

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR
PLAN CHANGE 57 TO THE MATAMATA-PIAKO DISTRICT PLAN**

under Schedule 1, Resource Management Act 1991 (RMA)

To: Matamata-Piako District Council
35 Kenrick Street
TE AROHA
(by email: submissions@mpdc.govt.nz)

Name of Submitter: Warwick and Marion Steffert

1. This submission is made by Warwick and Marion Steffert (**the Submitter**) on Plan Change 57 (**PC57**) to the Operative Matamata-Piako District Plan (**ODP**).
2. The Submitter is the owner of a property at 2581 State Highway 26, Morrinsville, which is the subject of proposed private Plan Change 58 – Avenue Business Park (**PC58**) to the ODP (refer to **Appendix A**).
3. PC58 will seek to rezone the Submitter's site on the edge of Morrinsville (13.4 hectares) from Rural to General Industrial Zone (**GIZ**). The Submitter's interest in PC57 relates to the GIZ provisions and other associated amendments which are proposed to be introduced into the ODP.

Background

4. The Submitter has been in discussions with Matamata-Piako District Council (**MPDC**) staff regarding PC58 since approximately mid-2021. Through these discussions MPDC staff advised that new GIZ provisions were being prepared for PC57 in accordance with the National Planning Standards and suggested that the provisions could be adopted for PC58 to ensure a consistent and integrated approach. It is understood that the GIZ provisions are likely to replace the existing Industrial Zone provisions as part of the future amendment of the ODP into the National Planning Standards format.
5. A full draft of the plan change request for PC58 was provided to MPDC staff in late-October for review and feedback. The draft plan change request proposes to adopt the GIZ provisions which have been prepared for PC57 with several amendments which are addressed in this submission. Formal lodgement of PC58 is expected to occur in early-December following the receipt of MPDC's feedback on the draft plan change request.
6. Because a plan change can only request changes to operative provisions in a district plan, it will be necessary for PC58 to seek to introduce the GIZ provisions to the ODP, even though decisions could be made on PC57 before decisions are made on PC58. Regardless, there are also some site-specific provisions for the Avenue Business Park which are proposed to be introduced to the ODP through PC58 which would not be appropriate to introduce through PC57.

Submission

7. The Submitter generally supports the GIZ provisions which are proposed through PC57. The provisions will generally be well-suited to the PC57 and PC58 sites and potentially to other industrial areas in the district if the existing Industrial Zone under the ODP is changed in future.

8. Several changes are, however, sought to improve the clarity, efficiency and effectiveness of the provisions. The specific relief, and the reasons for the changes, is provided in the table in **Appendix B** to this submission. In summary, the submission seeks to:
 - a. amend Policy GIZ-P6 to improve its clarity;
 - b. add new rules in GIZ-R1(1) so that 'ancillary retail' and 'ancillary office' are a Permitted Activity in the GIZ;
 - c. amend the earthworks standards in GIZ-R1(1)(n), including by increasing the maximum permitted earthworks volume from 100m³ to 1,000m³;
 - d. amend rules GIZ-R1(3) and GIZ-R1(4) so that development which is not in general accordance with a Development Area Plan is a Discretionary Activity;
 - e. amend GIZ-R2(4) so that the additional signage provisions only apply where a site adjoins a State Highway;
 - f. amend GIZ-R2(8) to include a fixed date for the assessment of noise received at notional boundaries in the Rural Zone and to improve the clarity of references to the noise standards in relation to the boundaries of other zones;
 - g. amend GIZ-R2(10) so that the screening requirements for service and outdoor storage areas do not apply to utility reserves;
 - h. amend GIZ-R2(11) so that plant or machinery must not be placed within any front yard rather than any building setback;
 - i. amend GIZ-R2(13) so that the rule is clearer that the site layout requirements for buildings adjoining reserves do not apply to utility reserves;
 - j. amend GIZ-R2(14) to make the requirements for harvesting and reuse of water clearer by clarifying that storage tanks and a water re-use system are required;
 - k. amend Rule 6.3.3 so that subdivision which does not comply with a Development Area Plan in the General Industrial Zone is a Discretionary Activity;
 - l. amend the definitions for 'Ancillary activity' and 'Notional boundary' so that the definitions are consistent with the format for other definitions and with the National Planning Standards;
 - m. insert a new definition for 'Ancillary office'; and
 - n. minor amendments to correct errors in 18.1 General Industrial Zone Issues, GIZ-R1(1)(l), GIZ-R2(1), GIZ-R3(1) and 18.8 Principal Reasons.

9. The relief that is sought is necessary to:
 - a. promote sustainable management of resources, achieve the purpose of the RMA and to give effect to Part 2 and other provisions of the RMA;
 - b. enable the efficient use and development of natural and physical resources by ensuring the provisions are suitable for managing the effects of industrial development and subdivision;
 - c. give effect to the objectives and policies of the National Policy Statement on Urban Development; and
 - a. ensure that the provisions of PC57 are the most appropriate way to achieve the objectives of PC57 and the ODP, which are in turn the most appropriate way to achieve the purpose of the RMA.

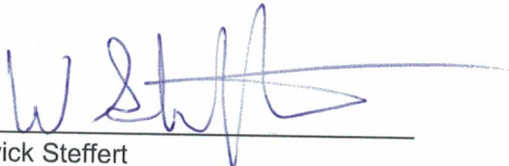
Decision Sought

10. The Submitter seeks the decisions from Council as set out in the column "Decision Sought" in the table in **Appendix B** of this submission, as well as any consequential or further amendments to give effect to the relief sought and reasons given.

11. The Submitter generally supports PC57 and will not gain an advantage in trade competition through this submission.

12. The Submitter wishes to be heard in support of this submission. If others make a similar submission the Submitter would be prepared to consider presenting a joint case with them at any hearing.

Signed by:



Warwick Steffert

Date: 9 November 2022

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Appendix B – Detailed reasons and decisions sought

	Section of Plan and Provision Reference	Support / Oppose	Reasons	Decision Sought
	General			
1.	Alignment between PC57 and PC58.	Support in Part	That the PC57 provisions be consistent with PC58 as appropriate to ensure the two processes are aligned and therefore achieve an integrated approach to resource management planning. Specific amendments are identified in the table below.	Amend PC57 to achieve integration and consistency with PC58.
	Chapter 18: General Industrial Zone			
2.	18.1 General Industrial Zone Issues	Support in Part	The amendment corrects an error.	Amend the second paragraph in 18.1 to read: The GIZ land is generally located adjacent to our towns to meet growth requirements. Where this land is situated is at one of the entries to a town it requires greater design standards to ensure the amenity of the town is maintained and enhanced.
3.	Policy GIZ-P6	Oppose in Part	<ol style="list-style-type: none"> 1. The policy should be amended to be clearer and easier to understand, while retaining the overall intent. 2. The policy should refer to development needing to be in "general accordance" with Development Area Plans, for the following reasons: <ol style="list-style-type: none"> a. It would be consistent with Section 3.10 which refers to development being undertaken "generally in accordance with" a relevant structure plan or Development Area Plan. b. Given the high-level nature of Development Area Plans it is more appropriate for development to be required to be in "general accordance" than "in accordance" with them. c. Some of the features on Development Area Plans are shown indicatively, such as roads. 	<p>Amend Policy GIZ-P6 as follows:</p> <p>Enhancing and ensuring that development visible from key entranceways of towns, key transport corridors and reserves meets appropriate landscaping, screening and building design standards and shall be in accordance with Development Area Plans where applicable.</p> <p><u>Development which is visible from key entranceways of towns, key transport corridors and reserves shall meet appropriate landscaping, screening and building design standards and be in general</u></p>

				<u>accordance with Development Area Plans where applicable.</u>
4.	18.4 Activity Status Table GIZ-R1(1)	Support in Part	The amendment corrects an error.	Amend clause (vi) of GIZ-R1(1)(l) to read: (vi) A minimum outdoor living space of 20m ² exclusive to the ancillary residential unit shall be provided with minimum dimension of 3m. This shall be unobstructed by vehicle access, and buildings <u>and</u> shall be directly accessible from the main living area; and
5.	18.4 Activity Status Table GIZ-R1(1)	Oppose in Part	<ol style="list-style-type: none"> 1. Policy GIZ-P1 recognises that non-industrial activities are appropriate in the GIZ where they are ancillary to industrial activities. 2. Ancillary retail is commonly provided for in Industrial Zones. 3. Although the definition for 'Industrial activity' includes "<i>any ancillary activity to the industrial activity</i>" it would be clearer for the provisions to specifically refer to ancillary retail, particularly as the term is proposed to be defined under PC57. 	<p>Insert the following new standard so that 'Ancillary retail' is a Permitted Activity:</p> <p><u>(n) Ancillary retail</u> <u>General Standards</u> <u>Rules GIZ-R2(1)-(15)</u></p>
6.	18.4 Activity Status Table GIZ-R1(1)	Oppose in Part	<ol style="list-style-type: none"> 1. Policy GIZ-P1 recognises that non-industrial activities are appropriate in the GIZ where they are ancillary to industrial activities. 2. Ancillary office is commonly provided for in Industrial Zones. 3. Although the definition for 'Industrial activity' includes "<i>any ancillary activity to the industrial activity</i>" it would be clearer for the provisions to specifically refer to ancillary office. 	<p>Insert the following new standard so that 'Ancillary office' is a Permitted Activity:</p> <p><u>(o) Ancillary office</u> <u>General Standards</u> <u>Rules GIZ-R2(1)-(15)</u></p>
7.	18.4 Activity Status Table GIZ-R1(1)	Oppose in Part	<ol style="list-style-type: none"> 1. A maximum permitted earthworks volume of 100m³ is a very low threshold which is likely to mean that many earthworks activities which are not covered by the exclusions (for example construction of storage areas for industrial activities) will require resource consents despite having less than minor adverse effects due to their small scale. 	<p>Amend GIZ-R1(1)(n) as follows:</p> <p>(n)<u>(p)</u> <i>Earthworks</i> Activity Specific Standards</p>

			<p>2. A maximum permitted earthworks volume of 1000m³ is consistent with the standards for the Industrial Zone under the Hamilton City Operative District Plan and Operative Waipa District Plan. The maximum permitted earthworks volume in the General Industrial Zone under the Proposed Waikato District Plan (Appeals Version) is 10,000m³.</p> <p>3. There are minor errors in the exclusions part of the rule (missing “or” and list error).</p>	<p><i>Earthworks</i> shall comply with the following standards:</p> <p>(i) <u>Maximum</u> cut or fill height – - 0.5m within the yard requirement. - 1.5m outside the yard requirement.</p> <p>(ii) All site works to be reinstated within 6 months of works commencing.</p> <p>(iii) <u>Maximum</u> volume of earthworks 400m³ <u>1000m³</u> within any 12 month period.</p> <p>(iv) Works must not affect or be located within a scheduled item (Schedule 1 – 3).</p> <p>(v) Works cannot involve the excavation or disposal of contaminated land/materials.</p> <p>(vi) Works shall be set back 5m from any overland flow path and 10m from any water body.</p> <p>Exclusion: Any <i>earthworks</i> which; (a) have been approved as part of a land use or subdivision consent, <u>or</u> (b) are for the removal of topsoil for building foundations and/or driveways associated with an approved building consent, <u>or</u> (c) any <i>earthworks</i> associated with utility installation, maintenance, upgrading and / or removal where the ground surface is fully reinstated within one month from when the work started.</p>
8.	18.4 Activity Status Table GIZ-R1(3) and GIZ-R1(4)	Oppose	<p>1. A Non-Complying Activity status is too restrictive and does not reflect that there are likely to be situations where development which is not in accordance (or general accordance) with a Development Area Plan could be</p>	<p>Delete GIZ-R1(4)(f) as follows:</p> <p>(f) Development not in accordance with a Development Area Plan</p>

			<p>appropriate. A Discretionary Activity status would allow for assessment to occur on a case-by-case basis and would be more appropriate.</p> <p>2. The rule should refer to development needing to be in “general accordance” with Development Area Plans, for the following reasons:</p> <ol style="list-style-type: none"> It would be consistent with Section 3.10 which refers to development being undertaken “generally in accordance with” a relevant structure plan or Development Area Plan. Given the high-level nature of Development Area Plans it is more appropriate for development to be required to be in “general accordance” than “in accordance” with them. Some of the features on Development Area Plans are shown indicatively, such as roads. It would be consistent with the change sought to Policy GIZ-P6. 	<p>And;</p> <p>Insert the following new standard in GIZ-R1(3) so that ‘Development not in general accordance with a Development Area Plan’ is a Discretionary Activity:</p> <p><u>(g) Development not in general accordance with a Development Area Plan</u></p>
9.	18.5 Standards for the General Industrial Zone GIZ-R2(1)	Oppose in Part	The cross-references are incorrect and require amending.	<p>Amend GIZ-R2(1) to read:</p> <p>All activities shall be required to comply with the following standards. Rule GIZ-R1(5)(a) to (f) <u>GIZ-R2(1) to (15)</u> are general standards for all activities including linkage rules to other sections of the District Plan.</p>
10.	18.5 Standards for the General Industrial Zone GIZ-R2(4)	Oppose in Part	The additional signage standards are only necessary where sites adjoin a State Highway. It would be inefficient and unnecessary for the rule to apply to signs which face and/or are visible from a State Highway where they are distant from it.	<p>Amend GIZ-R2(4) to read:</p> <p>(a) In addition to the provisions in Rule 3.9, <u>where sites adjoin a State Highway</u> signage in the GIZ shall:</p> <ol style="list-style-type: none"> Not be located on the façade of a building facing a State Highway; or Not be a free-standing sign that is directly visible from the State Highway, unless

				located on an adjoining local road frontage.
11.	18.5 Standards for the General Industrial Zone GIZ-R2(8)	Support in Part	<p>1. The rules do not anticipate the potential for reverse sensitivity from the encroachment of dwellings near the boundary with a GIZ. The addition of a fixed date would avoid the potential scenario where a lawfully established industrial activity within the GIZ could have its operations constrained by an owner of a Rural zoned property choosing to build a dwelling near a GIZ boundary. The PC58 notification date is suggested because it will be the later of the two plan changes which involve rezoning to GIZ.</p> <p>2. Changes are required to improve the clarity of the rule. The changes are necessary because a “rural dwelling” is not a defined term in the ODP and because the rule refers to several zones so it would be more appropriate for it to refer to “the GIZ” rather than “the zone”.</p>	<p>Amend GIZ-R2(8) to read:</p> <p>(a) The noise level (L_{Aeq}) as measured at any point within the boundary of any land zoned RResidential, or the notional boundary of any ruraldwelling in <u>the Rural Zone which was existing at (insert PC58 notification date)</u>, shall not exceed 55db Monday to Saturday – 7am to 10pm, or 40db at all other times. The L_{max} shall be 65dB L_{AFmax} between 10pm to 7am.</p> <p>(b) The noise level (L_{Aeq}) as measured at any point on the boundary within the zone <u>GIZ</u> shall not exceed 65dBA.</p> <p>(c) The noise must be measured in accordance with the requirements of NZS6801:2008 – Acoustics – Measurement of Environmental Sound and assessed in accordance with the requirements of NZS6802:2008 Acoustics – Environmental Noise.</p> <p>(d) <i>Ancillary residential units</i> located within the zone <u>GIZ</u> shall be designed, insulated or constructed and maintained to ensure that:</p> <p>(i) noise received shall not exceed 35dB L_{Aeq} in bedrooms and 40dB L_{Aeq} to</p>

				<p>all other habitable spaces from noise not on the same site; and</p> <p>(ii) if windows are required to be closed to achieve the noise limits in clause (i) above, the building must be designed and constructed to provide an alternative means of ventilation in accordance with Clause G4 of the New Zealand Building Code; and</p> <p>(iii) an acoustic design report prepared by an appropriately qualified practitioner confirming compliance with clause (i) and (ii) above must be submitted to Council as part of resource or building consent application.</p> <p>(e) Noise mitigation for noise sensitive activities refer to Rule 5.2.9.</p> <p>(f) Also refer to section 5.2.</p>
12.	18.5 Standards for the General Industrial Zone GIZ-R2(10)	Oppose in Part	<ol style="list-style-type: none"> 1. Utility reserves are not sensitive to the effects of unscreened service areas and outdoor storage areas because they contain infrastructure and are typically not publicly accessible. Requiring service areas and outdoor storage areas to be screened from view of utility reserves would therefore be inefficient and unnecessary. 2. Excluding utility reserves would be consistent with other rules, including GIZ-R2(2)(b), GIZ-R2(3), GIZ-R2(5) and GIZ-R2(13). 3. Reference to reserve areas which are identified on a Development Area Plan is unnecessary because the final location and number of reserves will be determined 	<p>Amend GIZ-R2(10)(c) to read:</p> <p>(c) All service areas and outdoor storage areas visible from a <i>key transport corridor</i> or any reserve areas as identified on a Development Area Plan (excluding utility reserves) shall be screened from view with either:</p> <p>(a) 1.8m high close boarded or similar solid fence or wall,</p>

			through subdivision consents and the reserves will be required to vest.	and a minimum of 1m wide planting strip, or (b) A 2m wide planting strip
13.	18.5 Standards for the General Industrial Zone GIZ-R2(11)	Oppose in Part	<ol style="list-style-type: none"> 1. Changing the terminology to 'yards' is consistent with GIZ-R2(2) which sets out requirements for yards. 'Building setbacks' is not a term used in Chapter 18. 2. Although it is appropriate for front yards to be kept clear of plant and machinery to manage streetscape effects, it is unnecessary for other yards (i.e. side yards and rear yards) to be kept clear of plant and machinery. 	Amend GIZ-R2(11)(a) to read: (a) No plant or machinery (including air conditioning units) relating to the activity shall be placed within any building setback <u>front yard</u> .
14.	18.5 Standards for the General Industrial Zone GIZ-R2(13)	Oppose in Part	<ol style="list-style-type: none"> 1. Although the rule is titled "Site layout of buildings adjoining reserves (excluding utility reserves) clause (a) refers to reserves in a general sense. Clause (a) should state that utility reserves are excluded so that the rule is clearer and to avoid potential confusion. 2. Utility reserves are not sensitive to the effects of buildings because they contain infrastructure and are typically not publicly accessible. Requiring buildings adjoining utility reserves to be designed and constructed to meet additional urban design standards would therefore be inefficient and unnecessary. 3. Excluding utility reserves would be consistent with other rules, including GIZ-R2(2)(b), GIZ-R2(3) and GIZ-R2(5). 	Amend GIZ-R2(13) to read: (a) The façade of the building that adjoins a reserve (<u>excluding utility reserves</u>) shall be designed and constructed to meet the following standards: <ol style="list-style-type: none"> (i) Provide a visible change of material, or surface texture, or colour, or a step in plan of at least 0.5m for every 20m of façade length. (ii) Have building materials and colours that have a colour reflectance value of not more than 35% for walls and 50% for roofs.
15.	18.5 Standards for the General Industrial Zone GIZ-R2(14)	Support in Part	<ol style="list-style-type: none"> 1. The water management standards should require rainwater storage and water re-use, rather than one or the other. If re-use is not required then the potential benefits of reduced demand on water supply networks from the storing of water would be lost. 2. If the requested changes are not made then the requirements in clause (ii) are otherwise unclear and require a subjective assessment to determine compliance. 	Amend GIZ-R2(14) to read: (a) The harvesting of rainwater for and/or the reuse of grey water shall be operational for non-potable purposes and shall provide for the following, as a minimum: <ol style="list-style-type: none"> (i) Rainwater storage tanks with a minimum storage of 10,000 litres; or <u>and</u>

				(ii) A water re-use system or other water demand management system to supply water and all outdoor non-potable uses.
16.	18.6 Matters of Discretion – General Industrial Zone GIZ-R3(1)	Support in Part	The amendment corrects an error.	Amend GIZ-R3(1)(d) to read: The extent to <u>which</u> it is necessary for the activity to be in the GIZ and whether or not it will adversely impact on the function of the Business Zone;
17.	18.8 Principal Reasons	Support in Part	The amendment corrects an error.	Amend the heading of 18.8 to refer to 'Principal Reasons' rather than 'Principle Reasons'.
Chapter 6: Subdivision				
18.	6.3.3 Structure Plan Areas and Development Area Plans (Restricted Discretionary Activity)	Oppose in Part	A Non-Complying Activity status is too restrictive and does not reflect that there are likely to be situations where subdivision which is not in accordance (or general accordance) with a Development Area Plan could be appropriate. A Discretionary Activity status would allow for assessment to occur on a case-by-case basis and would be more appropriate.	Amend Rule 6.3.3 by inserting the following additional text in clause (iii): (iii) Non-compliance Subdivisions within the Structure Plan and Development Area Plan areas that fails to comply with the additional restricted discretionary standard in 6.3.3(i) above shall be a non-complying activity, <u>except in the General Industrial Zone where it shall be a discretionary activity.</u>
Chapter 15: Definitions				
19.	15 Definitions	Oppose in Part	The definitions of 'Ancillary activity' and 'Notional boundary' require amending to be consistent with the format for other definitions and the National Planning Standards.	Amend the definition of 'Ancillary activity' as follows: For the General Industrial Zone <u>means</u> an activity that supports and is subsidiary to a primary activity. Amend the definition of 'Notional boundary' as follows:

				For the General Industrial Zone means a line 20 metres from any side of a residential unit or <u>other</u> building used for a noise sensitivity <u>sensitive</u> activity, or the legal boundary where this is closer to such a building.
20.	15 Definitions	Oppose in Part	This change is consequential to submission 6 above. A definition is required for plan clarity and administration.	<p>Insert the following new definition for 'Ancillary office':</p> <p><u>For the General Industrial Zone means any office activity on the same site as the principal activity, and whose use is ancillary to that principal activity (e.g. an office attached to a manufacturing premises) and forms an integral part of the business occupying the site.</u></p>