

Our Ref:
Enquiries to:

Plan Change 58 – Avenue Business Park
Nathan Sutherland



te kaunihera ā-rohe o
matamata-piako
district council

25 January 2024

Ben Inger
Panama Square
14 Garden Place
Hamilton 3204

Dear Ben

MPDC Submission: Plan Change (PC) 58 – Avenue Business Park

I write regarding the submission of the Matamata-Piako District Council (“the Council”) on the documentation associated with Plan Change (PC) 58 – Avenue Business Park. In its submission, the Council made 23 submission points, most of which were directed at the proposed District Plan provisions. These submission points have been discussed between yourself (as a representative of the PC58 applicant) and representatives of the Council (as the submitter), primarily during a meeting on Tuesday 24 October 2023, but also through subsequent correspondence.

The submission points, a summary of the discussion regarding that point and the outcome stemming from that discussion are included in the table below.

Sub. point	Summary of discussion	Outcome
1	Neutral submission point. No discussion between applicant and submitter on this matter.	Updated economic analysis of Plan Change 58 provided. This provides scenarios where the competitiveness margins under the NPS-UD are both included and excluded.
2	Applicant and submitter agree to the recommended change.	General Industrial Zone preamble amended to refer to “the district’s towns”.
3	Applicant and submitter agree to the recommended change.	Objective GIZ-O2 amended to refer to “the district’s towns”.
4	Applicant and submitter agree that activities ancillary to a permitted activity should be specifically defined as permitted.	Permitted activity rule GIZ-R1(1)(m) relating to activities ancillary to a permitted activity in the GIZ inserted into proposed provisions.
5	Applicant and submitter agree to limit café and food takeaway outlets to a maximum GFA of 250m ² .	Rule GIZ-R1(1)(l) amended to specify that café and food takeaway outlets are permitted

		when limited to a maximum GFA of 250m ² .
6	Applicant and submitter agree that an industrial activity requiring an air discharge consent shall be assessed as non-complying activity	Rule GIZ-R1(3)(d) deleted and new non-complying Rule GIZ-R1(4)(f) added.
7	Applicant and submitter do not agree regarding the submission point. The applicant maintains that development not in accordance with the DAP should be discretionary, whereas as the Council considers it should be non-complying.	No change to proposed District Plan provisions.
8	Applicant and submitter agree that landscaping adjoining the Rural Zone and lining key transport corridors may have different functions.	Rule R2(5) amended to direct the landscaping associated with a key transport corridor, whereas Rule 9.6.3 has been amended to direct landscaping in the Rural Zone landscape buffer, and within public roads and the stormwater management area.
9	Applicant and submitter agree that the yard exclusions should not apply to reserves not used exclusively for utility purposes.	Description of utility reserve incorporated into the definitions. This identifies that a “utility reserve” is exclusively for utility purposes.
10	Applicant and submitter agree that the fencing exclusions should not apply to reserves not used exclusively for utility purposes.	Description of utility reserve incorporated into the definitions. This identifies that a “utility reserve” is exclusively for utility purposes.
11	Applicant and submitter agree that there is some conflict between Rules GIZ-R2(4) and GIZ-R2(9)(a).	Rule GIZ-R2(9)(a) amended to preclude outdoor storage areas from yards facing a reserve.
12	Applicant and submitter agree that there is inequalities between the screening options for service and outdoor storage areas.	Rule GIZ-R2(9)(c)(ii) amended to include parameters for screen planting.
13	Applicant and submitter agree that Rule GIZ-R2(10)(a) (relating to screening) would benefit from further parameters .	Rule GIZ-R2(10)(a) amended to include parameters for screen planting and/or fencing
14	Applicant and submitter agree that equipment “storage” that forms part of a business’s retail element should not be subject to the yard and screening provisions	Rules GIZ-R2(10)(a) and GIZ-R2(10)(a) amended to exclude the storage of machinery or other equipment where the goods are available for sale or hire.
15	Applicant and submitter agree that the utility reserve exclusion associated with Rule GIZ-R2(12) should only apply to reserves used exclusively for utility purposes.	Description of utility reserve incorporated into the definitions. This identifies that a “utility reserve” is exclusively for utility purposes.
16	Applicant and submitter agree that Rule GIZ-R3(b) should be read as two matters of discretion.	Rule GIZ-R3(b) separated into two matters of discretion and subsequent numbering changes made.



17	Applicant and submitter agree that Rule 6.1.2(l) should not be limited to subdivision creating additional lots.	The phrase “to create additional lots” has been deleted from Rule 6.1.2(l).
18	Applicant and submitter do not agree regarding the submission point. The applicant maintains that development not in accordance with the DAP should be discretionary, whereas as the Council considers it should be non-complying.	No change to proposed District Plan provisions.
19	Applicant and submitter agree that assessment matter v. under Rule 6.5.4 should be amended to align with the wording of Rule 6.1.2(l).	The phrase “to create additional lots” has been deleted from assessment matter 6.5.4(v).
20	Applicant and submitter agree that the landscaping required by Rule 9.6.3 should be implemented at the time of subdivision.	Rule 9.6.3 has been amended to clarify that the landscaping specified in the rule shall be designed and implemented at the time of subdivision.
21	Submitter acknowledges that a Developer Agreement is unlikely to be needed, but that some form of offsite infrastructure upgrades may be required in relation to wastewater.	No change to proposed District Plan provisions.
22	Applicant and submitter agree that a definition of “height in relation to boundary” should be included in the proposed provisions.	Description of “height in relation to boundary” incorporated into the definitions.
23	Applicant and submitter agree that a definition describing a “Utility Reserve” should be included in the proposed provisions, and that this definition should only incorporate areas used exclusively for utilities.	Description of utility reserve incorporated into the definitions. This identifies that a “utility reserve” is exclusively for utility purposes.

The applicant and submitter have reached agreement on the majority of the submission points, and for the most part, these have been addressed through the revised wording of the proposed District Plan provisions (FINAL v3, 30 November 2023). Only points 7, 18 and 21 remain outstanding. Submission points 7 and 18 are similar, and relate to the activity status of subdivision and development that is not in accordance with the Avenue Business Park Development Area Plan.

Submission point 21 recommends that “Development Agreement” provisions similar to those associated with the Lockerbie Development Area Plan be inserted in the proposed District Plan amendments to provide for development that is not accounted for by the development contributions policy. This has been discussed between the applicant and submitter, with the submitter questioning what a Development Agreement in this context would cover.

The Council now acknowledges that it is unlikely that a Development Agreement would be needed for the plan change area, but that some form of offsite infrastructure upgrades may be required in relation to wastewater depending on the developer’s connection plans. The infrastructure report accompanying the application identified two options, those being:



1. A wastewater pump station within the plan change area with a main running out to SH26 and connecting into the manhole at the Thames Street/Avenue Road intersection, or
2. Connecting the plan change area to the existing pump station on Avenue Road.

Option 2 is preferred by Council, and it recommends the amendment of Rule 9.6.4 of the DAP to allow for these two options, while highlighting the Council's preference for a connection to the existing pump station. Additionally, it should also be clear that any upgrades or works to achieve either option would be at the developer's cost.

If you have any questions or require further clarification of anything in this letter, please do not hesitate to contact me.

Yours sincerely



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