Matamata-Piako District Plan Review

Plan Change 53 – Settlements

Hearing Report

Resource Management Act 1991, Section 42A Report

May 2021

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1. Background

1.1 Overview of Plan Change

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

Settlement Areas

2. The current District Plan does not include any specific plan provisions for our settlements and does not define these in terms of a spatial area or zone mechanism. These areas currently fall within the Rural Zone with Waihou having a Residential Zone largely due to the provision of a public wastewater network.

3. In both cases, the nature of the zone provisions does not reflect the nature or character of the settlement areas. Regulatory and administrative issues arise from this zone regime where landowners are subject to inappropriate rule provisions, i.e. rural yard setbacks which bear little relevance to the nature of the site or surrounding land use.

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

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

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

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

Rural House Sites

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

9. To recognise and provide for efficient land use provisions, it is proposed to review and amend the rural yard provisions for rural house sites where these adjoin other sites of a similar land use and scale. Reduced rural yards are proposed in these situations.

1.2 Community Engagement and Consultation

10. The Section 32 Report, which was prepared when the Plan Change was notified, contains details of the plan change and an assessment of the costs and benefits of various options that were considered as part of the plan review process.

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

12. The formal submissions and further submissions process also provides further opportunity for community and stakeholder input into the Plan Change process.

1.3 Submissions and further submissions

13. The Plan Change was notified over November and December 2020. Fourteen submissions were received to the Plan Change.

14. The Summary of Submissions was notified in February 2021 with three further submissions received.

15. 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.

16. A very positive part of the current process has been an invitation to all submitters to meet with council staff and representatives to discuss the submission points and any other matters relevant to the District Plan review process. This has provided greater understanding of the submissions and in many cases has helped to identify potential areas where amendments to the plan change can be formulated with input and agreement from the submitters.

1.4 Purpose of the Hearing's 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 each submission and further submission should be accepted, accepted in part or rejected; and
    - 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, 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.

1.5 Overview of Statutory Requirements

20. 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.

2. Assessment of Submissions and Further Submissions

21. This section will discuss each of the submissions and further submissions and it will also provide an assessment of the submissions including proposed changes to the plan change provisions where these are considered appropriate.

22. Given the relatively limited number of submissions and that these largely address discrete issues, each submission is discussed separately. This will enable submitters and Council to review any matters relevant to their submission in one section of the report. The final Council decision on the submissions will need to ensure that there is a collective consideration of the plan provisions and that there is an overall consistent approach to the determination of the submissions and further submissions in accordance with the higher order planning instruments and the provisions of the Resource Management Act 1991 (RMA).

23. The sequence of submission assessment has purely been adopted based on the sequence of the submissions in the notified submissions summary. The sequence does not therefore purport to imply or demonstrate any relevant significance of the matters addressed in the individual submissions.

24. Where there is overlap between submissions, then this is reflected in the commentary and discussions along with assessment of any relevant further submissions.

25. A full set of submissions and further submissions is provided in Attachment A.

2.1 Sub # 1 - Ray Kett

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
1.1	Yard requirements	Support	• Council is taking the right approach. • Properties are for residential purposes and yard requirements should be the same as residential areas. • Thankful for the proposed changes.	To keep the yard requirements as proposed.

Analysis

26. Mr Kett's submission support the plan change and in particular the proposed yard requirements for the settlement areas. We note that Mr Kett made a submission on the earlier Plan Change 47 for our three main towns and his concerns about the settlement rules were not able to be addressed at that time. We anticipate that the current plan change process has addressed his earlier concerns.

27. Mr Kett was invited to discuss his submission further with council staff, however at the time of writing this report this opportunity had not been realised.

Recommended Amendments

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

Recommendation on Submission/Further Submission

That Sub 1.1 from Mr Kett be -	**Accepted**

2.2 Sub # 2 - Transpower

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	General Submission Transpower supports the review of planning rules considering that the proposed map and provisions for Waihou have regards to the National Grid transmission line and it is in alignment with the National Policy Statement on Electricity Transmission 2008. In particular, Transpower supports; Transpower wishes to highlight the requirement that the Settlement Zone provisions recognise and provide for the National Grid as required by the National Policy Statement for Electricity Transmission 2008. This is particularly relevant for the settlement of Waihou which is adjacent to the National Grid 110kV HAM-WHU-A line. **Note:** Please refer to the submission for the Transpower Assets' map for Matamata – Piako.			
2.1	• Planning Map - Waihou District Plan – Settlement Zone and Precincts	Support	The proposed planning map shows the National Grid transmission line traversing the eastern edge of the township as required by Policy 12 of the National Policy Statement on Electricity Transmission 2008 and the Operative District Plan contains provisions to manage land use, development and subdivision near the National Grid within the Settlement Zones and Precincts.	Retain as Notified
2.2	• SETZ R1(4) - District Plan Linkage Rules – Performance Standards	Support	Rule SETZ R1(4) ensures that Rule 3.5 "Activities adjacent to the National Grid (all District Plan zones)" will apply to land use and development carried out in the National Grid Yard in the Waihou Settlement Zone. This gives effect to Policies 10 and 11 of the National Policy Statement on Electricity Transmission 2008.	Retain as Notified
2.3	• SETZ R3(1) - Other Plan Provisions	Support	Rule (SETZ R3(1)) will ensure that any subdivision carried out within the Waihou Settlement Zone that is located in the National Grid Subdivision Corridor will be subject to Rule 6.3.10 "Subdivision within a National Grid Subdivision Corridor." This ensures that the National Policy Statement on Electricity Transmission 2008 is given effect to within the Waihou Settlement Zone.	Retain as Notified

Analysis

29. The Transpower submission supports the provisions of the Settlements Plan Change as notified.

30. The Settlements Plan Change does not amend any of the existing provisions in relation to the transmission corridor and the settlement provisions link to the existing sections of the District Plan for network utilities and other district wide rules.

31. Transpower was invited to further discuss their submission with council staff. They advised that this was not necessary given the nature and scope of their submissions and

that they would take the opportunity to review the planning report and recommendations before deciding whether they will provide any further evidence or input into the plan change.

Recommended Amendments

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

Recommendation on Submission/Further Submission

That Sub 2.1, 2.2 and 2.3 from Transpower be -	**Accepted**

2.3 Sub # 3 – Richard and Sharon Grayling
Further Submission # FS-2 / 3.1 Waikato Regional Council

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	General Submission The Submitter generally supports the proposal to introduce a zone tailored to the small settlements within the District. The separation of the Settlement Zone into three precincts provides distinct areas to enable development to occur within the established land use pattern and characteristics of a settlement. The objectives and policies accurately reflect the intentions to provide for a compatible mix of land use activities. This ultimately promotes these small settlements as a viable option for families to live and work within.			
3.1	Definition of River Protection Yard and SETZR1(2)	Support/ Oppose in part		To include a definition of "River Protection Yard" within the Plan, or provide clarification within the rule providing clear guidance on when the rule applies.
3.2	6.3.12 Lot Sizes	Oppose	The Submitter seeks review of the performance standards for subdivision on lot sizes between 1,000m² - 2,499m² on un-sewered lots, amending the category of activity from Discretionary, to Controlled or Restricted Discretionary, taking into consideration rule 3.5.7.6, instead of rule 3.5.7.5 of the Regional Plan. The Submitter considers that the approval process for an "improved" sewage treatment system is already incorporated within the Regional Plan, whereby the Waikato Regional Council hold jurisdiction over this process. There is no jurisdictional basis for the District Council to assess compliance with the Regional Plan.	Enable lot sizes between 1,000m² - 2,499m² on un-sewered lots to be assessed as a Controlled Activity provided that an "improved" wastewater treatment system permitted by the Waikato Regional Plan can be accommodated on site. Assessment of an appropriate wastewater treatment system on a site should not have the potential to require neighbours approval as a Discretionary Activity. As an alternative, a Restricted Discretionary Activity status could apply, subject to assessment criteria being restricted to wastewater management and inclusion of a non-notification Rule.
3.3	Prec1(10)	Oppose	Two or more dwellings	
3.4	Prec1(13)	Oppose	Two or More residential Units (Medium Density)	
3.5	Rules PREC1(1) – PREC1(9), PREC1(11)	Support	Support provisions for Settlement Zone.	Retain as notified

	and PREC1(12), PREC1(14) – PREC1(20) and SETZ R1(1), R1(3) and R1(4)			
Waikato Regional Council	Further Submission to submission points 3.2, 3.3 and 3.4	Oppose	Lot sizes need to be of a practical size to provide for on-site effluent disposal. The RMA does not restrict territorial authorities to provide more restrictive rules regarding minimum site areas.	Retain as notified

Analysis

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

34. The basic framework of the subdivision/yield rules was notified as follows:

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

35. A side issue is also raised with regards to the interpretation of *River Protection Yard*. The majority of the Settlements Plan Change is supported.

36. The Waikato Regional Council has lodged a further submission opposing the Grayling's submission on the basis that the proposed minimum lots sizes in the plan change will better ensure appropriate lot sizes for on-site effluent disposal. This includes technical design considerations for systems on smaller sites and the potential costs and risks of maintenance over the long term.

37. A constructive meeting was held with representatives for the Graylings and from the Waikato Regional Council. This was helpful in understanding the background to the submissions and also gave Council staff an opportunity to discuss the background to the settlement provisions including the feedback received from the consultation process. It was also an opportunity to discuss the Regional Plan provisions for on-site effluent disposal and in particular how system can be designed in terms of smaller lots and multiple lot subdivision.

38. The Grayling submission asserts that the density/lot size rules can be relaxed given that there are on-site effluent solutions for sites less than 2,500m² and which can still satisfy the permitted activity rules of the regional plan.

39. The approach taken with the assessment of minimum lots size and density for the Settlements Plan Change was to consider the nature and character of the existing settlements including the subdivision provisions for those settlements which currently have a Residential Zone. Through the development of the rule provisions, a distinction of the lot sizes for sewered and unsewered lots was promoted to recognise the different nature of the settlements and also the existing subdivision opportunities that existing for lots with an existing Residential Zone.

40. Based on the consultation process, it is considered that the combination of rules for minimum lot size and density are appropriate for our settlements. It is acknowledged that the approach taken has sought to establish a relatively simple method for setting minimum lot sizes and that other options were considered including setting bespoke subdivision and yield standards for each settlement. However it was considered that this would present an overly complex set of rule mechanisms.

41. From our discussions with the Grayling representatives, it is also acknowledged that the framing of the rules may place more emphasis on the wastewater criteria than what was intended. The rule mechanisms set lot sizes and activity status rules for subdivision based on whether the lot is connected to public wastewater reticulation or not. However, the wastewater criteria is only one part of the rationale for the density lot size and density rules.

42. To address this potential issue, it is considered that changes could be included to the *Issues Statement* and the deletion or referencing to standard and medium density. These are detailed below and in **Appendix B**. It is considered that the assessment criteria already address issues with character and amenity.

43. With regards to the River Protection yard, advice has been provided to the submitter on the interpretation of this rule. Given the River Protection yard is part of the existing District Plan and applies to all zones, then it is not possible to amend or add a definition into the District Plan which would affect rules outside the Settlement Zone. In addition, the rule has not caused issues in relation the effective implementation of the District Plan. Therefore, no amendments to the District Plan are proposed in response to this submission point.

Recommended Amendments

44. The following changes are proposed;

- Additional wording into the issues statement as follows.

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

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

Recommendation on Submission/Further Submission

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

2.4 Sub # 4 – Powerco Limited

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	General Submission Powerco is NZ's largest electricity and second largest gas distributer. Poweco has submitted in support and commented on key matters of concern which seek to ensure recognition, protection and continuous access to existing assets as well as enabling provisions for new infrastructure and the avoidance of inappropriate development in, around and close to its assets.			
4.1	Objective SETZ 06	Support	Objective is required to enable infrastructure located within the Settlement Zone	Retain as Notified
4.2	Policy SETZ P3	Support	It is appropriate to mitigate reverse sensitivity effects around Powerco assets.	Retain as Notified
4.3	Policy SETZ P7	Oppose	It is unclear what "private infrastructure" would include as there is no definition provided and therefore it is unclear what the policy is trying to capture.	Delete SETZ P7 in its entirety.
4.4	Settlement Zone Activity Status Rules – PREC1(7)	Oppose	Powerco continually maintains and upgrades its existing assets, and installs new assets when required. It is unclear how network utilities associated earthworks are to be assessed within this earthworks rule in the Settlement Zone.	Amend PREC1(7) as follows: General Performance Standards Refer Rules SETZ R1(1) to SETZ R1(4). Activity Specific Performance Standards Earthworks shall comply with the following performance standards: (i) Max cut or fill height – -0.5m within minimum building set back - 1.5m outside minimum building set back (ii) All site works to be reinstated within 6 months of works commencing. (iii) Max volume of earthworks 100m3 within any 12 month period. (iv) Works must not affect or be located within a scheduled item (Schedule 1-3). (v) Works cannot involve the excavation or disposal of contaminated land/materials. (vi) Works shall be set back 5m from any overland flow path and 10m from any water body.

				Exclusion: Any earthworks which have been approved as part of a land use or subdivision consent, **earthworks associated with network utilities**, and any removal of topsoil for building foundations and/or driveways.
4.5	Part 6 Subdivision Activity Table 1(c) and 1(d)	Support	The existing rules for utility lot subdivision and subdivision within 20m of a sub-transmission line are appropriate	Retain as notified
4.6	Part 8 Works and Network Utilities Activity tables 8.1.1; 8.2.1; 8.3.1; 8.4.1; 8.5.1; 8.6.11; 8.8.1 and 8.9.1.	Support	It is appropriate that the new Settlement Zone and precincts are added to the Activity Tables	Retain as notified

Analysis

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

46. A constructive meeting was held with Powerco and this allowed a good understanding of the key issues and concerns and how these may be addressed. In terms of the policy framework, the key issue for Powerco is to ensure there is clarity around the provisions and whether they only relate to the three waters infrastructure. This is acknowledged and it is proposed to amend the wording of Policy SETZ P7 to provide clarification that this policy is tied to three waters servicing. A consequential change is also proposed to Policy SETZ P6 to ensure a consistent approach to the wording of the policies.

47. In terms of the earthwork's rule mechanism, Powerco has subsequently provided additional wording for an exclusion criteria. It is considered that this is appropriate as the earthworks rule is not intended to capture works for service trenching.

Recommended Amendments

48. The following changes are proposed;

- Amendments to Policy SETZ P6 and P7

SETZ P6	*Subdivision and development reliant on public three waters infrastructure and services shall not cause or lead to additional demands for, or an extension of, the public network.*
SETZ P7	*Subdivision and development ~~that is~~ reliant on private three waters infrastructure and services shall be in accordance with the provisions of the regional and district plans, and any approved water take or discharge consents.*

- Amendments to Earthworks Rule Policy SETZ P6 and P7

  Any earthworks which;

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

Recommendations on Submission/Further Submission

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

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

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

				reticulated water supplies will not be available to support new development.
5.2	Settlement Zone Objectives – Objective SETZ 01	Support in part	As the objective sets the scene for the subsequent objectives and related provisions, it is important that it captures other critical factors that will influence the adoption and extent of Precincts and the assessment of specific proposals through consent processes. The objective therefore needs amendment to ensure that the Zone will not result in activities that could give rise to reverse sensitivity effects on established major industry. Proposed Objective SETZ 03 relates specifically to the location of new commercial and industrial activity within the Zone in respect of surrounding residential activity. The proposed amendment ensures that all development within the Zone will be compatible with the existing environment and provides clear context for Policy SETZ P3.	Amend Objective SETZ01 to read: *To recognise and provide for a mix of land use activities within identified settlement areas that reflect and provide for the needs of the local communities and businesses* ***without giving rise to reverse sensitivity effects on existing major industry.***
5.3	Objective SETZ 06	Support in part	Large parts of the Waitoa community are currently connected to Fonterra's private water supply. Fonterra has no obligation to maintain this supply and has no intention of authorising any additional connections. Amendment of the Objective would ensure that there is clarity that new proposals will either have to connect to public reticulated supplies or will otherwise need to be self-sufficient. With this amendment, the objective will provide the certainty and clarity that is sought through Objective SETZ 05.	Amend Objective SETZ 06 to read: *Land use,* ***and*** *subdivision ~~and infrastructure are planned in an integrated manner that does not compromise the supply and capacity of public and private services~~* ***are of a scale and location that can be served by publicly reticulated water and wastewater supplies or are otherwise selfsufficient.***
5.4	Policy SETZ P1	Support	Policy is appropriate.	Retain as Notified

5.5	Policy SETZ P3	Support	Using the precinct mechanisms is appropriate for addressing and managing reverse sensitivity effects	Retain as Notified
5.6	SETZ P7	Support	Large parts of the Waitoa community are currently connected to Fonterra's private water supply. Fonterra has no obligation to maintain this supply and has no intention of authorising any additional connections. Amendment of the Policy would ensure consistency with the proposed amendments to Objective SETZ 06	Amend Policy SETZ P7 to read: *Subdivision and development that is reliant on private infrastructure and services shall* ***demonstrate compliance or authorisation in terms of Regional Plan requirements and authorisation from any private asset or consent owner in respect of*** ~~*and any approved*~~ *water take or discharge consents.*
5.7	Activity Rules Prec1(1) to (20) Prec2(1) to (14) SETZ R1(1) SETZ R1(4)	Support in part	Notwithstanding support for the cross reference to existing Plan provisions, Fonterra notes that, in respect of Rules 5.9.1 and 5.9.2 of the Plan, these provisions create ambiguity regarding expectations around the Fonterra owned water supply currently serving parts of Waitoa. Rule 5.9.1 creates an expectation that development should connect to reticulated supplies. Rule 5.9.2 addresses non connection. However, this Rule specifically excludes the Fonterra Waitoa supply and doesn't explain how this should be addressed. In the context of a Plan Change that specifically enables development within the settlement, it is important that the Plan clarifies that all proposals will need to be entirely self-sufficient.	The Submitter has proposed to include a new provision: SETZ R1(5), to read: ***In respect of 3 Waters servicing within the Waitoa Settlement Zone, all proposals for land use and subdivision shall demonstrate that they will be entirely self sufficient.***
5.8	Omission SETZ R1(5)	Oppose	See above.	
5.9	SETZ R2(17)	Support	To ensure that the potential for reverse sensitivity effects are minimised in relation to the Waitoa Dairy Manufacturing Facility,	Retain as Notified.

			Fonterra supports the identification of the following activities as non-complying activities within the Commercial Precinct of the Waitoa Settlement Zone: • Residential Units • Minor Residential Units • Education Facilities Accommodation Facilities	
5.10	SETZ R1(4)	Support in part	Fonterra supports the inclusion of a cross reference to other relevant plan provisions, noting that Rule 5.2 is subject to a proposed amendment as part of Fonterra's Private Plan Change to address noise issues associated with the Waitoa Dairy Manufacturing Site. The cross reference will ensure consistency across the related plan provisions.	Retain as Notified
5.11	SETZ R2(1) General Assessment Criteria	Support in part	Fonterra supports Clause (d) as a general criterion to ensure compatibility between activities but considers that additional specific reference should be made to the potential for activities to generate reverse sensitivity effects in relation to established major industry. Fonterra supports the intention of clause (f) but considers that splitting the clause would provide improved clarity by ensuring that, as a matter of principle, 3 Waters servicing will be required in all cases and that, where this is through public reticulated services, that capacity exists.	Amend Clause SETZ R2(1)(d) to read: *Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites, **including the potential for activities to generate reverse sensitivity effects on established major industry**.* Amend Clause SETZ R2(f) to read: ***f) The provision of three waters servicing.*** Include additional Clause SETZ R2 (g) to read: ***g) Whether adequate capacity exists to maintain acceptable levels of service within available public reticulated services.***
5.12	SETZ R2(2) Controlled	Support	Fonterra supports the statement that the criteria set out within SETZ R2(1)	Retain as Notified.

	Assessment Criteria		shall apply to proposals for two or more residential units on a site	
5.13	SETZ R2(3) Restricted Discretionary Assessment Criteria	Support	Fonterra supports the statement that the criteria set out within SETZ R2(1) shall apply to proposals for Community Facilities and Light Industry in the Commercial Precinct.	Retain as Notified.
5.14	SETZ R3(1) Other Plan Provisions	Support	Fonterra supports the inclusion of a cross reference to other relevant plan provisions, noting that Rule 5.2 is subject to a proposed amendment as part of Fonterra's Private Plan Change to address noise issues associated with the Waitoa Dairy Manufacturing Site. The cross reference will ensure consistency across the related plan provisions.	Retain as Notified.
5.15	6.3.12 Subdivision within Settlement Zone	Support	Fonterra supports the minimum Lot size of 1,000m^2 in respect of Discretionary Activities and 2,500m^2 in respect of Controlled Activities and the default Non-complying status for proposals which do not achieve compliance.	Retain as Notified.
5.16	6.6.3 Settlement Zone (Discretionary Activity Subdivision)	Support in Part	The proposed criteria address wastewater disposal and treatment but do not mention water supply. Fonterra considers that, particularly in the context of Waitoa where the Company does not intend to provide water to any new development from the Fonterra owned water supply, it is important that proposals for subdivision demonstrate how they can be provided with their own supply to a meet NZ Drinking Water Standards and ensure an acceptable firefighting supply. The inclusion of additional assessment criteria will	Amend 6.6.3 to include the following additional assessment criteria: *Measures to ensure that all new lots not supplied by Council reticulated water supplies are able to provide water to meet NZ Drinking Water standards and provide acceptable fire fighting capacity*.

			enable consent notices to be attached to new titles to ensure that purchasers are aware that a reticulated supply will not be available.	
5.17	Planning maps - Waitoa	Support	Fonterra supports the extent of the proposed Settlement Zone, including the definition of the Residential and Commercial Precincts.	Retain as Notified.
PowerCo	Further Submission to Submission point 5.3	Oppose	Powerco opposed the proposed amendment by Fonterra to the objective SETZ 06. All infrastructure (not just water and wastewater) needs to be planned for and integrated into any development or subdivision of land.	Retain as notified

Analysis

49. A large part of the Fonterra submission is supportive of the Settlements Plan Change with two key issues arising with respect to the proposed provisions for reverse sensitivity effects and to private water supplies.

50. Powerco has lodged a further submission opposing the proposed Fonterra changes to the objective SETZ O6 in relation to infrastructure.

51. Council staff have met with Fonterra and Powerco representatives to discuss the submission points and alternatives to resolve the submission points. It has been acknowledged that additional emphasis on reverse sensitivity issues would be appropriate and a series of minor amendments are supported.

52. Fonterra currently operate and are responsible for a private supply network at Waitoa. It is understood this is a historical situation that eventuated from the establishment of the early dairy factory and the development of houses around the factory for workers. The District Plan does not manage or include provisions for private water supply networks as these are controlled through other legislation including the Health Act 1956 and the Local Government Act 2002, which ensures compliance with applicable performance standards and in particular, the Drinking-water standards for New Zealand 2005 (Revised 2018).

53. As an alternative response to the Fonterra submission, a proposal was formulated to include an advice note in Section 5.9 (Infrastructure and Servicing) of the District Plan to address private water supplies. It is understood that Fonterra is generally comfortable with this approach as this effectively sets outs the position of all private water supplies without requiring new rules to be included in the District Plan. This would also address

the further submission from Powerco as no changes to Objective SETZ O6 would be required.

Recommended Amendments

54. The following changes are proposed;

- Amendment to Issues Section

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

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

- Amendment to Objective SETZ O1;

SETZ O1	*To recognise and provide for a mix of land use activities within identified settlement areas that reflect and provide for the needs of the local communities and businesses while avoiding or minimising the potential reverse sensitivity effects on existing land use activities including major industry.*

- Proposed Advice Note inserted into 5.9.1

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

- Proposed amendments to Assessment Criteria SETZ R2(1)

  (d) Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites, including potential reverse sensitivity effects on existing activities including major industry;

  (e) Traffic, parking and access effects, including the safety and efficiency of the roading network and any effects of not providing carparking;

  (f) The provision of three waters servicing; and

  (g) Whether adequate capacity exists to maintain acceptable levels of service within available public reticulated three waters services.

Recommendation on Submission/Further Submission

That Sub 5.1 from Fonterra be -	**Accepted In Part** Alternative wording proposed to address original submission point
That Sub 5.2 from Fonterra be -	**Accepted In Part** Alternative wording proposed to address original submission point

That Sub 5.3 and 5.6 from Fonterra be -	**Rejected** No change proposed to SETZ O6 or SETZ P7 proposed following discussions with Fonterra over private water supplies.
That Sub 5.4, 5.5, 5.9, 5.10, 5.12 – 5.15, and 5.17 from Fonterra be -	**Accepted**
That Sub 5.7, 5.8 and 5.16 from Fonterra be -	**Accepted In Part** No change to rule mechanism proposed in terms of private water supplies, however issues addressed through the advice note in Section 5.9.
That Sub 5.11 from Fonterra be -	**Accepted**
That the further submission from Powerco to Sub 5.3 be -	**Accepted**

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

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	General Submission The Submitters are seeking Council to incorporate provisions for Amateur Radio Configurations (ARCs) into Plan Change 53. There are no provisions for Amateur Radio Operators to fulfil their avocation to scientific experimentation. The Submitters are seeking changes for amateur radio transmitters to be allowed as a permitted activity. The Submitter expresses frustration in regards to MPDC's rolling review of the District Plan, considering it is difficult for the Submitter to know which section of the District Plan is up for a review, reason why the Submitter missed the opportunity to submit on Plan Change 47. The Submitters have stated that amateur radio activities are an experimental science, licensed under international and domestic law and not a hobby. Therefore unlike hobbies, experimental sciences provide benefits to the community (please see page 5 on the submission for a list of benefits for the community and individuals). The Submitters have also provided background and context in regards to radio waves, amenity values, aerial fundamentals, uses and aerial heights. As well as information on the recognition of amateur radio aerial diversity and the need for neighbourly approval			
6.1	Provisions for Amateur Radio Configurations	Support in Part (Plan Change amended to include appropriate provisions)	Include new provisions for Amateur Radio Configurations as per relief.	To incorporate a definition of Amateur Radio Configurations. Incorporate rules which permit Amateur Radio Configurations to be used on the private properties of licensed Amateur Radio Operators. Definition: Amateur radio configuration means antenna, aerials and associated support structures which are owned and operated by licensed amateur radio operators. Include rules for Amateur Radio Configurations, as it follows: a. The top of any utility structure is less than 20metres above ground b. Any antenna other than a simple wire antenna shall meet the following criteria: i. Any of the elements making up the antenna shall not exceed 14.9m in length ii. For horizontal HF Yagi or loop antennas the boom length shall not exceed 13m iii. No part of the antenna, utility structure, or guy wires shall overhang the boundary iv. Simple wire antennas shall not overhang property boundaries. c. Any dish antennas shall

				i. be less than 5m in diameter/width ii. Be pivoted less than 4m above the ground iii. Will meet the setback and recession plane standards d. Poles used for holding the ends of wire antennas may be placed on the boundary of the section, provided they are i. Less than ten metres high ii. Any part of the pole above 5m height shall have a diameter of 25mm or less. e. Height in Relation to Boundary will not apply to ARCs.

Analysis

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

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

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

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

58. In reviewing the NZART submission and also following a meeting with representatives of NZART, it is apparent that the current District Plan rule is outdated and that the rule provisions would benefit from revision. The issue for the current plan change process is that:
    - The Settlements Plan Change is limited in scope such that only the rules for the settlement areas can be changed/introduced;
    - If any new provisions are included in the District Plan, then there will be a different set of rules for the Settlement Zone and the existing Rule 8.9.1 will have to be retained for all other zones;
    - There has been no consultation with the community on any changes to the provisions for amateur radio configurations; and
    - It is unclear whether any new provisions will benefit any members of the NZART as they would need to be located within an identified settlement area and with a installation that is not covered by the existing Rule 8.9.1.

59. In discussions with NZART, the above matters have been raised and it is our recommendation that the amateur radio installation rule is reviewed as part of a broader review of District Plan provisions. This would allow new provisions to be considered across all zones at the same time. Importantly, this would also allow consultation with the community on the nature and extent of new rules that may be adopted into the District Plan.

60. The NZART has responded with an acknowledgment of the issues with the planning process. However their preference is that the opportunity is taken now to at least introduce new provisions within the Settlement Zone areas. They have concerns with changes within the national planning framework and also with potential changes at the central government level.

61. Council will need to consider whether it is appropriate and whether there is merit in introducing new provisions for amateur radio installations only for the Settlement Zones. We have prepared some provisions for consideration based on the NZART submission and our review of other plans, many of which have been reviewed to include a new set of standards for these activities.

Recommended Amendments

62. If Council considers there is merit in including new rules, then the following provisions have been prepared for consideration. In general these propose a new definition (limited to the Settlement Zone) and new performance standards for what may be installed as a Permitted Activity. If these rules are not complied with, a resource consent will be required as a Restricted Discretionary Activity.

[See over page]

63. The new rule provisions prepared for consideration by Council are as follows:

PREC1(10) Amateur Radio Configuration.

General Performance Standards

Nil.

Activity Specific Performance Standards

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

Amateur radio configurations shall comply with the following performance standards

(i) there are no more than 6 antennas and aerials per site;

(ii) no part of any aerial, antenna or mast associated with amateur radio configuration overhangs any site boundary;

(iii) within any Residential, Commercial or Industrial Precinct which adjoins, or is opposite to, a Residential Precinct site, all support structures, aerials and antennas are located no closer than 5 m to the road boundary, or 3 m to any other affected site boundary (except that guy wires and poles up to 2m in height may be located within 1.5m of the site boundary but not the road boundary); and

(iv) for antennas:

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

(v) for aerials:

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

(vi) for support structures (masts):

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

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

64. The proposed new rule is not as permissive as the submission from NZART however it adopts many of the key provisions proposed by NZART. The main differences are:
    - The proposed rule retains yard setbacks;
    - Max height above building lines; and
    - Max number of antennas.

65. It is also proposed to include a new definition in accordance with the NZART submission as follows:

    Amateur radio configuration means antenna, aerials and associated support structures which are owned and operated by licensed amateur radio operators.

66. The proposed rule has been presented to NZART for their feedback and review prior to preparing this report. We understand the NZART support the rule and acknowledge that this is only an interim step in terms of a specific rule which can only be introduced into the Settlement Zone and no other zone.

Recommendation on Submission/Further Submission

That Sub 6.1 from NZART be -	**Rejected** On the basis that the amateur radio provisions are reviewed across all zones with community engagement **Or** **Accepted in Part** With alternative rule mechanism as detailed above.

2.7 Sub # 7 – Clement Properties Limited

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

Analysis

67. The Settlements Plan Change proposes the new Residential Precinct over the existing Waihou settlement where residential dwellings form the predominant land use with some addition Commercial and Industrial Precincts along the non-residential properties running along the SH 26 corridor.

68. Waihou is distinct from other settlement areas in that the settlement is already subject to Residential Zone provisions.

69. The Settlement Plan Change as notified proposed a small extension of the Residential Precinct to cover two existing residential properties on Campbell Street and the Council reserve on the opposite side of Campbell Street. The two residential sites adjoin the existing trucking business. The existing and proposed zoning are provided in Figures 1 – 2 below.

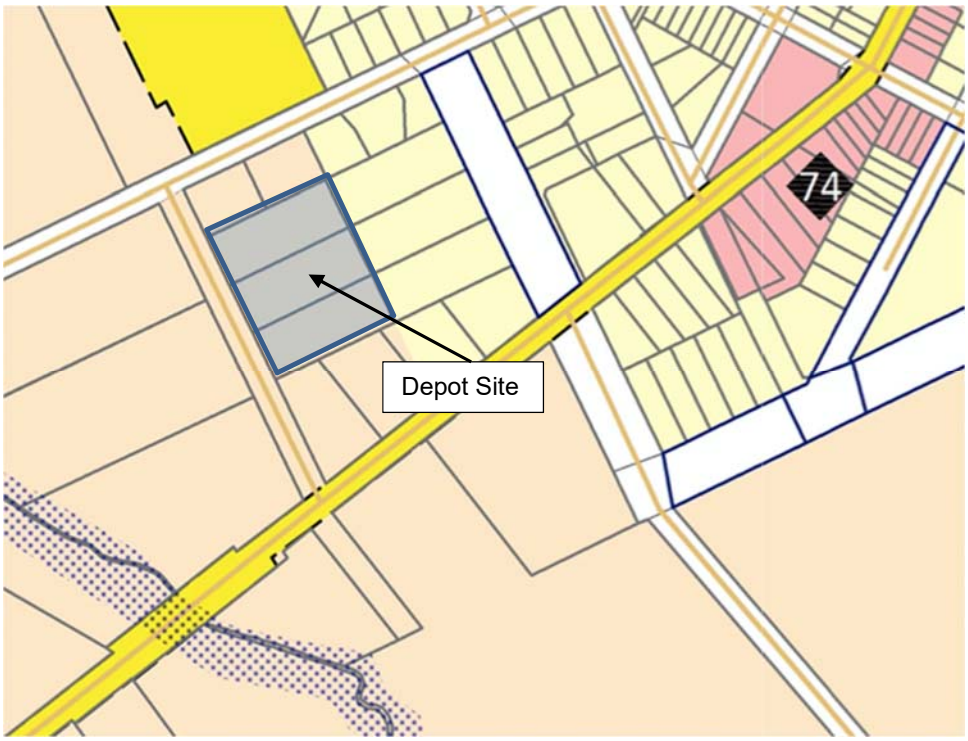

Figure 1 – Existing District Plan Zones

Figure 2 – Proposed Settlement

70. As part of the engagement process, Council staff met with representatives of Clement Properties and Waitoa Haulage (see submission 9) to discuss the background to the Settlements Plan Change and the boundaries of the depot with the existing and proposed residential areas. Part of the discussions were how the proposed Residential Precinct provisions would limit additional development on the Campbell Street properties.

71. The submitter also has land within the proposed Residential Precinct located to the east of the depot site and if there was a move to set back the residential boundary from the depot, then this may also affect the submitter.

72. Following the discussions with Council staff, the submitter advised that they were comfortable with the new zone provisions as notified.

73. It is considered that the proposed Residential Precinct provisions are the most suitable District Plan mechanism for the sites around the depot which recognises the existing sites with dwellings and the existing zone provisions. The performance standards and setbacks for buildings, relatively low density standards and noise standards will help to manage any reverse sensitivity or potential conflicts between the depot and any future residential activities.

Recommended Amendments

74. Nil.

Recommendation on Submission/Further Submission

That Sub 7.1 from Clement Properties be -	**Rejected** Noting that the submitter has subsequently advised that they are comfortable with the proposed Residential Precinct provisions.

2.8 Sub # 8 – GH Westbury Pty Limited
Further Submission # FS-2 / 8.1 – Waikato Regional Council

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	General Submission The Submitter, GH Westbury Pty Ltd ("Westbury"), supports the general intent of PC 53 and the planning framework it seeks to establish for land use and development activities located within key settlements across the District. Westbury considers the proposal would be consistent with the proposed objectives and policies for the Settlement Zone, which seek to recognise and provide for a mix of land use activities that reflect the needs of local communities and promote land use activities which support the long-term social and economic cohesion of settlements.			
8.1	Extend the proposed spatial extent of the Residential Precinct at Hinuera.	Accept the Plan Change with the following amendments	The Submitter considers that the spatial extent of the proposed Settlement Zone - Residential Precinct at Hinuera does not adequately provide for complementary residential development in Hinuera. Therefore, the Submitter is proposing to further extend the proposed spatial area of the Residential Precinct at Hinuera to include an 8 hectare portion of Lot 3 DP 306765 ("Lot 3"), which is presently owned by Westbury. The Submitter does not consider the proposed rezoning of part of Lot 3 would undermine the public services or infrastructure at Hinuera. Lot 3 is approximately 33 ha in area, with frontage to Hinuera Road along the eastern boundary and State Highway 29 along the southern boundary. The land is identified as Rural Zone in the Matamata-Piako District Plan and the soil is of a high quality ("LRIS 2002 Soil Class 2"). These characteristics are	The Submitter seeks to amend the western margin of the proposed Residential Precinct (as notified) in order to extend the proposed spatial extent of the Residential Precinct at Hinuera to include an approximately 8 hectare portion of Lot 3 DP 306765. Please refer to the proposed amended plan provided with the submission

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

Analysis

75. The Westbury submission is seeking an extension of the Settlement Zone to cover the area identified in **Figure 1**.

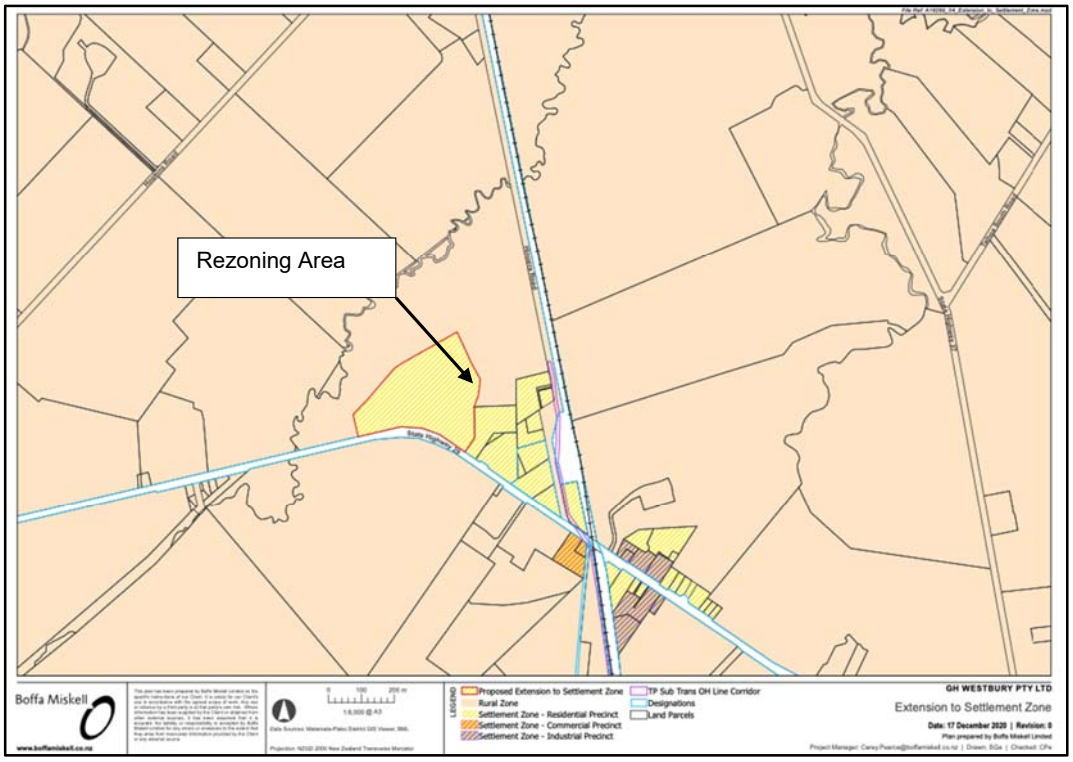

Figure 1. Source- Westbury Submission

76. This submission has been opposed by the Waikato Regional Council.

77. Council staff had a meeting with representatives for the Westbury submission and also from the Waikato Regional Council. This was helpful in discussing the issues and context of the submission in terms of the Settlements Plan Change and the higher order planning instruments. Topics canvassed in this meeting included:
    - The general context of the Settlements Plan Change to development new zone and rule mechanisms for the existing settlement areas;
    - The relative size of the Hinuera settlement and the proposed area for rezoning;
    - The purpose of the plan change does not include significant growth;
    - The options for a configuration of 20 - 30 lots on the site with smaller lots sizes of around 800m^2:
    - The resources that would be available to pursue the rezoning submission;
    - The generic nature of the submission and lack of details or assessment of planning and servicing issues to support the submission and rezoning;
    - The direction and requirements of the Waikato Regional Policy Statement (WRPS), Section 6A and method 6.1.1.;
    - Potential issues of high class soils including assessment on Policy 14.2 of the WRPS; and
    - Potential serving issues and options.

78. Following the meeting, the Westbury representatives advised that they would discuss with their client the opportunity to present additional assessment and information on the rezoning proposal. Although no further information has been received, it has been confirmed that they would like to present more information to the Council as part of the hearings process.

79. Given the nature of the rezoning proposal and the limited information that is available in support of the proposal, it is difficult to evaluate the merits of the proposal. The Settlements Plan Change was deliberate in its intention to largely develop a new Settlement Zone and set of rule mechanisms for the existing settlement areas and not to expand the existing settlements. The Westbury proposal is considered to be a departure from the intent of the plan change.

80. It is also considered that any consideration of this plan change will need to address;
    - the provisions of the Waikato Regional Policy statement, including the provision of Section 6A applying to plan changes and also the policies associated with the protection of high class soil (Policy 14.2),
    - how and why this extension of the Hinuera settlement is appropriate and superior to the proposed settlement boundaries or an extension of other areas around Hinuera,
    - servicing and access options for the site to establish that the development of the site is practicable and does not lead to an extension of Council services,
    - a Section 32 analysis of the proposal, and
    - Whether the community has been disadvantaged given there has been no consultation with the local and wider communities.

81. Council engineers have advised that there is no capacity available within the public water supply at Hinuera. In addition, there are concerns with additional private water or wastewater systems being developed which run the risk of requiring long term maintenance and which can lead to pressure on Council to take over responsibility for the asset and provision of supply.

82. Given the nature and scope of the rezoning proposal, there is insufficient grounds available to support the rezoning proposal.

Recommended Amendments

83. No changes are recommended to the proposed Settlement Zone boundaries or rules mechanisms at Hinuera.

Recommendation on Submission/Further Submission

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

2.9 Sub # 9 – Waitoa Haulage Limited

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

Analysis

84. The submission from Waitoa Haulage Limited concerns the same property and issues as Submission # 7 from Clement Properties Limited.

85. The analysis in Section 2.7 therefore applies equally to this submission including the outcomes from discussions with the submitter and the response to the original submission.

Recommended Amendments

86. None.

Recommendation on Submission/Further Submission

That Sub 9.1 from Waitoa Haulage Limited be -	**Rejected** Noting that the submitter has subsequently advised that they are comfortable with the proposed Residential Precinct provisions.

2.10 Sub # 10 – MPDC Staff

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	General Submission Matamata-Piako District Council's Staff has identified potential amendments and opportunities to enhance the potential of Plan Change 53 in order to make it more enabling and to provide clarity and certainty.			
10.1	PREC1(3) (iii) Home Business General; Permitted Activity – General Performance Standards	Support in part	In order to be enabling, the proposed provisions should cater for online commerce. This activity will not cause significant adverse effects on the environment; the transactions will take place remotely with no customers visiting the site. Therefore, we suggest the wording to be amended.	• Amend Clause PREC1(3) iii) to read: iii) The sale of goods and/or services directly to customers from the site is limited to those produced on site;
10.2	PREC1(3) Home Business General; Permitted Activity – General Performance Standards	Support and include new provision	In order to achieve clarity and minimize reverse sensitivity issues within the proposed Residential Precinct, we believe hours for delivery and collection of goods as well as hours of operation should be included as a performance standard for home business.	• Include additional Clause (x) to PREC1(3) to read: (x) The hours for delivery and collection of goods as well as onsite customer visits within the Residential Precinct shall be between: 7.30am to 5.30pm, Monday to Saturday.
10.3	PREC1(10) (iii) - Two or more Residential Units (Standard Density) And PREC1(13) (iii) - Two or more Residential Units (Medium Density)	Support in part	In order to provide for more friendly wording as well as to achieve more clarity, without changing the content or purpose of the rule, we believe the wording of the rule should be amended.	• Amend Clause PREC1(10) (iii) and to read: (iii) Each residential unit must comply with the subdivision standards set out in Rule 6.2 and the application shall ~~nominate~~ show internal lot boundaries to demonstrate compliance with the relevant

				performance standards.
10.4	SETZ R1(4) - District Plan Linkage Rules Performance Standards	Support in part	The Submitter believes that adding the specific rule exception will achieve more clarity.	• Amend Section 9 to read: Section 9: Transportation (except ~~that~~ rule~~s~~ **9.1.4;** ~~regarding~~ the minimum number of carparks shall not apply)
10.5	6.3.12 Subdivision within the Settlement Zone	Support in part	For a more holistic overview of the consenting process, the Submitter believes it is essential for the assessment criteria also refer to Section 6.6 – Discretionary and Non-Complying Assessment Criteria.	• Amend Assessment Criteria 6.3.12 (ii) to read: (ii) Assessment Criteria See section 6.4.and 6.6.

Analysis

87. The above amendments have been prepared by Council staff as amendments to the notified provisions of the Settlements Plan Change.

88. It should be acknowledged that Council staff have also been involved with the preparation and review of this planning report. Therefore to ensure transparency, it is appropriate to acknowledge that there is not the same degree of independence in terms of the analysis that is otherwise provided in this report.

89. The above amendments have been proposed to provides some fine tuning and clarification of the new rule mechanisms and do not have a major bearing on the nature or scope of the plan change provisions.

90. It is often the case that submissions are made by Council staff as this is the only way to have changes included for consideration post the notification stage.

Recommended Amendments

91. It is recommended that the amendments are adopted as per submission points 10.1 to 10.5. Council will need to exercise its own independent evaluation of the submissions points given that these submissions have been made by Council staff.

Recommendation on Submission/Further Submission

That Sub 10.1 to 10.5 from MPDC staff be,	**Accepted**

2.11 Sub # 11 – Kiwirail

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

Analysis

92. The Kiwirail is largely supportive of the Settlement Plan Change provision with the submissions seeking to retain the proposed Policy SETZ P3 and rules as notified.

93. Submission point 11.5 raises some questions about the linkage rules to the proposed noise provisions in relation to new buildings located adjacent to roading and railway corridors. These require minimum standards to achieve internal noise levels to protect sleep and amenity. The Settlement Plan Change proposes some changes to the existing noise provisions to align the rules with the up to date standards and also a relaxation for the internal standards for habitable rooms adjacent to road corridors from 40dBA to 45dBA. This proposed change does not affect railway corridors.

94. Following the Kiwirail submission, it has been identified that there does need to be a correction to the linkage rule. This will not affect the rule provisions and only corrects the linkage rule between the proposed Settlement Zone and the noise provisions.

95. It is noted that the House Movers submission 12.2 is seeking an exemption to the internal noise standards for relocated buildings. However, this submission is not supported and it is considered that the plan change provisions as notified should be retained. This is in accordance with the submission from Kiwirail.

Recommended Amendments

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

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

- That proposed Rule 3.2.1 be amended as follows:

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

Recommendation on Submission/Further Submission

That Sub 11.1 to 11.5 from Kiwirail be -	**Accepted**

2.12 Sub # 12 – House Movers Section of NZ Heavy Haulage Association Inc Further Submission # FS-3 / 12.2 – Fonterra

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

			homeowners where sound insulation is required. This approach does not accord with the need to promote affordable housing throughout New Zealand and the provisions of the National Policy Statement on Urban Development 2020.	**5.2.12 Noise Insulation for Rural Dwelling Sites and the Settlement Zone** (i) Performance Standards (a) New buildings (**not including relocated buildings**) to be used for a noise sensitive activity located….
12.3	Definitions	New provision	The Association notes that PC53 does not provide a definition for the term "relocatable building". It is requested that a definition be included as to increase certainty for Plan-users.	**Include** a definition for the term "relocatable dwelling". The Association requests that the following definition is used: **Relocatable dwelling** includes any building that is removed from one site and relocated to another site, in whole or in parts. It excludes any new building which is designed for, or intended to be used on, a site but which is constructed or prefabricated off-site, in whole or in parts, and transported to the site.
Fonterra	Further Submission on submission point 12.2	Oppose	Fonterra does not support the relief sought. The proposed amendments have the potential to create reverse sensitivity issues. Relocatable homes should also be made to comply with acoustic insulation requirements.	Retain as notified

Analysis

96. The submission from House Movers Section of NZ Heavy Haulage Association Inc. (Housemovers Inc.) address the provisions for relocated buildings. This follows earlier input into the consultation process where the Housemovers Inc. sought changes to remove the requirements for land use consent for relocated buildings.

97. Fonterra has made a further submission to the submission points from the Housemovers Inc. to exclude relocated buildings from the noise standards for buildings adjacent to the railway and road corridors.

98. The notified version of the Settlements Plan Change introduced a new rule framework which made any relocated building a Permitted Activity, subject to compliance with the normal performance standards that apply to all new buildings. It is noted that this change only applies to the settlement areas at this stage given the scope of the plan change.

99. This proposed change addressed the key issue raised by the Housemovers Inc. Their submission also seeks changes to introduce a new definition for a relocated dwelling and to exempt relocated buildings from the noise standards that would otherwise apply where any new building is located adjacent to a road or railway corridor.

100. Council staff have had the opportunity to meet with a representative of the Housemovers Inc. and this was very useful in understanding the experience of Housemovers Inc. working with different District Plans around New Zealand and also in terms of how the new Settlement Zone provisions are intended to work. This discussion covered the background to the noise insulation standards and also where a definition for relocatable dwellings/buildings may be useful.

101. Overall, it is considered that all new and relocated buildings should be subject to the same internal noise standards where sites are located adjacent to a road or railway corridor. It is acknowledged that this may place additional costs on those people who may be considering a relocated house. However, it is important that all newly constructed or relocated dwellings have minimum standards to protect residents and the rule mechanism also serves a very necessary role in managing reverse sensitivity effects.

102. Given the proposed changes do not include any provisions specific to relocatable dwellings and/or buildings, then it is considered that a new definition is not necessary.

103. The further submission from Fonterra is supported insofar that it is opposed to any changes in relation to the noise rules.

104. Kiwirail and Waka Kotahi and have also submitted on the noise rule seeking that this is retained, see submission points 11.2 and 14.3.

Recommended Amendments

105. The Settlements Plan Change proposes a new rule framework that excludes the need for a land use consent for relocated buildings within the new Settlement Zones. However, it is considered that the provisions for internal noise standards should apply where these relocated buildings are located adjacent to a road or railway corridor.

Recommendation on Submission/Further Submission

That Sub 12.1 from House Movers Inc be -	**Accepted**
That Sub 12.2 and 12.3 from House Movers Inc be -	**Rejected**
That the further submission from Fonterra to Sub 12.2 be -	**Accepted**

2.13 Sub # 13 – Te Aroha Federated Farmers

Sub #	Plan Provisions	Position	Details of submission	Decision Sought
	General Submission The Submitter supports subdivision at a threshold of 2,500m2 and enabling provisions for building structures, such as sheds; this will encourage cottage industries. The submitters added that all new development shall be self-sufficient in regards to sewage and water; there is no need to provide more Council infrastructure schemes for the settlements to grow. The Submitter also added to Council to be aware of reverse sensitivity issues from residents in regards to rural odours, dust etc. The Submitter finished adding to allow controlled growth.			

Analysis

106. The Te Aroha Federated Farmers (Fed. Farmers) submission is a general submission on the whole plan change. The matters of subdivision size, servicing and reverse sensitivity have been addressed in the submission and these were all matters that were considered as part of the plan change review.

107. Council staff had the opportunity to meet with representatives of Fed. Farmers and this was very useful in terms of discussing the plan change process and how the Settlement Zone provisions were developed and what issues are affecting local farmers. There were no matter arising from the discussions.

Recommended Amendments

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

Recommendation on Submission/Further Submission

That Sub 13.1 from Fed. Framers be -	**Accepted**

2.14 Sub # 14 – Waka Kotahi (NZ Transport Agency)

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

Analysis

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

110. There is some discussion around the Te Poi and Motumaoho settlements which are located on the state highway network and the lack of pedestrian connectivity. Council staff have liaised with Waka Kotahi to ascertain whether the submission is seeking any specific changes to the notified plan provisions or whether these matters are anticipated to be addressed at any subsequent subdivision or development application. Waka Kotahi has advised that they are not seeking any specific changes on these matters however are seeking further engagement with Council on the pedestrian connections.

111. Any new subdivision or development on the state highway will require consultation and referral to Waka Kotahi.

112. Waka Kotahi has also made a submission supporting the proposed rule mechanisms for internal noise standards. It is noted that the House Movers submission 12.2 is seeking an exemption for relocated buildings. However, this submission is not supported and it is considered that the plan change provisions as notified should be retained. This is in accordance with the submission from Waka Kotahi.

Recommended Amendments

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

Recommendation on Submission/Further Submission

That Sub 14.1, 14.2 and 14.3 from Waka Kotahi be -	**Accepted**

3. Other Plan Change Provisions.

114. 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.

4. Attachment A - Full Set of Submissions and Further Submissions

Refer to separate volume

5. Attachment B – Proposed Amendments to Notified Plan Provisions

Refer to separate volume