections.
150. The assessment of the roading linkages for the new Industrial area only envisaged assess off Rockford Street and a land parcel has already been purchased by Council to achieve this linkage. While it is not good planning practice to have specific District Plan rule mechanisms that are site based, to provide some assurance to NZTA that access to the new Industrial area will not come directly off the State Highway, it proposed to insert the following Rule at 5.9.1(iv)(c);

- (c) *Subdivision and development of the Industrial Zone area east of Rockford Street (Lot 2 DP 313622 and PtL 4 DPS 803) shall not have direct access onto State Highway 24. Failure to comply with this rule will require resource consent as a Non-Complying Activity.*

151. Waikato Regional Council (Sub: 51.1) supports the new Industrial zone as it adjoins the existing industrial area and has good transportation linkages areas. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

#### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 37		NZTA	Accept
Sub: 51.1		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part

### 3.6 Business Zones

152. As part of the land budgets for Matamata a shortage of business land was identified. Plan Change 47 proposed new areas for Business Zones and also promoted a Business/Residential Interface overlay given that the existing land use for the new areas was largely residential.
153. The new areas identified for Business Zoning covered:
- A double row of properties north of Broadway between Vosper Street and Hohaia Crescent
  - A single row of properties on the west side of Meura Street at the southern end
  - Properties on the east side of Smith Street between Broadway and Farmers Road
  - Properties on the east side of Waharoa Road East on either side of Rawhiti Avenue
  - The block occupied by the commercial precinct comprising the New World supermarket and the Warehouse.
154. Waikato Regional Council (Sub: 51.1) supports the new areas of Business Zone with the Residential Interface provisions to manage the effects of mixed land use within and around these areas. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

### **Meura Street**

155. One submitter, J Lee (Sub: 06) opposed the changes in Meura Street and considers that the changes are not necessary and that development in the area is restricted by stormwater and infrastructure capacity. Mr Lee considers that a residential infill area is a better alternative.
156. It is fully understandable that some residents in areas identified for rezoning will be concerned about the potential effects of commercial development affecting local amenity and residential character values. The Business/Residential Interface provisions which apply to these areas place significant restrictions on the type and scale of any business uses which may seek to establish in these new areas. Essentially, the Residential Interface provisions only encourage business uses which can operate from existing residences and retailing activities are not permitted. Any business use which does not comply with the specified criteria will require land use consent as a Discretionary Activity.
157. With regard to Meura Street, it is considered that this area already has a mixed use character given the existing Business Zone along the northern section and the presence of public spaces and community/church buildings on the eastern side of Meura Street. As such, it is considered that the Business Zone with the Business/Residential Interface is appropriate for Meura Street.

### **Waharoa Road East and existing commercial precinct**

158. Six submissions have been received opposing the proposed Business Zone along Waharoa Road East. The issues raised in the submission relate to loss of residential amenity and character, lack of need for more business land and that Waharoa Road East is not the appropriate location, that public space should be retained. The submitters are also concerned with loss of property values and consider that the area is more suited to infill residential development.
159. In terms of Waharoa Road East, the original proposal for rezoning provided a row of Business Zone properties linking to the existing commercial precinct (Warehouse, New World and other commercial premises). This has been reconsidered taking into account that the commercial precinct is largely a destination shopping precinct to which people will generally drive. Given the assessment of land budgets it is considered that there would be merit in retaining the proposed Business Zone for the properties south of Rawhiti Street, excluding Jim Gardiner Grove. For those properties north of Rawhiti Street, it is considered that the Residential Zoning and Infill overlay would be appropriate given the relatively close proximity to the existing business zone areas.



160. The original purpose of linking the commercial areas will be defeated if the Waharoa Road East properties north of Rawhiti Street retain a residential zoning. The existing commercial precinct has also been established by way of resource consent and will be subject to the terms and condition approved as part of that application. Therefore, without any submissions to support the rezoning of this site, it appears that the Council proposal for rezoning of the existing precinct is not necessary and it can be retracted.

### **Broadway**

161. C Saunders (Sub: 02) supports the zoning changes to the properties on the north side of Broadway from Vosper Street to Hohaia Crescent. The submitter also suggests that the landscaping provisions be amended to enable 100m<sup>2</sup> of building additions before any new landscaping is required and that a wider range of commercial activities including food retail should be provided for.
162. The changes to Broadway and Smith Street are considered appropriate and no changes are proposed. With respect to the landscape provisions these are addressed in Section 2.5 and it is noted that the Business Zone does already provide for a wide range of commercial activities. The District Plan does make provision for restaurants as a 'Place of assembly' which is a Permitted Activity in the Business Zone.

### **Submission Recommendations Table**

<b>Submission Ref</b>	<b>Further Sub. Ref</b>	<b>Submitter/Further Submitter</b>	<b>Recommendation</b>
Sub: 02		C Saunders	Accept in part
Sub: 06.1-3		J Lee	Reject
Sub: 07		L Hall	Accept in part
Sub: 29		N and P Barton	Accept in part
Sub: 31		G and G Broomhall	Accept in part
Sub: 32		S Broomhall	Accept in part
Sub: 33		G and J Barton	Accept in part
Sub: 35		R Geraghty	Accept in part
Sub: 51.1		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part

## **4 Morrinsville**

### **4.1 New Residential Zones and Policy Areas**

163. A and N Loveridge (Sub: 13) submit that a 5.4ha area of their property located off Snell Street should be rezoned for residential development. The area for rezoning is proposed to run along the eastern boundary of the site which adjoins the existing Residential Zone. Both the Waikato Regional Council (FS: 4) and NZTA (FS: 9) have made further submission raising concerns about the need to have more analysis and assessment of the rezoning to consider it more favourably.
164. There is little technical material to support the rezoning request and Council has identified a Future Residential Policy area for future urbanisation along Taukoro Road. In addition, new provision for infill development are proposed and it is considered that the Plan Change will enable appropriate rural-residential and residential development opportunities. A potential issue may also arise with extending the Residential Zone in this area given the Industrial Zone and sites on the south side of Snell Street.
165. J and N Loveridge (Sub: 42) submit that 5.4ha of land on the south side of Eynon Road should be rezoned from Rural to Residential. Both the Waikato Regional Council (FS: 4) and NZTA (FS: 9) have made further submission raising concerns about the need to have more analysis and assessment of the rezoning to consider it more favourably
166. There is little technical material to support the rezoning request and Council has identified a Future Residential Policy area for future urbanisation along Taukoro Road. In addition, new provision for infill development are proposed and it is considered that the Plan Change will enable appropriate rural-residential and residential development opportunities.
167. Waikato Regional Council (Sub: 51.1) submits in support of the new residential areas and policy areas. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 13		A and N Loveridge	Reject
	FS: 04	Waikato Regional Council	Accept
	FS: 09	NZTA	Accept
Sub: 42		J and N Loveridge	Reject
	FS: 04	Waikato Regional Council	Accept
	FS: 09	NZTA	Accept
Sub: 51.2		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part

### 4.3 New Rural-Residential Zones

168. Waikato Regional Council (Sub: 51.2) supports the new rural-residential areas adjacent to the town centre. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

#### Taukoro Road

169. N Laboyrie (Sub: 18) and S Tunnicliffe (Sub: 19) have made an original submission to provide for 2ha of Residential Zone along Taukoro Road. Their submissions were subsequently amended to request a Rural-Residential Zone.
170. The Plan Change has reviewed the location and supply of Rural-Residential Zone around Morrinsville including the density and type of Rural-Residential sites that can be subdivided. The Plan Change also proposed to remove an existing Rural-Residential Zone off Taukoro Road and replace this with a Future Residential Policy Area. It is considered that there is not sufficient evidence or merit in the submissions to justify a change of zoning further along Taukoro Road.

### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 37		NZTA	Accept in part
Sub: 51.2		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part
Sub: 18		N Laboyrie	Reject
Sub: 19		S Tunnicliffe	Reject

## State Highway 26

171. The Plan Change proposes to rezone a row of rural properties along the southern boundary of State Highway 26 from Rural to Rural-Residential zoning. This change does not propose or enable any additional subdivision/and or development and has only been proposed to avoid rural yard requirements being applied to these properties which are essentially rural house sites.
172. NZTA (Sub: 37) submits that they are not opposed to the rezoning.

### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 37		NZTA	Accept

## Stockmans Road/Kereone Road

173. Two separate submission have been received from Carruthers/Sweeny for the rezoning of land at Stockman Road from Rural to Rural-Residential. The first submission (Sub: 46) seeks to rezone an area of 17.3ha comprising Lot 1 and 2 DP434684. The second submission (Sub: 47) includes the area in the first submission but extends the rezoning area to 58ha and includes the tract of land between Kereone Road and the Piako River.
174. Within the submissions there is a discussion of the advantages for this area becoming rural-residential, including the existing road access, provision of an esplanade reserve along the Piako River, proximity to Morrinsville, servicing and general alignment with the Town Strategies process and planning provisions outlined in the Plan Change.
175. NZTA (FS: 09) has made a further submission opposing the rezoning unless a proper assessment of traffic effects is provided. The Waikato Regional Council (FS: 04) makes a 'neutral' submission but states that the rezoning should not be allowed unless a proper assessment of the rezoning has been undertaken in accordance with the regional policy statement and plans. Carruthers/Sweeny (FS: 08) has also made a further submission in support of their original submission.
176. The Plan Change did not assess these areas for rural-residential zoning and therefore it has not consulted or undertaken any specific analysis of the merits of the rezoning submissions.
177. Based on the land budgets, the additional rural-residential areas would not be required.
178. While the submissions refer to the unique circumstances that could lead to a favourable consideration of rezoning this area, it is not clear why other areas would not also be able to demonstrate some of the same attributes. The presence of the

Industrial Zone on the south side of Kereone Road would raise some doubt over the merits of providing additional Rural-Residential areas north of Kereone Road.

179. Without further justification and evidence of consultation and compliance with the regional policy statement and plans, it is considered that there is insufficient merit in the rezoning proposal and therefore the original submissions are rejected.

#### **Submission Recommendations Table**

<b>Submission Ref</b>	<b>Further Sub. Ref</b>	<b>Submitter/Further Submitter</b>	<b>Recommendation</b>
Sub: 46		Carruthers/Sweeny	Reject
	FS: 04	Waikato Regional Council	Accept
	FS: 09	NZTA	Accept
Sub: 47		Carruthers/Sweeny	Reject
	FS: 04	Waikato Regional Council	Accept
	FS: 08	Carruthers/Sweeny	Reject
	FS: 09	NZTA	Accept

### **4.3 Industrial/Business Zones**

180. K Semmens (Sub: 05.3) submits that the existing industrial areas on the western side of Morrinsville should be rezoned to business to avoid potential environmental effects on the town. Other areas are identified as more suitable for industrial land use such as Roach Road and Bolton Road.
181. The Plan Change has not made any changes to the existing industrial areas within the urban boundary and it is considered that many existing business have established in the industrial areas given the types of activities which are established in these areas. All land use activities also need to comply with permitted activity standards and/or any scale and intensity of existing use rights. There are no ongoing issues or conflicts with the existing industrial land uses, and therefore it is considered that the existing Industrial zoning should remain.
182. K and D Te Wharau (Sub: 09) own a property at 52 Page Street and submit that their property should be Residential Zone and not the existing Industrial zone. The submitters advise that they purchased the property as a residential property in 1981 and that somehow this was changed to Industrial. They consider that there is sufficient industrial land in Morrinsville and that, as access is gained to the site from Page Street, it would be better to have residential development also at the end of Page Street.
183. The land budgets assessment undertaken by Council has identified a shortage of industrial land in Morrinsville. The issue of future industrial traffic using Page Street is a potential issues however it would also be possible to obtain vehicle access off

Keith Camp Place. While it is considered that the submission raises some valid points in relation to the zoning and access, on balance it is considered that the site should retain its Industrial Zone. Potential issues may arise if new residential activities were developed on the site given that the site is surrounded by Industrial Zones on three boundaries. The submitter can also retain the residential use for as long as they choose and there is no obligation to develop industrial land use on the site.

184. B and S Yeandle (Sub: 15) have made a submission requesting the zoning of three properties along State Highway 26 to be rezoned to Business Zone. They submit that Morrinsville requires more business land and that residential use of these sites are adversely affected by traffic noise and proximity to the state highway. A further submission from N Singh and B Kaur (FS: 05) supports the rezoning request. B and S Yeandle (FS: 06) have made a further submission to their own submission seeking that there should not be a restriction on subdivision lot size. NZTA (FS: 09) have also made a further submission stating that the state highway is a limited access highway and no assessment of traffic effects has been provided.
185. The Plan Change has proposed that these properties and others along State Highway 26 are rezoned from Rural Zone to Rural-Residential Zone. The main justification for this was that the sites are and can only accommodate house sites and cannot be used for farming activities. Given the size of the existing sites, no additional subdivision or development rights would result from the rezoning and the landowners would gain some benefit in not having to comply with rural yard setbacks. Any extension of a Business Zone would need to assess effects on the roading network and the extension of the Business Zone along the state highway would be away from the existing town centre. It is considered that there is not sufficient merit in the submission to consider that the Business Zone request would be superior to the proposed Rural-Residential Zone.
186. Waikato Regional Council (Sub: 51.2) supports the new Industrial zone as it adjoins the existing industrial area and has good transportation linkages areas. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

#### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 05.3		K Semmens	Reject
Sub: 09		K and D Te Wharau	Reject
Sub: 15		B and S Yeandle	Reject
	FS: 05	N Singh and B Kaur	Reject
	FS: 06	B and S Yeandle	Reject
	FS: 09	NZTA	Accept

Sub: 51.2		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part

#### 4.4 Fonterra Noise Emission Contour

187. Fonterra (Sub: 38) has made a submission to provide a noise contour boundary of 45dBA LAeq over the residential area north of the site and which has been formally recognised by Council's granting of an existing use certificate in December 2016.
188. Fonterra has also made a submission to retract the infill area within this contour and this submission has been recommended to be accepted (Refer Section 2.7). While it is considered appropriate to retract the infill boundary, it is noted that the existing use rights certificate has been issued subject to specific noise emissions and land use activities undertaken on the site. It is therefore considered that establishing a noise contour rule within the District Plan may not accurately reflect the full terms and conditions which have been assessed and endorsed as an existing use.

#### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 38.2		Fonterra	Accept in part

## 5 Te Aroha

### 5.1 Stirling Street Structure Plan and Rezoning

189. The Plan Change proposes a new Residential Zone to the west of Stirling Street which is also supported by a Structure Plan, albeit in a relatively simplified format.
190. The new zoning has attracted a number of submissions with seven submissions opposing the rezoning proposal.
191. The submissions in opposition raise the following concerns:
- Opposition based on increase in traffic on Hikutaia Street and that no alternative road linkages are proposed
  - Affected property owners do not support rezoning and there is no demand for more subdivision
  - The land is subject to hazards which make it unsuitable for urbanisation
  - Council's own reports highlight the hazards on the property
  - The proposed pedestrian linkages to the rail trail are not necessary and will lead to issues in terms of safety, maintenance, livestock, rubbish
  - Infrastructure and servicing is not adequate in the area, and
  - The rezoning will adversely affect existing amenity values
  - The area of Gordon Avenue, Bosson Road and Gratten Road would be better for residential development.
192. One submission, R Lorigan (Sub: 34) supports the rezoning but does not support the pedestrian linkages.
193. Waikato Regional Council (Sub: 51.3) makes a neutral submission on the Structure Plan area and identifies the need to ensure that any urbanised development avoids or mitigates hazard risk. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.
194. In terms of traffic effects on the local roading network, the new residential zone will be dependent on Hikutaia Street. Council has assessed the capacity of Hikutaia Street and this has confirmed that the existing road formation can accommodate the additional traffic without any safety or efficiency issues arising. In addition, should subdivision occur on other sites between Spencer Street and Hikutaia Street then alternative roading links will be developed.



195. Council has committed to providing an oversupply and with greenfield land to be held in multiple ownership. While the market will finally decide if and when any urbanisation occurs, it is considered that the rezoning will support future residential opportunities and land supply.
196. With respect to rezoning the area around Gordon Avenue, Gratten Road for residential zoning, Council has assessed this area and concluded that the existing land use and land contour was more suitable for Rural-Residential development.
197. Council acknowledges the land constraints in terms of the existing gully systems and potential flooding hazards. This will affect the amount of developable land available within the rezoned area. Council has commissioned additional assessment of the geotechnical risks and how these can be mitigated through the land development process (refer Coffey report dated 1 June 2017; see **Appendix H**). This has identified that within the site there are some areas where development is unlikely and an area of approximately 9.3 ha which has more potential for development. Any urbanisation on the site will need on site geotechnical investigations to confirm specific works and any buildings restrictions.
198. Overall, it is considered that there is merit in the rezoning at Stirling Street; however, the constraints on land development may well see a more limited form of residential development.

**Submission Recommendations Table**

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 11		S Barnes	Reject
Sub: 24		C and G Miller	Reject
Sub: 25		W Couling	Reject
Sub: 26		K Turner	Reject
Sub: 27		P and D Morris	Reject
Sub: 28		R and C Hart	Reject
Sub: 30		V Kowalski	Reject
Sub: 34		R Lorigan	Accept in part
Sub: 51.3		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept
Sub: 58		T Upton	Reject

## 5.2 Changes to Zoning (rural/urban interface)

199. Waikato Regional Council (Sub: 51.3) supports the 'de-zoning' of areas around the Te Aroha urban area which are supporting rural production activities and are unlikely to be required for urban or rural-residential development. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

**Submission Recommendations Table**

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 51.3		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part

## 5.3 Residential Zones and Policy Areas

200. Waikato Regional Council (Sub: 51.3) supports the provision of new Residential Zones and Policy Areas, subject to these areas being identified and designed appropriately to avoid or mitigate natural hazard risk. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.
201. N Harvey-Webb (Sub: 60) has submitted on a number of issues regarding subdivision, development and reserves in Te Aroha, This includes impacts on and deficiencies within the roading network. It appears that a large part of the submitters' concerns is development and subdivision within Te Aroha and existing issues and inadequacies with the planning provisions as there is little reference to the parts of the Plan Change which are at issue and what relief is sought. It will be necessary for the submission to be clarified and specifically what parts of the Plan Change are at issue before further consideration can be given to supporting it. In the interim, the submission is proposed to be rejected due to lack of detail in relation to the Plan Change.

**Submission Recommendations Table**

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 51.3		Waikato Regional Council	Accept
	FS: 10	Fonterra	Accept in part
Sub: 60		N Harvey-Webb	Reject

## 5.4 Te Aroha Character Area

202. The Plan Change reviewed the provisions for the Te Aroha Character Area including the extent of the properties subject to the overlay and also the mechanism for protection of character values for buildings within the area. To make the rule mechanism more effective, the Character Area was reduced in size to the central areas around Whitaker Street and Boundary Road. The rule mechanism was amended to focus on frontages instead of applying to all buildings on the sites in question.

203. Heritage NZ (Sub: 55) has made a submission to the provisions for the Te Aroha Character area and other amendments proposed to Section 10 *Natural Environment and Heritage* of the District Plan. These are discussed below with an assessment and commentary on the submission points:

- Heritage NZ support deletion of '10 days notice' provision (Rule 10.1)  
*Commentary:* Submission supported and notified changes are to be retained.
- Heritage NZ seek a name change of 'Te Aroha Character Area' to 'Te Aroha Heritage Character Area'  
*Commentary:* The name change is appropriate in the sense that the character area is to recognise heritage values and building features.
- Heritage NZ support reformatting and clarification of Rule provisions (Rule 10.1.2); however, clarification is sought on how 10.1.2(d) is to be interpreted and administered.  
*Commentary:* Along with the changes to the rule section, Council has proposed a new definition of 'Building façade or frontage' as follows:

*"Building Façade or Frontage" in relation to the Te Aroha Heritage Character Area means the building façade directly facing the street and the exposed sides of the building where these are viewable from the street frontage. Any building which is located behind another building will not be deemed to have a building façade or frontage in this instance."*

It is considered that the rule can be administered appropriately and efficiently in accordance with the definition. Through the hearings process, it may be that Heritage NZ can advise of any other potential interpretation issues, otherwise it is proposed that the rule and definition be retained as notified.

- Heritage NZ consider that the supporting document 'Project Te Aroha' which identifies the heritage character of Te Aroha should be easily available and that a link should exist on Council's website.  
*Commentary:* Although not specifically an RMA matter, it is considered that the Project Te Aroha document should be available on the website and this has already been actioned.

- Heritage NZ support the extension of the Te Aroha Heritage Character area to include an additional site on Koromiko Street which leads into the Domain.  
*Commentary:* The extent of the character area has been rationalised to reduce some areas which are not linked to the main commercial areas and to include this additional site.

#### Submission Recommendations Table

Submission Ref	Further Sub. Ref	Submitter/Further Submitter	Recommendation
Sub: 55.1-3		Heritage NZ	Accept

## **6 Other Plan Change Provisions.**

204. This report has been prepared to address matters raised in submissions. The Plan Change also includes a number of other changes which have not been subject to submission in opposition or support. In these situations, the recommendation is that the notified version of the Plan Change be adopted.

**PART C      SUBMISSIONS SUMMARY TABLE**

**PART D      FULL SET OF SUBMISSIONS AND  
FURTHER SUBMISSIONS**

**PART E      ANNOTATED CHANGES TO NOTIFIED  
DISTRICT PLAN MAPS**



**PART F      RECOMMENDED DISTRICT PLAN  
PROVISIONS**

## **PART G      RECOMMENDED DISTRICT PLAN MAPS**

## **PART H      ADDITIONAL TECHNICAL REPORTS**