

Appendix 1

Submissions

Contents

Submission Submitter

1. John Richard Mellow
2. Progressive Enterprises
3. Waikato Regional Council
4. Ministry of Education
5. KiwiRail
6. Macken Farm Ltd
7. Mike Gribble
8. New Zealand Transport Agency
9. Vector Gas
10. David Nickalls
11. Tidmarsh Holdings Ltd
12. M & C O'Callaghan
13. Piako Gliding Club
14. Federated Farmers
15. Kaimai Properties & Matamata Metal Supplies
16. D & L Swap
17. New Zealand Historic Places Trust
18. Fonterra
19. Transpower
20. Horticulture NZ
21. Environmental Features Inc
22. Telecom NZ
23. Powerco Ltd
24. Chorus NZ
25. Helen & Kerry Cranston
26. Ventus Energy
27. Barr & Harris
28. GeoMetrix

Kelly Moulder

From: WEBMASTER [webmaster@mpdc.govt.nz]
Posted At: Tuesday, 19 November 2013 09:54
Conversation: Proposed plan changes submission
Posted To: Submissions (Corporate Planning)

Subject: Proposed plan changes submission

Full name*: John Richard Mellow

Contact person: John

Address*: 2562 S/H 26 RD 2

Morrinsville

Phone: 078896497

Email*: johnandcols@hotmail.co.nz

Fax:

The specific provisions of the plan change that my submission relates to are:: Remove the 5.2.9 clause

My submission is (include whether you support or oppose the specific provisions or wish to have them amended, and the reason for your views): We feel vicimised for living in 70K area against 50K area t o reduce the noise. Silent seal would eleviate this problem.

I seek the following decision from Council (please give precise detail): Decline the plan change

I wish to present at the Council planning hearing: yes

I would be prepared to present a joint case at the hearing with others making a similar submission: yes

You could gain an advantage in trade competition through this submission: no

If you could gain an advantage in trade competition through this submission please complete the following: no

Kelly Moulder

From: Mike Foster [mike@zomac.co.nz]
Sent: Thursday, 21 November 2013 09:54
To: Patrick Clearwater
Subject: PLAN CHANGE 43- SUBMISSION BY PROGRESSIVE ENTERPRISES LTD
Attachments: 20131121094014.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Patrick,

Further to Council's letter to us dated 30 October 2013, on behalf of Progressive Enterprises Ltd we attach a submission to plan change 43.

I would be pleased if you could acknowledge receipt of it in the usual manner.

Regards,
Mike

Mike Foster
P O Box 103, Whangaparaoa 0943
Ph 09 428 2101 Fax 09 428 2102



**SUBMISSION ON PROPOSED DISTRICT PLAN CHANGES
MATAMATA-PIAKO DISTRICT PLAN
PLAN CHANGE 43 TRANSPORTATION**

TO: MATAMATA-PIAKO DISTRICT COUNCIL

NAME OF SUBMITTER: PROGRESSIVE ENTERPRISES LIMITED

SUBMISSION ON: Proposed Plan Change 43 Transportation

TRADE COMPETITION: I could not gain an advantage in trade competition through this submission. I am directly affected by an effect of the subject matter of the submission that:

- (a) Adversely affects the environment; and
- (b) Does not relate to trade competition or the effects of trade competition.

1. The specific provisions of the plan change that my submission relates to are:

Section 9: Transportation

- i. Part A – Section 3.8.1 Significant resource management issues
- ii. Part B – Section 1.1.1(x)
- iii. Part B – Section 9.1.1 Rooding Hierarchy
- iv. Part B – Section 9.1.2 Access
- v. Part B – Section 9.1.3 On-site Loading
- vi. Part B – Section 9.1.4 On-site Carparking
- vii. Part B – Section 9.1.5 General parking, loadings and formation standards
- viii. Part B – Section 15 Definitions

2. My submission is:

- i. The proposed amendments to Section 3.8.1 are supported in principle and should be adopted without modification.
- ii. The inclusion of a new sub-clause (x) is supported because it represents good industry practice.
- iii. The proposed rooding hierarchy is supported and should be adopted without modification.
- iv. The proposed amendments to section 9.1.2 are largely supported in principle, except with respect to the activity status for activities likely to generate 50 vehicle movements or more per day. It is also necessary to ensure that there is sufficient flexibility to recognise the operational requirements of supermarkets where vehicle crossings up to 9.5m in width are sometimes required to accommodate the tracking curves of B-trains.
- v. The proposed amendments to section 9.1.3 are supported and should be adopted without modification. The reference to RTS 18 New Zealand On-Road Tracking Curves for Heavy Motor Vehicles is endorsed.

- vi. The proposed amendments to section 9.1.4 are supported and should be adopted without modification. The requirement that supermarkets provide one car parking space per 20m² gross floor area is an industry standard for Countdown supermarkets.
- vii. The proposed amendments to section 9.1.5 are supported and should be adopted without modification.
- viii. The inclusion of a supermarket definition in Section 15 is supported in part only.

3. I seek the following decision from Council:

Section 3.8.1

Adopt the significant resource management issues as drafted.

Section 1.1.1

Adopt the inclusion of sub-clause (x) as drafted.

Section 9.1.1

Adopt the Roading Hierarchy as drafted.

Section 9.1.2

Amend the Activity Table to provide for existing and new vehicle crossings onto all roads which do not comply with Performance Standard 9.1.2(iii)(a)(iii) as Restricted Discretionary Activities. The current table provides Restricted Discretionary or Controlled status for vehicle crossings not meeting separation distances between vehicle crossings and it is appropriate that vehicle movements be treated in the same manner.

The matters which Council has discretion with respect to includes: the traffic volumes and mix; speed environment; the number of vehicle crossings; effects on the function, safety and efficiency of the transport network; integration of land use with transport; the results of an Integrated Transport Assessment; and methods to avoid, remedy or mitigate adverse effects on the road transport network. All these matters are appropriate for a consideration of vehicle numbers utilising a vehicle crossing and should be applied.

Section 9.1.3

Adopt the on-site loading provisions as drafted with particular reference to the "Road and Traffic Guidelines of RTS 18 New Zealand On-road Tracking Curves for Heavy Vehicles."

Section 9.1.4

Adopt the on-site parking requirements as drafted and in particular the parking requirement of 1 space per 20m² for supermarkets.

Section 9.1.5

Adopt the general parking, loading and formation standards as drafted.

Section 15

Amend the definition of 'supermarket' to the following:

"Supermarket" means a retail shop where a comprehensive range of predominantly domestic supplies and convenience goods and services are sold for consumption or use off the premises and includes lotto shops and pharmacies located within such premises and where liquor licenses are held for each premise. Supermarkets are exempt from compliance with Local Alcohol Policies.

There is no soundly based resource management reason for specifying a minimum floor area of 500m² in the definition.

4. Progressive wishes to be heard in support of this submission.
5. If others make a similar submission Progressive will consider presenting a joint case with them at a hearing.



Signature of Person authorised to sign on behalf of the submitter

Date: 20 November 2013

Address for Service: Progressive Enterprises Limited
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Whangaparaoa 0943

Contact Person: Mr Mike Foster

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Kelly Moulder

From: Ursula Lehr [Ursula.Lehr@waikatoregion.govt.nz]
Posted At: Monday, 25 November 2013 14:58
Conversation: Waikato Regional Council - Submission to Plan Changes 43, 44
Posted To: Submissions (Corporate Planning)

Subject: Waikato Regional Council - Submission to Plan Changes 43, 44

Categories: Green Category

Good afternoon

Please find the Waikato Regional Council submission to the proposed District Plan Changes 43 and 44 - attached.

Ursula Lehr BSc, MRRP, MNZPI | Policy Advisor | Regional Integration
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Visit our website at <http://www.waikatoregion.govt.nz>

File No: 22 06 50
Document No: 2906779
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25 November 2013

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Attn: Submissions to District Plan

Dear Sir/Madam

**Waikato Regional Council Submission to MPDC Plan Change 43 – Transportation, and
Plan Change 44 – Works and Networks Utilities**

Thank you for the opportunity to submit on Plan Changes 43 and 44. Please find attached Waikato Regional Council's submission in regard to this document. Should you have any queries regarding the content of this submission please contact Ursula Lehr directly on (07) 859 0966 or by email at Ursula.lehr@waikatoregion.govt.nz

Yours faithfully



Tracey May

Acting Group Manager, Policy and Transport

Introduction

Waikato Regional Council appreciates the opportunity to make a submission on Plan Changes 43 and 44. Overall, Waikato Regional Council supports the provisions of these plan changes.

This submission is seeking some minor amendments to further improve consistency with the Regional Council's statutory provisions. The following provides an overview of the regional provisions against which Waikato Regional Council has assessed Plan Change 43 and 44. Detailed submission points to the Plan Change are located in Attachment One.

The two documents considered most relevant to be applied to Plan Changes 43 and 44 are the Proposed Waikato Regional Policy Statement (PWRPS) and the Waikato Regional Land Transport Strategy (RLTS). They have been used as basis for the Waikato Regional Council submission.

2. Proposed Waikato Regional Policy Statement

The PWRPS was notified on 3 November 2010. In accordance with Section 75(3)(c) of the Resource Management Act (RMA), District Plans are required to give effect to Regional Policy Statements. In accordance with Section 74(2)(i) of the Resource Management Act, when reviewing the District Plan the territorial authority shall have regard to any proposed regional policy statement. Whilst it is recognised that until it starts to become operative, the PWRPS carries less weight than the Operative RPS under the Resource Management Act, it does reflect Waikato Regional Council direction on significant resource management issues for the Waikato region for the next 10 years.

Decisions on the PWRPS were notified on 2 November 2012, following consideration of all submissions received. This is a significant milestone in terms its progress towards becoming operative, and the regard that the PWRPS should be afforded. Therefore the Waikato Regional Council considers that the PWRPS needs to be given due consideration during the decision making process.

3. Waikato Regional Land Transport Strategy

The RLTS sets a direction to move the region away from a traditionally road based transport system to a multi-modal integrated transport system based on a set of guiding policies and actions that prioritise decision making and investment on three core areas:

- prioritising investment in a defined set of strategic corridors
- targeting road safety improvement under a safe system approach
- focusing travel demand management and alternative mode interventions (public transport and walking and cycling)

The RLTS has set out a wide range of policies and actions that will support the implementation of the PWRPS and guide future transport planning and decision making in the Waikato region.

Pursuant to sections 66 and 74 of the RMA, a district plan shall have regard to any management plans and strategies prepared under other Act.

4. General Submission

Waikato Regional Council generally supports the intent of Plan Changes 43 and 44. Except where amendments have been requested in the detailed submission points, Waikato Regional Council requests that the proposed Plan Changes 43 and 44 be retained.

Several parts of the PWRPS are of relevance to the Plan Changes 43 and 44. The District's transport lines and network utilities have a clear relationship to the built environment, and further they can also affect the natural resources. Accordingly, there are three policies that are most relevant. They are under the Built Environment section and the Freshwater Bodies section. The latter directs district plans to manage the effects of subdivision, use and development on freshwater bodies.

Firstly, policies 6.1 and 6.3 of the PWRPS Built Environment section apply. Policy 6.1 provides for the planned and coordinated development of the built environment. It has to (a) have regard to the principles in section 6A (through Method 6.1.1); (b) recognise and address potential cumulative effects; and (c) be based on sufficient information to

allow assessment of the potential long-term effects of development. The above plan change presents the opportunity to address all three components through the district plan provision changes under 2.4 Sustainable management strategy and under 3.7 Works and networks utilities.

Policy 6.3 of the PWRPS deals with the coordination of growth and infrastructure, requiring that management of the built environment ensures (a) in new development the coordination between nature, timing, sequencing; and funding, implementation, operation of infrastructure; (b) the spatial pattern of land use development is understood; (c) the efficiency and effectiveness of infrastructure is maintained, including for future upgrades; (d) this approach also takes place across regional and district boundaries and agencies. Method 6.3.1 of the PWRPS requires a long-term strategic approach in district plans. The above provisions are relevant to the proposed district plan provisions in section 2.4 Sustainable management strategy, 6. Integrated land use.

Policy 6.6 deals with regionally significant infrastructure and energy resources. Under Method 6.6.1, provisions shall be included in district plans that give effect to this policy. In the proposed plan change, the objectives and policies under “2.4 Sustainable management strategy, 7. Regionally significant infrastructure”, seek to give effect to Policy 6.6 of the PWRPS. This way, they ensure the strategic function of this infrastructure is recognised and protected in the District Plan.

Method 8.3.9 of the PWRPS provides the ways in which territorial authorities should manage subdivision, use and development through their district plans, to address the various effects it can have on water bodies. The above plan change provides an opportunity to give due consideration to this PWRPS method. This can be particularly addressed through our suggested amendments to the district plan change provisions in 2.4 Sustainable management strategy sections 6, 7 and 8, and through the corresponding rules.

Beyond the PWRPS, the RLTS is of high relevance. A statutory document prepared under the Land Transport Management Act 2003, the RLTS sets out a wide range of policies and actions that will support and complement the implementation of the PWRPS, guiding future transport planning in the Waikato region. For the proposed district plan changes, the RLTS provisions apply in sections “2.4 Sustainable

management strategy, 6. Integrated land use and infrastructure” and 3.8.2 Transportation Table.

The following detailed submission (Attachment One) elaborates on the details of the proposed plan change provisions, with respect to all of the above regional policy documents.

4. Detailed Submission

As discussed above, Waikato Regional Council is generally very supportive of the provisions of Plan Changes 43 and 44. The specific submission points are contained in **Attachment One** of this submission.

Waikato Regional Council **does wish to be heard** in support of this submission.

Attachment One

Provision / paragraph	Support / oppose	Feedback	Relief sought
Part A - 2. Sustainable management strategy			
2.4 Sustainable management strategy – table 6. Integrated land use and infrastructure O1, bullet-points 1 and 2 Page 2:12	Support	We support bullet-points 1 and 2 under O1 in the context of ensuring coordinated and integrated planning of land use and infrastructure. This is consistent with Policies 6.1 and 6.3 of the PWRPS. We also support the special consideration being given to the 'regionally significant infrastructure' under this objective. This will ensure that the form and function of regionally significant infrastructure is protected from inappropriate land use development.	Retain O1
2.4 Sustainable management strategy - table: 6. Integrating land use and infrastructure O1, bullet 3 Page 2:13	Support in part	O1 bullet 3 acknowledges that the integration of land use and infrastructure also needs to look at the sustainable management of natural resources. However, the related policies do appear to not reflect this point of the Objective.	Retain O1. Add to P1 the following bullet point in relation to O1: <ul style="list-style-type: none"> • <u>Adverse effects on the natural and physical environment can be appropriately avoided, remedied and mitigated.</u> Make consequential amendments to the rules to ensure this point is fully implemented.
2.4 Sustainable management strategy – table 6. Integrated land use and infrastructure P1 – P5 Page 2:12 – 2:13	Support	Waikato Regional Council supports this set of policies. These policy provisions reflect the importance of co-ordinating growth with infrastructure to manage the adverse effects of development, which is consistent with Policies 6.1 and 6.3 of the PWRPS. Policies 2 and 3 also recognise the importance of making the best use of existing infrastructure before new infrastructure is provided. This is consistent with the policy principles 3 and 6 of the RLTS.	Retain P1- P5
2.4 Sustainable management strategy - table: 6. Integrating land use and infrastructure	Support	It is good that the District Plan also recognises and encourages alternative infrastructure such as rainwater harvesting, rain gardens and grey water recycling techniques which help to reduce pressures on drinking water, wastewater and stormwater networks. These	Retain P6

Provision / paragraph	Support / oppose	Feedback	Relief sought
P6 Page 2:13		sustainable design technologies included in section 6A of the PWRPS are a way to plan for development without the need for infrastructure services. They can significantly reduce the cost of building, upgrading and maintaining infrastructure and so help to address the significant resource management issues discussed above.	
2.4 Sustainable management strategy – table 7. Regionally significant infrastructure O1 – O3 P1 – P 6 Page 2:14	Support	Regionally significant infrastructure (as defined in the PWRPS) plays an important role in supporting the social and economic wellbeing of the nation and the region. This set of objectives and policies gives effect to Policy 6.6 of the PWRPS by ensuring the strategic function of this infrastructure is recognised and protected in the District Plan. We also support the recognition of regionally significant infrastructure needs, to be managed in a balanced way that recognises its benefits, while avoiding adverse effects as far as practicable.	Retain O1-O3 and P1- P6
2.4 Sustainable management strategy – table 7. Regionally significant infrastructure Explanations and reasons: Waihou/Piako Flood Protection Assets Page 2:14	Support in part	We support the inclusion of maps showing the location of Waikato Regional Council flood protection flood protection and drainage assets. However we acknowledge there are often changes to these maps. Both due to physical changes and corrections and refinement of information.	Ensure the wording in the Plan reflects that there may be changes to the asset information due to physical changes and correction and refinements. WRC would welcome the opportunity to work with Matamata Piako District Council on appropriate wording.
2.4 Sustainable management strategy - table: 8. Energy efficiency and renewable energy generation	Support	The section is consistent with PWRPS Objective 3.4 energy; Policy 6.5 Energy demand management; and 6A Development principle k).	Retain this section as a whole, except where amendments are sought below.

Provision / paragraph	Support / oppose	Feedback	Relief sought
2.4 Sustainable management strategy - table: 8. Energy efficiency and renewable energy generation P2, bullet 1	Oppose	P2, bullet 1 states: "... <i>their connections to the electricity transmission grid are enabled while managing: • Significant adverse effects on the environment ...</i> ". We object too this wording in which only the 'significant' effects on the environment. The above wording is too vague and suggests that any other non-significant effect on the natural environment is acceptable. Consideration needs to be given to <u>any</u> adverse effects on the environment, direct and indirect, in order to avoid cumulative impacts.	Change P2 bullet 1 with amended wording: " <u>... their connections to the electricity transmission grid are enabled while managing: • Significant adverse effects on the environment ...</u> ". Make consequential amendments to the rules to ensure this point is accordingly implemented.
Part A - 3. Environment: 3.7. Works and network utilities			
3.7.2 Works and network utilities - table: 1. Community infrastructure P3, bullet 4 Page 3:34	Support	We support bullet 4: " <i>To ensure that works and network utilities are considered having regard to ... the need for the work in the context of the provision of alternative infrastructure</i> ", which is consistent with the PWRPS.	Retain bullet 4 in its present state. Ensure that this part is fully implemented through the rules.
3.7.2 Works and network utilities - table: 1. Community infrastructure P3, bullet 1 Page 3:34	Support in part	P3, bullet point 1 states: " <i>To ensure that works and network utilities are considered having particular regard to: • The degree to which the environment has already been modified</i> ". WRC recommends that further effects on already modified environment need to be considered as part of any assessment.	Amend bullet point 1 of P3: " <i>To ensure that works and network utilities are considered having particular regard to: • The degree to which the environment has already been modified <u>further modification would have adverse effects on the natural and physical environment</u>.</i> ". Make consequential amendments to the rules to ensure the change to this point is fully implemented.

Provision / paragraph	Support / oppose	Feedback	Relief sought
3.8.2 Transportation – Table O1 P3 and P4 Page 3:44	Support	To ensure an integrated, safe and efficient road network, routes must be classified and managed according to their desired form and function. Therefore, we strongly support Objective 1 and Policies 2 and 4, particularly in relation to the use of road hierarchy to manage the function of corridor, and the recognition of significant transport corridors as the highest order of road. This is consistent with Policy 6.6 of the PWRPS, and assists in giving effect to the RLTS strategic corridor approach.	Retain O1, P2 and P4
3.8.2 Transportation – Table O8 P2, P4, P21 and P22 Page 3:44 – 3:45	Support	We support these policy provisions as they seek to encourage alternative transport modes and ensure that the transport needs of an ageing population and the mobility impaired are appropriately considered. This is consistent with the policy direction identified in the RLTS.	Retain O8, P2, P4, P21, and P22
Part B - Plan Change 44 – 8 Works and networks utilities			
8.8.3 Permitted Activities Page 8:35	Support	<p>Waikato Regional Council is very supportive of this rule. MPDC have taken account of existing consent conditions when developing the 8.8.2 Performance Standards. This will reduce duplication and create efficiencies. MPDC have shown excellent understanding of flood protection work requirements and forward thinking to provide the opportunity for permitted activity works.</p> <p>Waikato Regional Council notes that the Upper Piako consent for river and flood protection will be progressed in the next few years. Similar efficiencies may be able to be achieved if alignment of consent condition is able to be achieved.</p>	Retain 8.8.3
General			
	Support	For development of network utilities and other infrastructure	Include a provision in the plan that identifies that

Provision / paragraph	Support / oppose	Feedback	Relief sought
	in part	there will be circumstances where resource consent will be required from both the district and regional council for aspects that fall within the relevant functions of those local authorities. It is considered helpful to plan users if the plan contains wording that reflects this matter.	developers of network utilities and other infrastructure may also require resource consent under the regional plan.
Part B 1 General provision			
1.1.1 Written report (x) Page 1:2	Support in part	We strongly support the use of integrated transport assessment (ITA) which is a requirement of the PWRPS method 6.3.9. However we note the ITA has only been referred in this section, and there is no further guidance around when and how the ITA should be prepared. We believe that there is a benefit for the district plan to provide further guidance on the use of ITA through the inclusion of specific policy, rule and assessment criteria.	Where appropriate, policy, rule and assessment criteria should be included in the District Plan to guide the use of ITA.
Part B 5.9 Infrastructure and servicing			
5.9.2 (i) Performance outcomes for integrated land use and infrastructure Page 5:20	Support	We support the performance outcomes identified in 5.9.2 in relation to infrastructure and servicing. These outcomes reflect the Built Environment outcomes sought in Objective 3.11 of the PWRPS, and are generally consistent with the development principles in section 6A of the PWRPS.	Retain 5.9.2 (i)
9 Transportation			
Rule 9.1.1 Road hierarchy (i) (a) Significant roads Page 9:1	Support	We support the district roading hierarchy identified in this section which recognises the regionally significant transport corridors (as identified in Map 6-1 of the PWRPS) form the highest order road within the district roading hierarchy. We also support the performance criteria and standards under rule 9.1.2, relating to the use and access of strategic roads.	Retain Rules 9.1.1 and 9.1.2

Kelly Moulder

From: Reginald Proffit [Reginald.Proffit@opus.co.nz]
Posted At: Tuesday, 26 November 2013 09:56
Conversation: Ministry of Education Submission to Proposed Plan Change 43
Posted To: Submissions (Corporate Planning)

Subject: Ministry of Education Submission to Proposed Plan Change 43

Categories: Green Category

Kia ora

Please find attached a submission by Ministry of Education to Proposed Plan Change 43.

Regards
Reginald Proffit



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SUBMISSION ON MATAMATA-PIAKO PROPOSED PLAN CHANGE 43

To: Chief Executive Officer
Matamata-Piako District Council
PO Box 266
TE AROHA 3342

Submission On: Proposed Plan Change 43

Name of Submitter: The Ministry of Education

Address: C/- Reginald Proffit
Opus International Consultants Ltd
Private Bag 3057
HAMILTON 3240

1. THE PARTS OF THE PROPOSED PLAN CHANGE 43 THIS SUBMISSION RELATES TO ARE:

- Consistent rule framework for educational facilities that have a maximum of 10 pupils.
- An increase to the onsite parking requirements for childcare centres and schools.

2. MINISTRY OF EDUCATION BACKGROUND INFORMATION

The Ministry of Education is the Government's lead advisor on the education system, shaping direction for education agencies and providers, and contributing to the Government's goals for education.

The Ministry of Education has the principal role of facilitating the operation of all state primary, intermediate and secondary schools throughout New Zealand. In facilitating the operation of any state school, the Ministry of Education has the function of working alongside school boards of trustees, who have the responsibility to provide a safe, physical and emotional environment for students and staff.

The Ministry of Education has responsibility for strategic leadership, policy development and a substantial operational role in the early childhood and schooling sectors. In the tertiary sector the Ministry of Education is focused on

leadership and setting direction, stewardship and governance and monitoring and evaluation.

The Ministry of Education's activities occur in seven key areas:

- Strategic leadership in the sector
- Support and resources for the community
- Support and resources for education providers
- School property portfolio management
- Support and resources for teachers
- Interventions for target student groups
- Strategic leadership in the tertiary system

3. THE MINISTRY OF EDUCATION SUBMITS THAT:

The Ministry of Education considers that the Proposed Plan Change 43 (PPC) should be amended for the following reasons.

3.1 Educational Facilities with a maximum of 10 pupils

The Activity Table 2.2 identifies that educational facilities to a maximum of 10 pupils (2.1) are a permitted activity across the district excluding the Kaitiaki Zone.

The Activity Table contained in 9.1.2 (ii) details the activity status and performance criteria for new vehicle crossings in relation to road hierarchy of the District Plan. Permitted activity compliance for new vehicle crossings is assessed against the performance standards 9.1.2(iii)(a)(i)-(v).

Performance standard 9.1.2(iii)(a)(iii) details "there shall be less than an average of 50 car equivalent movements per day within any one week using the vehicle crossing, ...". Non-compliance with the standard results in a consented activity as defined in the Activity Table. Whilst it is unlikely for an educational facility that has a maximum of 10 pupils to exceed this standard, for consistency and simplicity the Ministry of Education requests that educational facilities to a maximum of 10 pupils are excluded from this rule/standard.

3.2 On-site parking requirements

Section 9.1.4(ii) provides a table listing the parking spaces required for proposed activities. Amendments proposed as part of PPC 43 group and apply parking requirements for educational facilities as either Childcare Centres or Schools.

The amendments and grouping as proposed will mean that the parking requirements will increase for childcare centres, primary and intermediate schools and educational facilities with less than 50 pupils.

Childcare centres will require 1 space for every four children where previously 2 spaces for visitors were required. The majority of childcare centres are converted residential facilities and depending on the ages of children have a caregiver to child ratio of either 1:4 or 1:5. For such a facility catering for 30 children, PPC 43 requires 8 staff parks and 6 drop off parks, a total of 14 parks. As such the requirements as proposed are onerous and unnecessarily create an impediment for such facilities across the District.

The increase in car parking is more severe for Primary and Intermediate Schools and Educational Facilities with less than 50 pupils, as 1 space per full-time equivalent staff member is required instead of the 2:3 ratio under the Operative Plan. Parking based on student numbers is also required so that 1 drop-off space per 20 students instead of the 2 spaces for visitors as required by the Operative Plan. For a school similar to Morrinsville Primary School with a roll of 263 pupils and 16 staff this will equate to 29 car parks.

PPC 43 also increases the requirements for secondary schools. For example a school similar to Te Aroha College which has a roll of 193 students in Years 11 to 13, a predicted roll of 375 and approximately 38 full time equivalent staff would be required to provide a total of 66 car parks. This figure is based on 19 parks for Year 11 to 13 students, 9 drop-offs for the remaining student roll and 38 for full time equivalent staff.

Further to this the wording is unclear as to whether the 1 drop-off space per 20 students relates to the remaining roll not in Year 11 to 13 or whether it should be calculated on the whole school roll including Year 11 to 13 student roll.

The requirements as proposed are onerous and unnecessarily create an impediment for educational facilities across the District. The Ministry of Education requests a reduction in the number of car parking spaces required for childcare centres and Schools. Alternatively the Ministry of Education would support a reinstatement of the provisions contained in the Operative District Plan.

4. THE MINISTRY OF EDUCATION SEEKS THE FOLLOWING FROM THE MATAMATA-PIAKO DISTRICT COUNCIL:

The Ministry of Education opposes PPC 43 and seeks the following:

- i. An exclusion for educational facilities to a maximum of 10 pupils is inserted in the performance standard 9.1.2(iii)(a)(iii);
- ii. Car-parking requirements in 9.1.4(ii) for Childcare centres or Schools are reduced to a level similar to those contained within the Operative Plan.
- iii. Wording within 9.1.4(ii) specifying car-parks required for schools is amended to clarify the 1 drop-off space per 20 students applies to students not in Year 11 to 13.

**THE MINISTRY OF EDUCATION WISHES TO BE HEARD IN SUPPORT OF ITS
SUBMISSION**

A handwritten signature in blue ink, appearing to read 'Reginald Proffit', is written over a faint, circular official stamp.

.....
Reginald Proffit
As authorised agent for
The Ministry of Education

25 November 2013

reginald.proffit@opus.co.nz

Telephone: (07) 838 9344

DD: (07) 834 1842

Kelly Moulder

From: Tom Anderson [Tom.Anderson@kiwirail.co.nz]
Posted At: Tuesday, 26 November 2013 17:27
Conversation: KiwiRail Submission on Plan Changes 43 and 44
Posted To: Submissions (Corporate Planning)

Subject: KiwiRail Submission on Plan Changes 43 and 44

Categories: Green Category

Hi There,

Attached please find KiwiRail's submission on MPDC Proposed Plan Changes 43 and 44.

If you have any queries please do not hesitate to contact either myself, or Deborah Hewett, Senior RMA Advisor at KiwiRail (her details are provided in the attached submission).

Tom Anderson

RMA Advisor (Consultant)



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Backbone of integrated transport networks

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26 November, 2013

Submissions (Proposed Plan Changes 43 and 44)
Matamata-Piako District Council
PO Box 266
TE AROHA 3342

By email to: submissions@mpdc.govt.nz

**SUBMISSION ON PUBLICLY NOTIFIED PROPOSAL FOR PLAN, CHANGE OR
VARIATION (FORM 5)**

**Proposed Plan Change 43 – Transportation and
Proposed Plan Change 44 – Works and Network Utilities**

NAME OF SUBMITTER:

KiwiRail Holdings Limited (KiwiRail)

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**KiwiRail Submissions on Proposed Plan Changes 43 and 44 to the Matamata-Piako
District Plan**

KiwiRail Holdings Limited (KiwiRail) is the State Owned Enterprise responsible for the management and operation of the national railway network. This includes managing railway infrastructure and land, as well as rail freight and passenger services within New Zealand. KiwiRail Holdings Limited is also the Requiring Authority for land designated “Railway Purposes” (or similar) in District Plans throughout New Zealand.

KiwiRail has three separate railway corridors which extend through the Matamata-Piako District, being:

- East Coast Main Trunk Line;
- Waitoa Branch Line; and
- Kinleith Branch Line

These corridors are a key part of the KiwiRail network and KiwiRail seeks to protect its ability to operate, maintain and enhance these corridors into the future.

To achieve this, KiwiRail encourages land uses near the railway corridors that do not compromise the short or long term ability to operate a safe and efficient rail network, both day and night. Where sensitive activities are proposed on land near the railway corridors, appropriate controls should be imposed to ensure their long term amenity.

KiwiRail's submissions on the Proposed Plan Changes 43 and 44 are set out in the attached table. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as ~~struck-out~~ text. All requested changes include any consequential changes to the Plan to accommodate the requested change in the stated, or alternate, location.

KiwiRail could not gain an advantage in trade competition through this submission.

KiwiRail wishes to speak to our submission and will consider presenting a joint case at the hearing with other parties who have a similar submission.

Regards

A handwritten signature in blue ink, appearing to read 'D. Hewett', is positioned above the typed name and title.

Deborah Hewett
Senior RMA Advisor
KiwiRail

26November 2013

Submission Number	Plan Section	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
PART A – ISSUES, OBJECTIVES AND POLICIES				
	2.2 Significant Resource of the District			
1	<p>Paragraph 5: <i>In addition to natural resources, the District is also traversed by infrastructure networks that comprise significant physical resources important for the wellbeing of the community. These resources include... the significant rail corridors that provide important freight links to the ports of Auckland and Tauranga</i></p>	Support	KiwiRail supports rail being recognised as a significant resource in the Matamata-Piako District.	Retain paragraph 5 of section 2.2 as notified
	2.3 Significant resource management issues			
2	<p>2.3.6 Integrating land use and infrastructure (including transport)</p> <ul style="list-style-type: none"> <i>Integrating land use, transport and other infrastructure is an important issue because locating new development or allowing expansion where it will hinder strategic networks or where the networks have insufficient capacity, mean that we are not using our existing investment efficiently. It can result in significant expenditure by network providers to mitigate effects on incompatible development, or expose our Council to a liability to fund expensive new investment in infrastructure which could take years to recoup through development and/or financial contributions. It can also result in traffic congestion on roads that are under capacity with resulting delays and inefficiencies, or cause roads that were not planned to carry large traffic volumes and heavy vehicles to deteriorate, adding to our maintenance bill.</i> 	Support and Seek Amendment	<p>Bullet Point 5 to issue 2.3.6 reads as though it relates to reverse sensitivity effects on the strategic transport networks without being explicit that this is an issue. Reverse sensitivity describes the effect that development of one kind may have on activities already established in an area. It usually results from the people involved in a newly established activity complaining about the effects of existing activities in an area.</p> <p>The issue states that having new development in an area where it will hinder strategic networks “<i>can result in significant expenditure by network providers to mitigate effects on incompatible development</i>”.</p> <p>It could be construed that this sets an expectation that the network providers will mitigate any reverse sensitivity effects rather than the developer having this responsibility. As such KiwiRail seek an amendment to bullet point 5 that provides for the protection of network providers, which includes the rail corridor, from reverse sensitivity effects from incompatible developments.</p>	<p>Alter Bullet Point 5 of 2.3.6 to read:</p> <ul style="list-style-type: none"> <i>Integrating land use, transport and other infrastructure is an important issue. because Locating new development or allowing expansion where it will hinder strategic networks or where the networks have insufficient capacity, mean that we are not using our existing investment efficiently. It can result in significant expenditure by network providers to mitigate effects on incompatible development reverse sensitivity effects arising on strategic networks, or expose our Council to a liability to fund expensive new investment in infrastructure which could take years to recoup through development and/or financial contributions. It can also result in traffic congestion on roads that are under capacity with resulting delays and inefficiencies, or cause roads that were not planned to carry large traffic volumes and heavy vehicles to deteriorate, adding to our maintenance bill.</i>
3	<p>2.3.7 Regionally significant infrastructure networks</p> <ul style="list-style-type: none"> <i>The significant infrastructure networks referred to previously that traverse the District comprise the significant road corridors (including the state highways), significant rail corridors... These networks are collectively known as “regionally significant infrastructure” and require a specific resource management response that recognises their strategic importance for the economic and social wellbeing of a much wider catchment that can encompass a region-wide area, or, depending on their function, even the whole of the country. Therefore, not enabling or not protecting the operation, maintenance, upgrading or development of regionally significant infrastructure can adversely affect the economic and social wellbeing of national, regional, and local communities.</i> <i>The maintenance, upgrading, and expansion of these networks often result in adverse local effects, while most of the benefits commonly accrue to the wider community.</i> 	Support and Seek Amendment	KiwiRail supports rail corridors being recognised as regionally significant infrastructure. However as there is no definition of a ‘significant rail corridor’ provided in the plan, KiwiRail seeks and amendment to ensure that the entire rail network within the Matamata-Piako District is included as a regionally significant infrastructure.	<p>Alter Bullet Point 1 of 2.3.7 to read:</p> <ul style="list-style-type: none"> <i>The significant infrastructure networks referred to previously that traverse the District comprise the significant road corridors (including the state highways), significant the rail corridors (including the East Coast Main Trunk, Waitoa Branch and Kinleith Branch Lines)... These networks are collectively known as “regionally significant infrastructure” and require a specific resource management response that recognises their strategic importance for the economic and social wellbeing of a much wider catchment that can encompass a region-wide area, or, depending on their function, even the whole of the country. Therefore, not enabling or not protecting the operation, maintenance, upgrading or development of regionally significant infrastructure can adversely affect the economic and social wellbeing of national, regional, and local communities.</i>

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	<p>Therefore, we need to have a balanced approach to the management of regionally significant infrastructure that:</p> <ul style="list-style-type: none"> • Recognises their wider significance and enables their efficient operation, maintenance, upgrading, and expansion so as to meet the needs of present and future generations; and • Recognises the operational and technical requirements, location and design constraints that apply to these infrastructure networks; while • Managing the adverse environmental effects of the networks on the local receiving environment, and the effects of other activities on the networks (i.e. reverse-sensitivity effects). 			
	2.4 Sustainable Management Strategy			
4	2.4.7. Regionally significant infrastructure	Support	KiwiRail strongly supports the objective and policy framework set out for regionally significant infrastructure set out under section 2.4.7, in particularly Objective 3, which requires reverse-sensitivity effects on regionally significant infrastructure to be avoided, remedied or mitigated.	Retain section 2.4.7 as notified.
	3.4 Subdivision			
5	3.4.2 Subdivision O4: Subdivision of land in a manner that does not adversely affect the function or capacity of transportation networks within the district. Solution (policies) See Section 2.4.6 – Sustainable Management Strategy, Integrating land use and infrastructure	Seek Amendment	KiwiRail seeks to have reverse sensitivity effects recognised in the Subdivision objective and policy framework. There is mention of reverse sensitivity in Objective 4, however KiwiRail seeks that reverse sensitivity be more explicit and that the cross reference to policy includes the reverse sensitivity provisions under 2.4.7 as well as 2.4.6	<p>Alter O4 of 3.4.2 to read: Subdivision of land in a manner that does not adversely affect the function or capacity of transportation networks within the district, <u>including the avoidance, remediation or mitigation of potential reverse sensitivity effects.</u></p> <p>Alter Solutions (policies) of O4, 3.4.2 to read: See <u>Sustainable Management Strategy</u> Sections 2.4.6 (— Sustainable Management Strategy, Integrating land use and infrastructure) <u>and 2.4.7 (Regionally significant infrastructure)</u></p>
	3.5 Amenity			
6	3.5.2 Amenity O6: To ensure that subdivision and land use activities are located and sited in a manner that recognises infrastructure networks	Seek Amendment	KiwiRail seeks to have reverse sensitivity effects recognised in the Amenity objective and policy framework. There is mention of reverse sensitivity in Objective 6, however KiwiRail seeks that reverse sensitivity be more explicit.	<p>Alter O6 of 3.5.2 to read: To ensure that subdivision and land use activities are located and sited in a manner that recognises infrastructure networks, <u>and avoids, remedies or mitigates any potential reverse sensitivity effects on those infrastructure networks.</u></p>
	3.7 Works and Network Utilities			
7	3.7.1 Significant resource management issues	Support	KiwiRail supports the significant resource management issues recognised in the introduction to the Works and Network Utilities section, in particular the cross reference to regionally significant infrastructure in Bullet Point 1 and the recognition that works and network utilities are protected from incompatible land use and reverse sensitivity effects in Bullet Point 4.	Retain section 3.7.1 as notified.
	3.8 Transportation			
8	3.8.1 Significant resource management issues	Seek Amendment	KiwiRail generally supports the significant resource management issues identified for transportation under section 3.8.1. KiwiRail however does seek some minor amendments in order to ensure that the names of the rail lines in the District Plan are consistent with the names KiwiRail refer to them as, and also to ensure that all railway corridors in the District are recognised as “significant transport infrastructure”.	<p>Alter Significant transport infrastructure Paragraph 4 to read: The railway network in our District comprises:</p> <ul style="list-style-type: none"> • The Kinleith Branch <u>Line</u> Railway, <u>Waitoa Branch Line</u> and the East Coast Main Trunk <u>Line</u> Railway that passes <u>carry significant volumes of freight, including dairy and forestry goods,</u> through the District <u>generally</u> en-route to the Port of Tauranga, with freight stations at Waharoa and Morrinsville; <u>and</u> • The Waitoa Industrial Rail line, currently used only by Fonterra, connecting the Waitoa and Morrinsville dairy factories.

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				Alter Significant transport infrastructure Paragraph 8 to read: The RLTS is required to be aligned with, and form a key tool for implementing the RPS's transport objectives. The RLTS further refines the RPS policy framework by distinguishing, within the RPS's "significant transport infrastructure" category, between nationally, regionally, and sub-regionally significant road corridors, and between nationally and regionally significant rail corridors... For the railway network, the RLTS identifies the East Coast Main Trunk <u>Line</u> Railway as nationally significant, and the Kinleith Branch Rail <u>Line</u> as regionally significant. <u>It should be noted however that all rail corridors in the District are considered to be Regionally Significant Infrastructure under the definition provided in Section 15 of this District Plan.</u>
9	3.8.2 Transportation O1 The strategic importance of significant transport infrastructure is recognised. O2 A safe, efficient, integrated, and environmentally sustainable transport network that ensures our social, economic, and cultural wellbeing.	Support	KiwiRail generally supports the Objectives established for Transportation within the Matamata-Piako District, in particular Objectives 1 and 2.	Retain O1 and O2 of section 3.8.2 as notified.
10	P3 Subdivision, use and development shall enable a safe, integrated, efficient, and well connected transport network that provides for all modes of passenger and freight transport in a manner that: <ul style="list-style-type: none"> Ensures land-use and transportation successfully interface with each other; Manages the adverse environmental effects of the network, and the effects of other activities on the network (i.e. reverse-sensitivity effects); Considers the transport needs of an ageing population; and Ensures route security across all modes of travel. 	Support	KiwiRail strongly supports Policy 3 in that it ensures subdivision use and development must consider any reverse sensitivity effects which may arise on the transport network.	Retain P3 of section 3.8.2 as notified.
11	P6 To manage the location of subdivision and land use activities to avoid compromising road intersection and railway level crossing safety sightlines	Support	KiwiRail strongly supports Policy 6, which introduces railway level crossing safety sightlines. Although level crossing accidents make up a low proportion of accidents, they have a greater probability of a death or serious injury than other road accidents. This is largely to do with the mass and speed of a train and an inability of the train to brake or take evasive action. As such, railway level crossing safety sightlines and controls must be included within the District Plan.	Retain P6 of section 3.8.2 as notified.
12	P9 To implement noise abatement measures along State highways, District arterials, operational railway lines, and at the Matamata airports.	Seek Amendment	KiwiRail generally supports this policy, although an amendment is sought in order to provide more clarity. Noise is only one of a number of reverse sensitivity effects which can arise from new activities on land which adjoins the railway network. As such an amendment is sought that provides an awareness of reverse sensitivity overall rather than just limit the policy to noise.	Alter P9 of 3.82 to read: To implement noise abatement measures along <u>reverse sensitivity controls for land near</u> State highways, District arterials, operational <u>the railway corridor</u> lines, and at the Matamata airports.
PART B – RULES				
	1 General Provisions			
13	1.1.1(vi) ...As part of an assessment of effects, the applicant may be required, unless it is unreasonable in the circumstances, to consult as part of the assessment with the following	Seek Amendment	A minor amendment is sought to the wording of general provision 1.1.1(vi). The New Zealand Railways Corporation no longer exists as an entity and has been replaced by 'KiwiRail Holdings Limited', which trade as 'KiwiRail'. It	Amend General Provision 1.1.1(vi) to read: 1.1.1(vi) ...As part of an assessment of effects, the applicant may be required, unless it is unreasonable in the circumstances, to consult as part of the assessment with the following persons as appropriate:...

Submission Number	Plan Section	Support/Oppose/Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	persons as appropriate:... • New Zealand Railways Corporation (KiwiRail);		should be noted that KiwiRail Holdings Limited is also the Requiring Authority for land designated “Railway Purposes” in District Plans throughout New Zealand.	• New Zealand Railways Corporation KiwiRail Holdings Limited (KiwiRail);
14	3 Development Controls 3.7 Approach and restart sight triangles at railway level crossings (all District Plan zones) (i) <i>Permitted activities</i> <i>Any buildings, structures, walls, fences or vegetation not causing an obstruction to lines of sight of oncoming railway traffic erected within the obstruction free zone (see Development Manual) at public railway level vehicle crossings are a permitted activity.</i> (ii) <i>Restricted-discretionary activities</i> <i>Any buildings, structures, walls, fences or vegetation causing an obstruction to lines of sight of oncoming railway traffic erected within the obstruction free zone (see Development Manual) at public railway level vehicle crossings are a restricted discretionary activity.</i> (iii) <i>Matters of discretion</i> <i>The Council has restricted its discretion to the following matters, and may impose conditions relating to these matters if consent is granted:</i> (a) <i>The extent to which the nature, location, scale, and height of any obstruction will impede visibility along the railway line;</i> (b) <i>The extent to which the obstruction will adversely affect the safety of vehicles using the crossing and the safety and efficiency of the railway network and the road network in the immediate vicinity having regard to the geometry and orientation of the crossing and the speed and volume of traffic on the road and on the railway line;</i> (c) <i>Methods to avoid, remedy, or mitigate adverse effects on the efficiency of the railway and road networks;</i> (d) <i>Methods to avoid, remedy, or mitigate adverse effects on the safety of vehicles using the crossing and the safety of the railway network;</i> (e) <i>Cumulative effects on the railway and road networks;</i> (f) <i>Any matters identified by the railway operator or the roading authority.</i> (iv) <i>Non-notification</i> <i>Applications utilising Rule 3.7(ii) that do not simultaneously trigger other consent requirements, shall not be publicly notified and shall not be served on any party other</i>	Support and Seek Amendment	KiwiRail strongly supports Rule 3.7 ‘Approach and restart sight triangles at level crossings (all District Plan zones. As stated in submission 11 above, although level crossing accidents make up a low proportion of accidents, they have a greater probability of a death or serious injury than other road accidents. KiwiRail seek an amendment to include the sight triangles included within the District Plan itself, not in a separate document (the Development Manual). It is appreciated that the Development manual is integrated into the District Plan, however KiwiRail are unsure as to whether the provisions of the Development Manual have such a rigorous change process if provisions are to change, whereas if the sightline provisions were in the District Plan, they could not be changed without going through the formal Plan Change process, which would give KiwiRail the opportunity to submit. As such an amendment is sought to insert the approach and restart sight triangles (as included in Appendix A of this submission) into Rule 3.7. Amendments are also sought to the notification expectations for developments that impinge on Rule 3.7 to ensure that KiwiRail is notified for all potential infringements of this rule.	Amend Rule 3.7 to read: <i>3.7 Approach and restart sight triangles at railway level crossings (all District Plan zones)</i> (i) <i>Permitted activities</i> <i>Any buildings, structures, walls, fences or vegetation not causing an obstruction to lines of sight of oncoming railway traffic erected within the obstruction free zone (see Development Manual 3.7.1 below) at public railway level vehicle crossings are a permitted activity.</i> (ii) <i>Restricted-discretionary activities</i> <i>Any buildings, structures, walls, fences or vegetation causing an obstruction to lines of sight of oncoming railway traffic erected within the obstruction free zone (see Development Manual 3.7.1 below) at public railway level vehicle crossings are a restricted discretionary activity.</i> (iii) <i>Matters of discretion</i> <i>The Council has restricted its discretion to the following matters, and may impose conditions relating to these matters if consent is granted:</i> (a) <i>The extent to which the nature, location, scale, and height of any obstruction will impede visibility along the railway line;</i> (b) <i>The extent to which the obstruction will adversely affect the safety of vehicles using the crossing and the safety and efficiency of the railway network and the road network in the immediate vicinity having regard to the geometry and orientation of the crossing and the speed and volume of traffic on the road and on the railway line;</i> (c) <i>Methods to avoid, remedy, or mitigate adverse effects on the efficiency of the railway and road networks;</i> (d) <i>Methods to avoid, remedy, or mitigate adverse effects on the safety of vehicles using the crossing and the safety of the railway network;</i> (e) <i>Cumulative effects on the railway and road networks;</i> (f) <i>Any matters identified by the railway operator (KiwiRail) or the roading authority.</i> (iv) <i>Non-notification</i> <u>The rail operator (KiwiRail) and the road controlling authority (NZTA and/or the Council) must be consulted for any proposed buildings, structures, walls, fences or vegetation within the obstruction free zone.</u> Applications utilising Rule 3.7(ii) that do not simultaneously trigger <u>any</u> other consent requirements, shall not be publicly notified and shall not be served on any party other than the railway operator (KiwiRail) and the road controlling authority (NZTA and/or the Council). <u>3.7.1 Level Crossing Sight Triangles and Explanations</u> [Insert Appendix A to this submission as the text for 3.7.1]

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	5 Performance Standards- all activities																																																								
15	<p>5.2 Noise</p> <p>5.2.9 Internal noise limits – railway lines and state highways</p> <p>(i) Performance Standards</p> <p>(a) New buildings or additions to existing buildings to be used for a noise sensitive activity located:</p> <p>(i) Within 40m of an operational railway line;</p> <p>(ii) Within 80m of a state highway where the site’s frontage has a posted speed limit of 70km/h or above; or</p> <p>(iii) On a front site or a corner site that directly adjoins a state highway where the posted speed limit is less than 70km/h and that has a complying building platform that is within 40m of the state highway;</p> <p>Shall be designed, insulated, constructed, or screened by suitable barriers to ensure that noise received within any new bedroom, habitable space, or other space containing a noise sensitive activity, will not exceed the limits below:</p> <table><tr><th rowspan="2">Space</th><th colspan="2">Internal noise limit</th></tr><tr><th>Road traffic noise</th><th>Railway noise</th></tr><tr><td>Inside bedrooms</td><td></td><td>35 dBA LAeq(1 hour) at all times</td></tr><tr><td>Inside other habitable rooms</td><td></td><td>40 dBA LAeq(1 hour) at all times</td></tr><tr><td>Inside other spaces containing a noise sensitive activity</td><td colspan="2">No greater than the recommended maximum design guidelines in AS/NZS 2107-2000: Acoustics – recommended design sound level and reverberation times for building interiors</td></tr></table> <p>(b) The distances referred to above are measured from the:</p> <ul style="list-style-type: none">• Edge of a railway track;• Edge of seal of the state highway;• Face of the closest external wall of a new building or addition to an existing building. <p>(c) If windows are required to be closed to achieve the noise limits above, the building shall be designed and constructed to provide an alternative means of ventilation in accordance with the Clause G4 of the New Zealand Building Code.</p> <p>(d) An acoustic design report prepared by an appropriately qualified practitioner</p>	Space	Internal noise limit		Road traffic noise	Railway noise	Inside bedrooms		35 dBA LAeq(1 hour) at all times	Inside other habitable rooms		40 dBA LAeq(1 hour) at all times	Inside other spaces containing a noise sensitive activity	No greater than the recommended maximum design guidelines in AS/NZS 2107-2000: Acoustics – recommended design sound level and reverberation times for building interiors		Support and Seek Amendment	<p>KiwiRail strongly supports the Noise limits proposed under Rule 5.2.9. However due to recent advice KiwiRail has received, the noise standards that are referred to in Plan Change 43 and 44 have been superseded. As such some amendments are sought to the provisions of 5.2.9 to reflect KiwiRails standards.</p>	<p>Amend Rule 5.2.9 to read:</p> <p>5.2.9 Internal noise limits – railway lines and state highways</p> <p>(i) Performance Standards</p> <p>(a) New, relocated and altered dwellings and buildings or additions to existing buildings to be used for a noise sensitive activityies located:</p> <p>(i) Within 40m the compliance distance of an operational railway line (<u>see the table below</u>);</p> <p>(ii) Within 80m of a state highway where the site’s frontage has a posted speed limit of 70km/h or above; or</p> <p>(iii) On a front site or a corner site that directly adjoins a state highway where the posted speed limit is less than 70km/h and that has a complying building platform that is within 40m of the state highway;</p> <p>Shall be designed, insulated, constructed, or screened by suitable barriers <u>and maintained</u> to ensure that noise received within any new bedroom, habitable space, or other space containing a noise sensitive activity, will not exceed the limits below <u>the following design noise limits shall not be exceeded, and shall take into account the future use of any rail corridor (should the activity be within the compliance distance), by the addition of 3-5dB to existing measured or calculated sound levels:</u></p> <table><tr><th rowspan="2">Space Receiving Environments</th><th colspan="3">Internal noise limit</th></tr><tr><th>Road traffic noise</th><th colspan="2">Railway noise</th></tr><tr><th></th><th></th><th>LAeq(1 hour) at all times</th><th>Compliance Distance (no less than)</th></tr><tr><td>Inside Residential bedrooms</td><td></td><td>35 dBA LAeq(1 hour) at all times</td><td>100m</td></tr><tr><td>Inside other Residential habitable rooms spaces</td><td></td><td>40 dBA LAeq(1 hour) at all times</td><td>100m</td></tr><tr><td>Primary Outdoor Amenity Areas</td><td></td><td>60 dBA</td><td>60m</td></tr><tr><td>Teaching spaces</td><td></td><td>40 dBA</td><td>100m</td></tr><tr><td>Inside other spaces containing a All other noise sensitive activity building spaces e.g.:</td><td colspan="3">No greater than the recommended maximum design guidelines in AS/NZS 2107-2000: Acoustics – recommended design sound level and reverberation times for building interiors</td></tr><tr><td>• Hospital and Dementia Cares Spaces</td><td colspan="3"></td></tr><tr><td>• Commercial Spaces</td><td colspan="3"></td></tr></table> <p>(b) The distances referred to above are measured from the:</p> <ul style="list-style-type: none">• Edge of a railway track;• Edge of seal of the state highway;• Face of the closest external wall of a new building or addition to an existing building. <p><u>Where part of a habitable space straddles the compliance distance it shall meet the relevant criterion.</u></p> <p>(c) If windows are required to be closed to achieve the noise limits above, the</p>	Space Receiving Environments	Internal noise limit			Road traffic noise	Railway noise				LAeq(1 hour) at all times	Compliance Distance (no less than)	Inside Residential bedrooms		35 dBA LAeq(1 hour) at all times	100m	Inside other Residential habitable rooms spaces		40 dBA LAeq(1 hour) at all times	100m	Primary Outdoor Amenity Areas		60 dBA	60m	Teaching spaces		40 dBA	100m	Inside other spaces containing a All other noise sensitive activity building spaces e.g.:	No greater than the recommended maximum design guidelines in AS/NZS 2107-2000: Acoustics – recommended design sound level and reverberation times for building interiors			• Hospital and Dementia Cares Spaces				• Commercial Spaces			
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• Commercial Spaces																																																									

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	<p>confirming compliance with the limits above must be submitted to Council as part of any resource or building consent application.</p> <p>(ii) Permitted activities</p> <p>(a) A new building or addition to an existing building, to be used for a noise sensitive activity that has demonstrated compliance with the performance standards in 5.2.9(i) above is a permitted activity.</p> <p>(b) A new building or addition to an existing building, not to be used for a noise sensitive activity is a permitted activity and is not required to demonstrate compliance with the performance standards in 5.2.9(i) above.</p> <p>(iii) Restricted-discretionary activities</p> <p>A new building or addition to an existing building, to be used for a noise sensitive activity not meeting the performance standards in 5.2.9(i) above is a restricted discretionary activity</p> <p>(iv) Matters of discretion</p> <p>The Council has restricted its discretion to the following matters and may impose conditions relating to these matters if consent is granted:</p> <p>(a) The effects of noise from the state highway and/or railway network on the activity to be constructed;</p> <p>(b) The reverse-sensitivity effects of the activity to be constructed on the continued operation of the state highway and/or railway network;</p> <p>(c) The extent to which the adverse effects can be mitigated;</p> <p>(d) Any other matter identified by the railway operator and/or NZTA.</p> <p>(v) Non-notification</p> <p>Applications utilising Rule 5.2.9(iii) that do not simultaneously trigger other consent requirements, shall not be publicly notified and shall not be served on any party other than the railway operator and/or NZTA.</p>			<p>building shall be designed and constructed to provide an alternative means of ventilation shall be provided, which complies with the following: in accordance with the Clause G4 of the New Zealand Building Code</p> <p>i) <u>Consist of an air conditioning unit(s) provided that the noise level generated by the unit(s) must not exceed 40 dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB LAeq(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; or</u></p> <p>ii) <u>A system capable of providing at least 15 air changes per hour (ACH) in the largest habitable room (excluding bedrooms) and at least 5 air changes per hour (ACH) in all other habitable rooms; and</u></p> <p>iii) <u>The noise level generated by the system must not exceed 40 dB LAeq(30s) in the largest habitable room (excluding bedrooms) and 35dB LAeq(30s) in all other habitable rooms, when measured 1 metre away from any grille or diffuser; and</u></p> <p>iv) <u>The internal air pressure must be no more than 10 Pa above ambient air pressure due to the mechanical ventilation; and</u></p> <p>v) <u>Where a high air flow rate setting is provided, the system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal progressive stages up to the high setting.</u></p> <p>(d) <u>Compliance with the above provision shall be demonstrated by providing the Council and KiwiRail with aAn acoustic design report prepared by an appropriately qualified practitioner, and a ventilation report prepared by an appropriately qualified mechanical engineer with respect to the ventilation system (if required) confirming compliance with the limits above must be submitted to Council as part of any resource or building consent application.</u></p> <p>(ii) Permitted activities</p> <p>(a) A new building, <u>relocated building</u> or addition to an existing building to be used for a noise sensitive activity that has demonstrated compliance with the performance standards in 5.2.9(i) above is a permitted activity.</p> <p>(b) A new building, <u>relocated building</u> or addition to an existing building, not to be used for a noise sensitive activity is a permitted activity and is not required to demonstrate compliance with the performance standards in 5.2.9(i) above.</p> <p>(iii) Restricted-discretionary activities</p> <p>A new building, <u>relocated building</u> or addition to an existing building, to be used for a noise sensitive activity not meeting the performance standards in 5.2.9(i) above is a restricted discretionary activity</p> <p>(iv) Matters of discretion</p> <p>The Council has restricted its discretion to the following matters and may impose conditions relating to these matters if consent is granted:</p> <p>(a) The effects of noise from the state highway and/or railway network on the activity to be constructed;</p> <p>(b) The reverse-sensitivity effects of the activity to be constructed on the <u>operation of the state highway and/or rail network and the ability and suitability of mitigation measures to enable the continued and uninterrupted operation of the state highway and/or railway network;</u></p> <p>(c) <u>The extent to which the adverse effects can be mitigated degree of noise attenuation achieved by the noise sensitive activity;</u></p> <p>(d) Any other matter identified by the railway operator <u>KiwiRail Holdings Limited</u> and/or NZTA.</p> <p>(e) <u>A reverse sensitivity covenant provided by KiwiRail Holdings Limited for those activities that are within the Compliance Distances outline in the table above and cannot comply with the performance standard.</u></p> <p>(v) Non-notification</p> <p>Applications utilising Rule 5.2.9(iii) that do not simultaneously trigger other</p>

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				consent requirements, shall not be publicly notified and shall not be served on any party other than the railway operator (KiwiRail) and/or NZTA.				
16	5.3 Vibration <i>(i) Industrial and business activities</i> <i>Advice note: This Section does not include vibration created as a result of blasting. See Section 4.9.1 for rules related to blasting. Vibration from industrial and business...</i> <i>(ii) Buildings adjacent to railway lines and state highways</i> <i>Advice Note: Vibration from the operation of state highways and railway lines may cause adverse effects on adjacent buildings and occupants. Vibration is site specific and developers are advised to undertake a vibration assessment to determine whether it will be an issue for their particular development.</i> <i>Explanation</i> <i>Vibration that is generated by business and industrial activities can cause discomfort or annoyance when it is transmitted to adjacent sites. Vibration produces complex sensations the location and character of which vary according to the vibration frequency, direction of vibration and other factors.</i> <i>The vibration limits were chosen after consideration of the guidelines in the British Standard 6841:1987 and the Draft ISO Standard Dis 2634/2:(1987). The night time limit for residential areas and rural dwellings is set at just above the threshold of perception as it was considered necessary to provide a high degree of protection against sleep disturbances. During the day a limit of 3 times the threshold was chosen as a reasonable balance between residential amenity and the need for business activities to be able to generate a reasonable level of vibration.</i>	Seek Amendment	KiwiRail strongly supports Vibration controls within the District Plan. Along with advice received on noise limits near railway corridors, KiwiRail has also received advice on vibration standards near railway corridors. As such some amendments are sought to the provisions of 5.3 to reflect KiwiRails standards.	Amend Rule 5.2.9 to read: 5.3 Vibration <i>(i) Industrial and business activities</i> <i>Advice note: This Section does not include vibration created as a result of blasting <u>or rail and state highway activities.</u></i> <i>(ii) Buildings adjacent to railway lines and state highways</i> <i>Advice Note: Vibration from the operation of state highways and railway lines may cause adverse effects on adjacent buildings and occupants...</i> <u>(iii) Buildings adjacent to the railway corridor</u> <u>(a)A new building, relocated building or addition to an existing building that is to be used for a noise sensitive activity and is within 60 metres of the rail corridor shall be considered a Permitted Activity it is designed and constructed to ensure the following levels of vibration from trains shall not be exceeded based on the procedures specified in the Norwegian Standard NS 8176E: 2nd edition September 2005 Vibration and Shock Measurement of Vibration in Buildings from Land Based Transport and Guidance to Evaluation of its Effects on Human Beings.</u> <table border="1"><tr><td><u>Receiving Environment</u></td><td><u>Class C criterion:</u> <u>Maximum Weighted Velocity, Vw,95</u></td></tr><tr><td><u>New, relocated or altered buildings used for noise sensitive activities</u></td><td><u>0.3 mm/s</u></td></tr></table> <u>(b)All buildings within 20 metres of the rail corridor shall be designed and constructed to ensure the level of vibration from trains shall not exceed the criteria set out in the British Standard BS 7385-2:</u> <u>Compliance for both vibration annoyance and building damage shall be demonstrated by providing the Council and the railway operator (KiwiRail) with a design report and a design certificate prepared by an experienced and qualified vibration specialist;</u> <u>(iv) Restricted Discretionary Activity</u> <u>If a noise sensitive activity does not comply with the provisions of Rule 5.3(iii) it is considered to be a Restricted Discretionary Activity. Council’s discretion is restricted to the following matters:</u> <u>a) The size, nature and location of the building on the site</u> <u>b) Special topographical, building features or ground conditions which will mitigate vibration impacts</u> <u>c) Any characteristics of the proposed use which make compliance with the standard unnecessary</u> <u>d) The written approval of the railway operator (KiwiRail).</u> <u>e) A reverse sensitivity covenant provided by the railway operator (KiwiRail).</u>	<u>Receiving Environment</u>	<u>Class C criterion:</u> <u>Maximum Weighted Velocity, Vw,95</u>	<u>New, relocated or altered buildings used for noise sensitive activities</u>	<u>0.3 mm/s</u>
<u>Receiving Environment</u>	<u>Class C criterion:</u> <u>Maximum Weighted Velocity, Vw,95</u>							
<u>New, relocated or altered buildings used for noise sensitive activities</u>	<u>0.3 mm/s</u>							
17	Insert new rule 5.X “Setbacks from a Rail Corridor”	Seek Amendment	Setbacks and buffers are a further method to ensure amenity for sensitive activities and mitigate reverse sensitivity effects. New rules are sought for all zones which adjoin the railway corridor to establish appropriate setbacks and buffer controls.	Add a new rule 5.X, or a location in the Plan which will have district-wide applicability: <u>5.X Setbacks from a Rail Corridor</u> <ul style="list-style-type: none"><u>Buildings, balconies and decks shall be setback at least 10 metres from the rail corridor boundary and;</u><u>Trees and shrubs shall be setback at least 10 metres from the rail corridor</u>				

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				<p><u>boundary and shall not comprise nuisance or weed species and;</u></p> <ul style="list-style-type: none"> • <u>Trees and shrubs shall be maintained such that they do not encroach into the setback and</u> • <u>Fences or walls adjoining the rail corridor boundary shall be</u> <ul style="list-style-type: none"> - <u>setback or sited in a way that enables maintenance to be undertaken without requiring access to the rail corridor, and</u> - <u>maintained in a good state of repair fit for purpose, and free of graffiti and</u> • <u>Storage and service areas and shall be screened so they are not visible from the rail corridor and</u> • <u>Where buildings, other than residential, are developed introduce appropriate screening and other provisions for service areas and storage areas facing the rail corridor.</u>
	8 Works and Network Utilities			
18	8.6 Transportation network 8.6.1 Activity table 5. New railway network and ancillary equipment: Discretionary Activity (all zones)	Seek Amendment	KiwiRail generally supports Rule 8.6.1.5. KiwiRail's entire network is designated in the District Plan. Should KiwiRail wish to undertake a rail development outside of its designated area, KiwiRail will seek an Alteration to Designation or a new designation through the Notice of Requirement process, rather than go through the resource consent process under 8.6.1.5. However, the rule would apply to any party who wishes to construct a private siding to the railway corridor.	Amend Rule 8.6.1.5 to read: 8.6 Transportation network 8.6.1 Activity table 5. New railway network and ancillary equipment outside of Designation 88t: Discretionary Activity (all zones)
19	8.7 Stock movements and stock crossings 8.7.2 Performance Standards (iii) Crossing stock over a railway line or railway reserve Crossing stock over a railway line or railway reserve must have the written approval of the rail operator.	Support	KiwiRail supports Performance Standard 8.7.2(iii) requiring KiwiRail's written approval to cross stock over a railway line or railway reserve	Retain Performance Standard 8.7.2(iii) as notified
	9 Transportation			
20	9.2 Railways 9.2.1 Separation between site access and public railway level crossings (i) Permitted activities The following shall be permitted activities: (a) An existing vehicle crossing that does not change in character, scale or intensity of use separated by less than 30m from a public railway level crossing; (b) A new vehicle crossing from a public road separated by 30m or more from a public railway level crossing. Advice Note: Vehicle crossings must also meet the access standards in Section 9.1.2, or a consent as set out in Section 9.1.2 will be required. (ii) Restricted-discretionary activities The following shall be restricted-discretionary activities: (a) Any new vehicle crossing with less than 30m separation to a public railway level crossing; (b) Any existing vehicle crossing that changes in character, scale, or intensity	Support and Seek Amendment	KiwiRail strongly supports the inclusion of controls surrounding site access separation from railway level crossings in the District Plan. Some minor amendments are sought to Rule 9.2.1. KiwiRail seek that the word 'public' is removed from the rule, so that the rule is applicable to all level crossings in the district (including private). The site access control is a safety measures and the same risk to safety exists whether the railway level crossing is a public or private crossing. Some minor amendments are sought to the wording. KiwiRail seek to change the word 'vehicle crossing' to 'site access' to ensure that it is clear the rule relates to accesses to sites from a road, rather than a vehicle crossing of the railway network. In terms of the matters of discretion and matters in respect of which conditions can be imposed, KiwiRail wish to have input into any conditions so that the safety and efficiency of the railway network is not compromised by any resource consent granted for a site access within 30m of a railway level crossing. KiwiRail are the most appropriate organisation to judge what the effects on the railway are likely to be, and as such should inform the Council of the conditions required for any resource consent. KiwiRail also seek to amend the advice note which states that the separation distance must be measured from the	Amend Rule 9.2.1 to read: 9.2.1 Separation between site access and public railway level crossings (i) Permitted activities The following shall be permitted activities: (a) An existing vehicle crossing site access which is separated by less than 30m from a railway level crossing that and retains its existing does not change in character, scale or intensity of use separated by less than 30m from a public railway level crossing; (b) A new vehicle crossing site access from a public road separated by 30m or more from a public railway level crossing. Advice Note: Site accesses (Vehicle crossings) must also meet the access standards in Section 9.1.2, or a consent as set out in Section 9.1.2 will be required. (ii) Restricted-discretionary activities The following shall be restricted-discretionary activities: (a) Any new vehicle crossing site access with less than 30m separation to a public railway level crossing; (b) Any existing vehicle crossing site access with less than 30m separation from a railway level crossing that changes in character, scale, or intensity of use with less than 30m separation from a public railway level crossing. Advice Note: Site accesses (Vehicle crossings) must also meet the access standards in Section 9.1.2, or an additional consent as set out in Section 9.1.2 will be required. (iii) Matters to which discretion is restricted The Council's discretion is restricted to the following matters: <ul style="list-style-type: none"> • Whether vehicles can safely and efficiently enter and exit a site without

Submission Number	Plan Section	Support/Oppose/ Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
	<p>of use with less than 30m separation from a public railway level crossing. <i>Advice Note: Vehicle crossings must also meet the access standards in Section 9.1.2, or an additional consent as set out in Section 9.1.2 will be required.</i></p> <p>(iii) <i>Matters to which discretion is restricted</i> The Council's discretion is restricted to the following matters:</p> <ul style="list-style-type: none"> Whether vehicles can safely and efficiently enter and exit a site without resulting in the queuing of vehicles blocking the railway corridor. <p>(iv) <i>Matters in respect of which conditions can be imposed</i> Where consent is granted, the Council may impose conditions to avoid, remedy, or mitigate adverse effects on the rail network, and on the safety of vehicles using the vehicle crossing.</p> <p>(v) <i>Notification</i> Unless other consent requirements are triggered simultaneously, applications for resource consent under this Rule shall not be subject to public notification. The only affected parties shall be:</p> <ul style="list-style-type: none"> The rail operator; and The New Zealand Transport Agency and/or the Council as road controlling authority. <p><i>Advice Note: The separation distance between a vehicle crossing and public railway level crossing shall be measured from the closest rail track, to the edge of the formation of the vehicle crossing.</i></p>		<p><i>closest rail track.</i> The measurement should be taken from the closest rail corridor boundary. This amendment will stop people entering the rail corridor to measure the separation distance. For safety purposes, KiwiRail seeks to restrict public access to the railway corridor, hence the measurement should be taken from the boundary of the railway corridor rather than from any area within the corridor.</p>	<p><i>resulting in the queuing of vehicles blocking the railway corridor.</i></p> <p>(iv) <i>Matters in respect of which conditions can be imposed</i> Where consent is granted, the Council may impose conditions, <u>drafted in consultation with KiwiRail</u>, to avoid, remedy, or mitigate adverse effects on the rail network, and on the safety of vehicles using the vehicle crossing <u>site access</u>.</p> <p>(v) <i>Notification</i> Unless other consent requirements are triggered simultaneously, applications for resource consent under this Rule shall not be subject to public notification. The only affected parties shall be:</p> <ul style="list-style-type: none"> The rail operator (<u>KiwiRail</u>); and The New Zealand Transport Agency and/or the Council as road controlling authority. <p><i>Advice Note: The separation distance between a vehicle crossing <u>site access</u> and public railway level crossing shall be measured from the closest rail <u>corridor boundary</u> track, to the edge of the formation of the vehicle crossing.</i></p>
21	<p>9.2.2 Private railway crossings</p> <p>(i) <i>Permitted activities</i> An existing private railway crossing authorised by the rail operator that does not change in character, intensity or scale of use is a permitted activity.</p> <p>(ii) <i>Restricted-discretionary activities</i> The following shall be restricted-discretionary activities:</p> <p>(a) Any new private railway crossing;</p> <p>(b) Any existing private railway crossing that changes in character, intensity, or scale of use.</p> <p>(iii) <i>Matters to which discretion is restricted</i> The Council's discretion is restricted to the following matters:</p> <p>(a) The ability to obtain alternative access to the site;</p> <p>(b) Adverse effects on the safety of vehicles using the crossing and the safety and efficiency of the railway</p>	Oppose	<p>KiwiRail want Rule 9.2.2 deleted in its entirety from the plan. As the owner of the railway corridor, KiwiRail has to be approached to provide permission for any private railway crossings. A private crossing of the railway corridor is not a legal access to a parcel of land. KiwiRail assess each private railway crossing on a case by case basis to determine if a "deed of grant". The deed of grant allows private access across the corridor, however deed of grants can be revoked with three months notice.</p> <p>As such, there is a rigorous process currently established for the assessment of private railway crossings. KiwiRail consider it unnecessary to have a resource consent process as well as the deed of grant process. The resource consent process may confuse a landowner and if resource consent was granted under 9.2.2 but KiwiRail revoked the deed of grant. The holder of the resource consent may still consider they had a legal right to cross the railway corridor. KiwiRail want to avoid these types of situations.</p> <p>It should be noted that rules concerning private railway crossings are generally not included in other District Plan's around New Zealand.</p>	<p>Delete Rule 9.2.2 in its entirety:</p> <p>9.2.1 Separation between site access and public railway level crossings</p> <p>(i) Permitted activities An existing private railway crossing authorised by the rail operator that does not change in character, intensity or scale of use is a permitted activity.</p> <p>(ii) Restricted-discretionary activities The following shall be restricted-discretionary activities:</p> <p>(a) Any new private railway crossing;</p> <p>(b) Any existing private railway crossing that changes in character, intensity, or scale of use.</p> <p>(iii) Matters to which discretion is restricted The Council's discretion is restricted to the following matters:</p> <p>(a) The ability to obtain alternative access to the site;</p> <p>(b) Adverse effects on the safety of vehicles using the crossing and the safety and efficiency of the railway network resulting from the nature, use, location, and design of the crossing;</p> <p>(c) Methods to avoid, remedy, or mitigate adverse effects on the rail network;</p> <p>(d) Methods to avoid, remedy, or mitigate adverse effects on the safety of vehicles using the crossing;</p> <p>(e) Cumulative effects on the rail network;</p> <p>(f) Any matters identified by the rail operator and the road controlling authority.</p>

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	<p>network resulting from the nature, use, location, and design of the crossing;</p> <p>(c) Methods to avoid, remedy, or mitigate adverse effects on the rail network;</p> <p>(d) Methods to avoid, remedy, or mitigate adverse effects on the safety of vehicles using the crossing;</p> <p>(e) Cumulative effects on the rail network;</p> <p>(f) Any matters identified by the rail operator and the road controlling authority.</p> <p>(iv) Matters in respect of which conditions can be imposed Where consent is granted, the Council may impose conditions to avoid, remedy, or mitigate adverse effects on the rail network, and on the safety of vehicles using the crossing.</p> <p>(v) Notification ... The only affected parties shall be the rail operator and the road controlling authority.</p>			<p>(iv) Matters in respect of which conditions can be imposed Where consent is granted, the Council may impose conditions to avoid, remedy, or mitigate adverse effects on the rail network, and on the safety of vehicles using the crossing.</p> <p>(v) Notification Unless other consent requirements are triggered simultaneously, applications for resource consent under this Rule shall not be subject to public notification. The only affected parties shall be the rail operator and the road controlling authority.</p>
	15 Definitions			
22	<p>Buffer Corridor means a corridor comprising the “red zone” and the “green zone” as follows:</p> <p>(i) A 16m wide corridor measured from the centreline of the HIN-KPO A transmission line as identified on the planning maps.</p> <p>(ii) A 32m wide corridor measured from the centreline of the HAM-WHU A and WHUWKO A transmission lines as identified on the planning maps.</p>	Seek Amendment	Given that KiwiRail are seeking the rules relating to buffer control under proposed new rule 5.X “Setbacks from a Rail Corridor” (submission X), an amendment is sought to add a cross reference to the buffer controls sought under Rule 5.X.	<p>Amend the definition of “Buffer Corridor” to read: means a corridor comprising the “red zone” and the “green zone” as follows:</p> <p>(i) A 16m wide corridor measured from the centreline of the HIN-KPO A transmission line as identified on the planning maps.</p> <p>(ii) A 32m wide corridor measured from the centreline of the HAM-WHU A and WHUWKO A transmission lines as identified on the planning maps.</p> <p><u>Or an area adjacent to a railway corridor as described in Rule 5.X.</u></p>
23	<p>Private railway crossing means a level crossing of a private vehicular driveway over a railway line.</p>	Oppose	As stated under Submission 21, KiwiRail seeks that Rule 9.2.2 relating to private railway crossings be removed and as such the subsequent definition of private railway crossing can be deleted.	<p>Delete the definition of “Private railway crossing” in its entirety: “Private railway crossing” means a level crossing of a private vehicular driveway over a railway line.</p>
24	<p>Public railway level crossing means a level crossing of a public road over a railway line.</p>	Seek Amendment	As stated under Submission 20, KiwiRail seeks that Rule 9.2.1 relates to all level crossings, not just public level crossings. As such the subsequent definition of public railway level crossing should be amended to reflect the changes to the rule.	<p>Amend the definition of “Public railway level crossing” to read: “Public railway level crossing” means a level crossing of a public <u>or private</u> road, <u>access or footpath</u> over a railway line.</p>
25	<p>Rail Operator means the entity responsible for operating the national rail network (currently KiwiRail).</p>	Support	KiwiRail supports including a definition of rail operator in the District Plan.	Retain the definition of “Rail Operator” as notified
26	<p>Regionally significant infrastructure means:</p> <p>(i) Pipelines for the distribution or transmission of natural or manufactured gas or petroleum;</p> <p>(ii) Infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;</p> <p>(iii) Radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;</p> <p>(iv) The national electricity grid, as defined by the Electricity Industry Act 2010;</p>	Seek Amendment	KiwiRail seeks to be explicitly defined as regionally significant infrastructure in the District Plan. This will align the definition with the explanation provided to Section 3.8.1 of the District Plan as amended in Submission 8.	<p>Amend the definition of “Regionally significant infrastructure” to read: <u>“Regionally significant infrastructure” means:</u></p> <p>(i) Pipelines for the distribution or transmission of natural or manufactured gas or petroleum;</p> <p>(ii) Infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;</p> <p>(iii) Radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;</p> <p>(iv) The national electricity grid, as defined by the Electricity Industry Act 2010;</p> <p>(v) Facilities for the generation of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);</p> <p>(vi) Significant transport corridors as defined in Map 6.1 of the Waikato Regional</p>

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	(v) <i>Facilities for the generation of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);</i> (vi) <i>Significant transport corridors as defined in Map 6.1 of the Waikato Regional Policy Statement, Decisions Version, November 2012;</i> (vii) <i>Lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;</i> (viii) <i>Flood and drainage infrastructure managed by Waikato Regional Council.</i>			<i>Policy Statement, Decisions Version, November 2012;</i> (vii) <i>Lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;</i> (viii) <i>Flood and drainage infrastructure managed by Waikato Regional Council.</i> <u>(ix) The East Coast Main Trunk Line, Kinleith Branch Line and Waitoa Branch Line railway corridors.</u>														
27	Sensitive activity <i>means a more recently established activity which is sensitive to the adverse environmental effects being generated by a pre-existing lawfully established activity, and in the context of state highways and railway lines includes any dwelling, papakainga, visitor accommodation, boarding house, retirement village, supported residential care, educational facilities, hospitals and healthcare services, and care centres.</i>	Support and Seek Amendment	KiwiRail supports the definition of Sensitive Activity. However as stated under Submissions 15 and 16, KiwiRail have received advice on the noise and vibration effects of rail. Part of this advice included the identification of sensitive receivers. KiwiRail seeks an amendment to the sensitive activities listed under the definition to ensure that all potentially sensitive receivers near a railway line are captured by the District Plan rules.	Amend the definition of “Sensitive activity” to read: <i>“Sensitive activity” means a more recently established activity which is sensitive to the adverse environmental effects being generated by a pre-existing lawfully established activity. <u>any use of land and/or buildings which is likely to be susceptible to the effects of noise emitted from nearby pre-existing lawfully established land use in the course of their legitimate operation and functioning; and for the purposes of this plan,</u></i> and in the context of state highways and railway lines includes any dwelling <i>(including Primary Outdoor Amenity Areas),</i> papakainga, visitor accommodation, boarding house, retirement village, supported residential care, educational facilities, hospitals and healthcare services, and care centres, <i>Places of Assembly, including churches, community facilities, restaurants and recreational facilities.</i>														
28	Significant transport infrastructure <i>means the portions of the significant road and rail corridors located within the District as shown on Map 6.1 (6B) of the RPS.</i>	Support and Seek Amendment	KiwiRail supports having rail recognised as “significant transport infrastructure but seeks greater clarity within the definition to ensure that the definition applies to the entire rail network through the Matamata-Piako District.	Amend the definition of “Significant transport infrastructure” to read: <i>“Significant transport infrastructure” means the portions of the significant road and rail corridors located within the District as shown on Map 6.1 (6B) of the RPS <u>and the entire East Coast Main Trunk Line, Kinleith Branch Line and Waitoa Branch Line railway corridors.</u></i>														
	Schedule 4: Designations																	
29	Designation 88	Seek Amendment	KiwiRail seeks an amendment to Designation 88 of Schedule 4 to the District Plan. The current designation states that Toll Consolidated Ltd is the requiring authority for rail in the Matamata-Piako District. Toll Rail no longer exists as an entity and KiwiRail Holdings Limited are the State Owned Enterprise with requiring authority status throughout New Zealand for designations for ‘railway purposes’. As such some minor wording changes are sought to Designation 88 of Schedule 4.	Amend the Designation 88 of Schedule 4 to read: <table><tr><th>Desig. No.</th><th>Underlying zone</th><th>Authority</th><th>Location</th><th>Purpose</th><th>Map No</th><th>Legal description</th></tr><tr><td>88</td><td>Business if adjoining a Business zone, otherwise Rural</td><td><i>Toll-NZ-Consolidated Ltd (Toll-Rail)</i> <u>KiwiRail Holdings Limited (KiwiRail)</u></td><td>East Coast main trunk railway line, Kinleith Branch line, <u>Waitoa Branch Line</u> <i>Thames Branch railway line, Hamilton-Tauranga and south</i></td><td>Railway <u>Purposes</u> <i>—Also see Designation 167</i></td><td>Various</td><td>Various</td></tr></table>	Desig. No.	Underlying zone	Authority	Location	Purpose	Map No	Legal description	88	Business if adjoining a Business zone, otherwise Rural	<i>Toll-NZ-Consolidated Ltd (Toll-Rail)</i> <u>KiwiRail Holdings Limited (KiwiRail)</u>	East Coast main trunk railway line, Kinleith Branch line, <u>Waitoa Branch Line</u> <i>Thames Branch railway line, Hamilton-Tauranga and south</i>	Railway <u>Purposes</u> <i>—Also see Designation 167</i>	Various	Various
Desig. No.	Underlying zone	Authority	Location	Purpose	Map No	Legal description												
88	Business if adjoining a Business zone, otherwise Rural	<i>Toll-NZ-Consolidated Ltd (Toll-Rail)</i> <u>KiwiRail Holdings Limited (KiwiRail)</u>	East Coast main trunk railway line, Kinleith Branch line, <u>Waitoa Branch Line</u> <i>Thames Branch railway line, Hamilton-Tauranga and south</i>	Railway <u>Purposes</u> <i>—Also see Designation 167</i>	Various	Various												

Appendix A:

Insert the following into Proposed Plan Change 43 and 44 as stated under Submission 10:

3.7.1 Level Crossing Sight Triangles and Explanations

Developments near Existing Level Crossings

It is important to maintain clear visibility around level crossings to reduce the risk of collisions. All the conditions set out in this standard apply during both the construction and operation stages of any development.

Approach sight triangles at level crossings with Stop or Give Way signs

On sites adjacent to rail level crossings controlled by Stop or Give Way Signs, no building, structure or planting shall be located within the shaded areas shown in Figure 1. These are defined by a sight triangle taken 30 metres from the outside rail and 320 metres along the railway track.

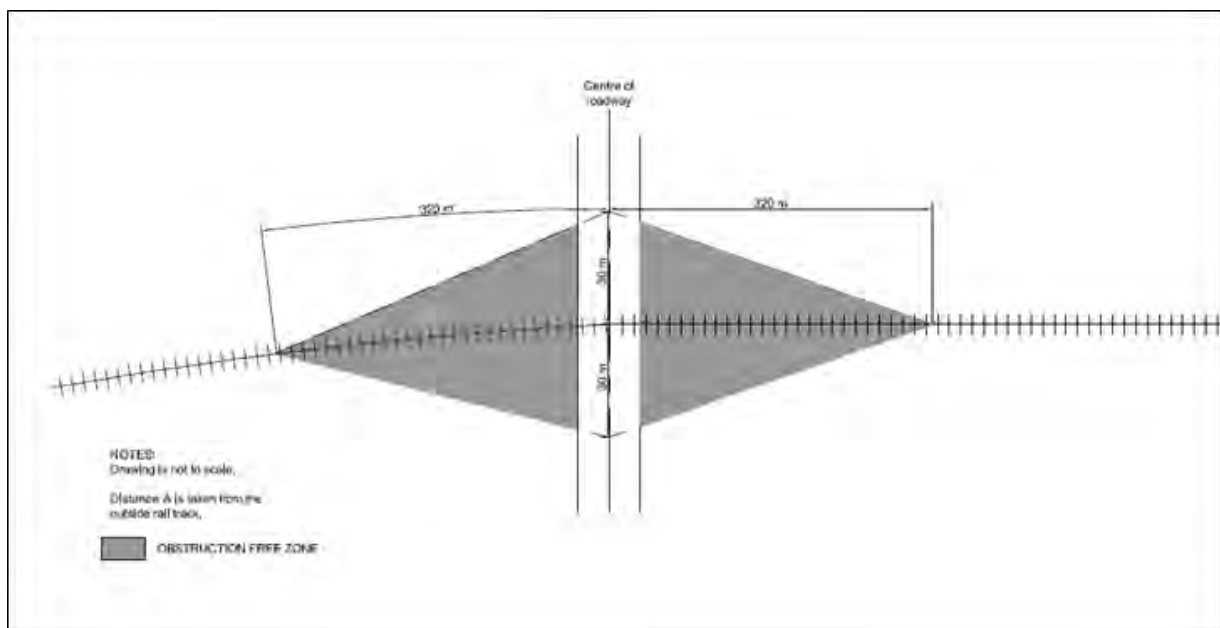


Figure 1: Approach Sight Triangles for Level Crossings with “Stop” or “Give Way” Signs

Advice Note:

The approach sight triangles ensure that clear visibility is achieved around rail level crossings with Stop or Give Way signs so that a driver approaching a rail level can either:

- See a train and stop before the crossing; or
- Continue at the approach speed and cross the level crossing safely.

Of particular concern are developments that include shelter belts, tree planting, or a series of building extensions. These conditions apply irrespective of whether any visual obstructions already exist.

No approach sight triangles apply for level crossings fitted with alarms and/or barrier arms. However, care should be taken to avoid developments that have the potential to obscure visibility of these alarm masts. This is particularly important where there is a curve in the road on the approach to the level crossing, or where the property boundary is close to the edge of the road surface and there is the potential for vegetation growth.

Restart sight triangles at level crossings

On sites adjacent to all rail level crossings, no building, structure or planting shall be located within the shaded areas shown in Figure 2. These are defined by a sight triangle taken 5 metres from the

outside rail and distance A along the railway track. Distance A depends on the type of control (Table 1).

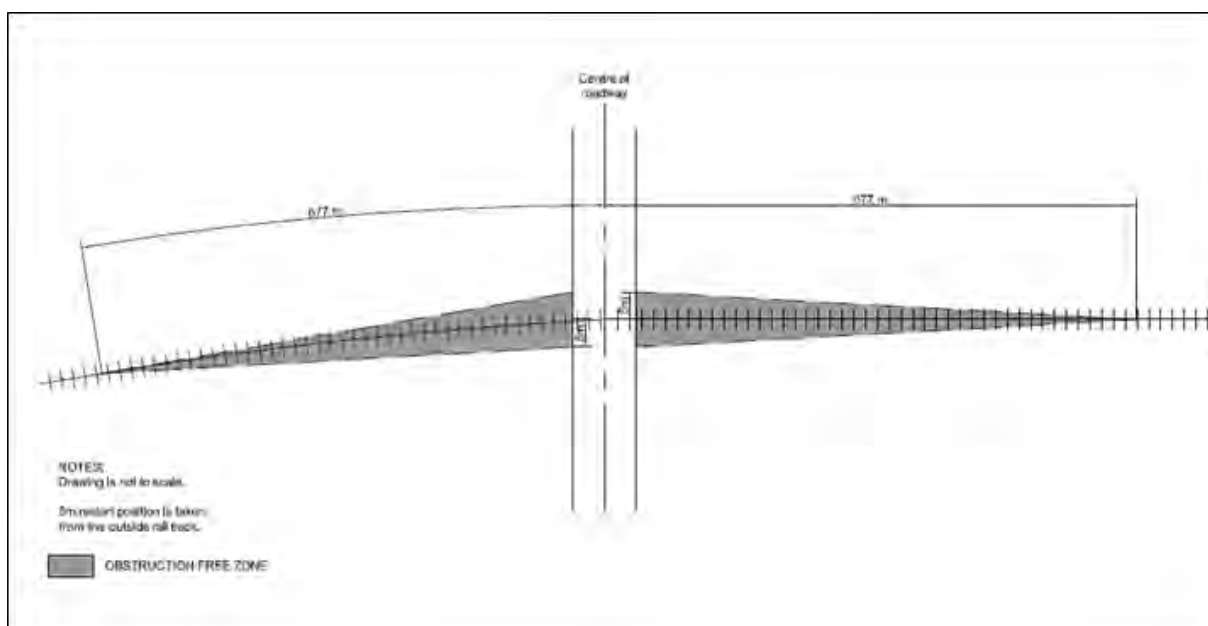


Figure 2: Restart Sight Triangles for all Level Crossings

Table 1: Required Restart Sight Distances For Figure 2

Required approach visibility along tracks A (m)		
Signs only	Alarms only	Alarms and barriers
677 m	677 m	60 m

Advice Note:

The restart sight line triangles ensure that a road vehicle driver stopped at a level crossing can see far enough along the railway to be able to start off, cross and clear the level crossing safely before the arrival of any previously unseen train.

Of particular concern are developments that include shelter belts, tree planting, or a series of building extensions. These conditions apply irrespective of whether any visual obstructions already exist.

Notes:

- Figures 1 and 2 show a single set of rail tracks only. For each additional set of tracks add 25 m to the along-track distance in Figure 1, and 50 m to the along-track distance in Figure 2.
- All figures are based on the sighting distance formula used in NZTA Traffic Control Devices Manual 2008, Part 9 Level Crossings. The formulae in this document are performance based; however the rule contains fixed parameters to enable easy application of the standard. Approach and restart distances are derived from a:
 - train speed of 110 km/h
 - vehicle approach speed of 20 km/h
 - fall of 8 % on the approach to the level crossing and a rise of 8 % at the level crossing
 - 25 m design truck length
 - 90° angle between road and rail

Kelly Moulder

From: WEBMASTER [webmaster@mpdc.govt.nz]
Posted At: Tuesday, 26 November 2013 20:39
Conversation: Proposed plan changes submission
Posted To: Submissions (Corporate Planning)

Subject: Proposed plan changes submission

Categories: Green Category

Full name*: Macken Farm Ltd
Contact person: J K MacRae
Address*: 224 Rawhiti Rd,
Mangaiti
Phone: 0274 888 378, 884 4492
Email*: jkm@johnmacrae.co.nz
Fax:

The specific provisions of the plan change that my submission relates to are:: Rules in Part B 3.5, 3.6, 6.1.1.11 and 3.8.

My submission is (include whether you support or oppose the specific provisions or wish to have them amended, and the reason for your views): Rules 3.5 and 3.6: Oppose: Limiting permitted development in the green zone and within 20m from the centre line of sub-transmission lines to development that complies with NZECP 34:2001 is unnecessarily and unduly restrictive.

Rule 6.1.1.11; Oppose: The imposition of restrictive development activity status on subdivision within the green zone is unnecessary and unduly restrictive.

Rule 3.8; Oppose: a) It is not clear on the face of the district plan to which waterways, tributaries and drains this rule applies. b) The imposition of the controls in the rule on minor and in many cases presently unspecified tributaries is unreasonable and unnecessary. c) The rule raises, but does not resolve, jurisdictional issues as between the Council and the WRC. d) Sub-paragraph (iii)(e) is invalid.

All four rules above; Aspects of all four rules are contrary to the principles of the RMA 1991 and to sound resource management practice.

I seek the following decision from Council (please give precise detail): Accept the plan change with the following amendments

I wish to present at the Council planning hearing: yes

I would be prepared to present a joint case at the hearing with others making a similar submission: yes

You could gain an advantage in trade competition through this submission: no

If you could gain an advantage in trade competition through this submission please complete the following: Nothing Selected

Kelly Moulder

From: mike [mgribb@gmail.com]
Posted At: Wednesday, 27 November 2013 09:55
Conversation: Submission Plan change 43 & 44
Posted To: Submissions (Corporate Planning)

Subject: Submission Plan change 43 & 44

Categories: Green Category

Hi
Please find attached my submission to the plan changes

Mike Gribble

Form 5

Submission on publicly notified proposal for policy statement or plan, change or variation

Clause 6 of Schedule 1, Resource Management Act 1991

To Matamata Piako District Council

Name of submitter: Michael L Gribble

This is a submission on the following proposed variation to a change to an existing plan) (the **proposal**):

Matamata Piako District Plan – Plan change 43 Transportation and Plan change 44 Works and Network Utilities

I could not* gain an advantage in trade competition through this submission

The specific provisions of the proposal that my submission relates to are:

- (1) Clause 5.2.9
- (2) Part C Panning maps - Page 1
- (3) Part 15 Definitions - Sensitive activity

My submission is: Attached

[include—

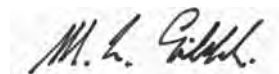
- *I wish to have them amended; and reasons for my views.*

I seek the following decision from the Matamata Piako District Council:

[give precise details]. Attached

I do wish to be heard in support of my submission.

*If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Signature of submitter

(or person authorised to sign
on behalf of submitter)

Date 27th November 2013

Address for service of submitter: No 2 RD Scott Road Morrinsville 3372

Telephone: 889 5472

Fax/email: mgribb @gmail.com

Contact person: *[name and designation, if applicable]* Mike Gribble

Submissions to Matamata Piako District Council (MPDC) on Plan Change 43 and 44

Comment on the process.

The length of time for submissions is too short, 28 days is a very limited time to read and research the make adequate submissions on 676 pages of documents with the timing so near the Christmas holiday period.

Council charging a fee for hard copy is inappropriate . Council can never recover full costs of printing the document.. It should accept that for the few, if any copies sold, it becomes a contributing cost to the plan change not an individual's cost Reference is difficult because there are no page numbers. Not helped by the lack of direct web page links to specific pages in the documentation. These shortcomings restrict the number and quality of submissions.

The Submitter reasons

1/ Reasons for the requested Changes to Clause 5.2.9

Clause 5.2.9 subjects residents to noise controls that are costly, selective and have no upper limit. They exempt 50km/h while imposing restriction on 100 / 70 km/h speed zones. All the cost and control requirements are borne by the residents while NZTA and rail have none. It makes a legal requirements to a level that may not be achievable. The suggested restrictions should apply to new buildings only on new state highways and rail lines.

The original concept of reverse-sensitivity was that the polluters of sound, odours and vibrations were required to maintain a certain level at their property boundary. This was tested in Environment Court case Decision No. W 092/2005. with NZTA¹ and KiwiRail² having dispensation to this requirement. To change the effect of this decision an alternative wording must be inserted into the District plan to override it. This is what this clause requests, to reverse the onus from the polluter to the adjacent neighbours to bear the cost of noise control.

1 New Zealand Transport Agency

2 New Zealand Railway trading as KiwiRail

The location of the boundary

i NZTA and KiwiRail are requesting mitigation of the noise activities they create. Unlike Queensland the NZTA do not design for noise reduction nor contribute funding to highway noise suppression or reductions such as open graded porous asphalt to reduce the noise level. I would suggest having the choice, the vast majority of new dwellings would be built outside the 40 or 80 metre limits.

ii Residents can reduce the noise levels themselves to their own requirements without being dictated to by a third party. There is nothing hidden about an existing state highway or railway line and the residents would have assessed the noise level and economic value of the property at the time of building or purchase.

No specific study has been done to examine the noise levels in MPDC, in particular Morrinsville and Matamata 70 km/h speed zones. A desktop examination of noise levels in the district would give some indication of the noise levels that need to be addressed. All data has been based on evidence from outside the district. We are left with the question: Are we better or worse than other locations?

The 70km/h speed zone

NZTA have been accepting various conditions for different District Plan changes throughout New Zealand. The results have been a variety of requirements that show that there is no absolute science behind the requests. NZTA based their requirements on their *Road Noise Effect Planning Policy Manual Appendix 5 D*. In submissions to the Waipia District Plan 2012 change, Dr Chiles expert witness for the NZTA said

"The NZTA takes a consistent approach, but seeks to work with councils to integrate provisions into each particular plan, which can result in different formats to the resulting rules in each district".

"By limiting the area for controls to 100 metres, I consider that the NZTA reverse sensitivity policy takes an appropriate and pragmatic approach."

"In fact, the research^{3,4} behind the policy indicated effects to beyond 300 metres from state highways".

³Reverse sensitivity measures to address road traffic noise from state highways, Malcolm Hunt Associates, July 2005

⁴Review reverse sensitivity guidelines, Marshall Day Acoustics, 3 October 2005

Dr Chiles Quoted from the submissions to the Otorohanga District Plan

"The NZTA submission seeks to introduce a requirement for all new noise sensitive activities within 80 metres of state highways to achieve specified internal noise limits. I consider this an appropriate control necessary to manage reverse sensitivity effects."

MPDC plan has the 70/100 km/h speed zone included for noise control and the 50 km/h speed zone exempted for noise control.

Dr Chiles in advice to MPDC states that

the distances for sound insulation should be 80 metres (70 km/h and above) and 40 metres (50/60 km/h)

Why does the 50km/h speed zone not have the 40metre as suggested and the how does the 10kp/h makes such a difference in the 70km/h zone? Neither has been justified by even with actual or a desktop examination of noise levels

The only difference between the two zones is the speed of the traffic and possibly topography. Section 32 information report lists the important questions but does not answer them or provided supporting evidence that the extra 10 km/h increase in speed from 60kmh to 70kmh on State Highways creates such a increase in the noise level that it requires the extra noise suppression measures. It is noted that in Morrinsville TeAroha and Matamata the 70kmh speed zones are on flat land except for a sligh rise in the eastern zone of Morrinsville It is the same volume of traffic, trucks, vans and cars that pass through both zones.

As stated previously there are no noise limits requirements on State Highways resulting in ever increasing road noise. There are increasing weight of the trucks exampled by 60 tonne loads Council and NZTA allowed on the roads. There is increasing volume of trucks and a changing traffic composition such as an increase in the proportion of trucks at night which the ratepayers and landowners have no control over limiting.

Frequently the 70kmp speed restrictions is a precursor to a 50kmh speed zone and it is inconsistent to require landowners to comply with these requirements when only a few months / years they would be exempt from the noise reduction requirements anyway.

Quoted from EVIDENCE ON BEHALF OF THE APPLICANTS NZTA and KiwiRail by Dr Chiles
BEFORE A BOARD OF INQUIRY PEKA PEKA TO NORTH ŌTAKI EXPRESSWAY PROJECT

The existing NIMT railway through Ōtaki is in close proximity to a number of PPFs, and the rail noise and vibration levels that currently exist are likely to be exceeding recommended limits for a new railway. Rail noise and vibration may currently disturb a number of residents, however people adapt and are usually less affected over time

***Quoted from EVIDENCE ON BEHALF OF Kapiti District Council by Malcolm James Hunt BEFORE A BOARD OF INQUIRY PEKA PEKA TO NORTH ŌTAKI EXPRESSWAY PROJECT*⁵**

I consider the more sophisticated, multi-disciplinary approach to selecting the preferred mitigation within NZS6806:2010 offers considerable advantages over the 1999 Guidelines which provides no methods for assimilating information on non-acoustic effects such as landscape and visual effects of noise barriers when formulating the preferred mitigation option. Thus, I have come to the conclusion that the multi-disciplinary approach of NZS6806:2010 is preferred,

The Acoustic Design Report

An acoustic design report prepared by an appropriately qualified practitioner confirming compliance with the limits must be submitted to Council as part of any resource or building consent is far more than necessary.

The employment of a qualified acoustic expert does not always guarantee accuracy. One has only to observe the débâcle of the high profile case of the wooden fence along Motorway beside the Regional Botanical Gardens in Manurewa when a acoustic engineer from Marshall Day certified that the sound barriers were suitable for the purpose but were found not to be and the fence had to be removed. The second example can be found in the Peka Peka evidence.

Dr Chiles Quoted from the submissions to the Otorohanga District Plan

I recommend rules be inserted in the District Plan as follows:

iii) The recommended maximum design guidelines in AS/NZS 2107:2000 within educational buildings, healthcare buildings, maraes, churches, travellers accommodation and offices.

⁵ There is available from this hearing a reports that both Dr Chiles and Mr Hunt produced a joint witness statement.

I agree with Dr Chiles, that this should be included within clause 5.2.9. and not in the Definition section as our Plan change has it.

Section G4 of the Building Code

The alternative means of ventilation in accordance with the clause G4 of the New Zealand building code. This is a 26 page document full of requirements for mechanical ventilation and to quote Dr Chiles who was responsible for producing draft provisions for Clause G6 of the New Zealand Building Code.

“ The minimum Building Code ventilation rates might be enough to stop people suffocating but do not provide any thermal comfort. Therefore occupants would still need to open windows which would negate the sound insulation.”

It is appropriate that the rules contain measures that while placing the onus on Rail and Highway operators for existing noise activities associated with rail and state highways that NZTA accepts variation between District plans. As MPDC has already rejected the 40metre set back zone in 50km/h speed zone it can also reject the 70 to 100 speed zone set backs and the control measures for existing buildings

Reasons for the requests related to Part C Panning maps - Page 1

The sub-transmission line data on the Planning Maps is sourced from Powerco Limited and is subject to the disclaimer that Sub-transmission line information is to be used as an indicative guide.

This is completely unacceptable. The District plan is suppose to give certainty to everyone. This gives no certainty to anyone including Powerco If they were serious they would supply accurate information in a timely manner.

Reasons for the requests related to Part 15 Definitions

As this part relates only to rail and state highways it should be in the main text body so that it can be easily seen and identified and not separated in another section.

Changes Requested

1/ Listed below are the changes requested to Clause 5.2.9

Additions have the text underlined

Deletions have a strike through the words that are to be removed

5.2.9 Internal noise limits – **New** railway lines and state highways

(i) Performance Standards

(a) New buildings ~~or additions to existing buildings~~ to be used for a noise sensitive activity located:

(i) Within 40m of an operational railway line;

(ii) Within 80m of a state highway ~~where the site's frontage has a~~
~~posted speed limit of 70km/h or above; or~~

(iii) On a front site or a corner site that directly adjoins a state highway
~~where the posted speed limit is less than 70km/h and~~ that has a
complying building platform that is within 40m of the state highway;

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

Space	Internal noise limit	
	Road traffic noise	Rail noise
Inside bedrooms	40 dB LAeq(24h)	35 dBA LAeq(1 hour) at all times
Inside other habitable rooms	40 dB LAeq(24h)	40 dBA LAeq(1 hour) at all times
Inside other spaces containing a noise sensitive activity	No greater than the recommended maximum design guidelines in AS/NZS 2107-2000: Acoustics (or newer <u>AS/NZS Standards)</u> <u>within educational buildings,</u> <u>healthcare buildings, maraes, churches, travellers</u> <u>accommodation and offices.</u> recommended design sound level and reverberation times for building interiors	

2/ Listed below are the changes requested to

Part C: Maps and Plans Page 1

Delete all.

Planning Maps

~~The sub-transmission line data on the Planning Maps is sourced from Powerco Limited and is subject to the following disclaimer.~~

~~Disclaimer:~~

~~Sub-transmission line information is to be used as an indicative guide only and should not be relied on. No warranty to accuracy or completeness is given or implied and the exact locations of sub-transmission lines cannot be guaranteed (the exact location could vary significantly). Information is made available and given in good faith. Parties seeking to plan or undertake works in close proximity to sub-transmission lines should contact Powerco directly to obtain further and more accurate information before making such plans and/or commencing works.~~

~~Please note the following:~~

- ~~• Powerco does not take any responsibility for any misuse of the data or any inaccuracies or omissions in it.~~
- ~~• This indicative guide does not show all electricity assets that may exist in the relevant location, such as:~~
 - ~~• Other sub-transmission assets (e.g. poles);~~
 - ~~• Lower voltage Powerco lines and assets;~~
 - ~~• Additional electrical features that may have been installed since this information was published; or~~
 - ~~• Privately owned electricity assets.~~

3/ Listed below are the changes requested to Part 15 Definitions

~~"Sensitive activity" means a more recently established activity which is sensitive to the adverse environmental effects being generated by a pre-existing lawfully established activity, and in the context of state highways and railway lines includes any dwelling, papakainga, visitor accommodation, boarding house, retirement village, supported residential care, educational facilities, hospitals and healthcare services, and care centres.~~

Mike Gribble

27 November 2013

Kelly Moulder

From: Caitlin Kelly [Caitlin.Kelly@nzta.govt.nz]
Posted At: Wednesday, 27 November 2013 12:04
Conversation: the NZ Transport Agency's submission to plan changes 43 and 44
Posted To: Submissions (Corporate Planning)

Subject: the NZ Transport Agency's submission to plan changes 43 and 44

Categories: Green Category

Kia ora

Please find the NZ Transport Agency's submission on this matter attached.

A hard copy follows by post.

Please are you able to confirm receipt of this Email, that would be really appreciated.

Please don't hesitate to contact me if you have any queries.

Kind Regards

Caitlin Kelly
Resource Planner
DDI 07 958 7949
T 64 7 958 7220
F 64 7 957 1437
Cell 021 220 7826
E Caitlin.Kelly@nzta.govt.nz

NZ Transport Agency
Hamilton Regional Office
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27 November 2013

Plan Change 43 and 44
Matamata Piako District Council
PO BOX 266
Te Aroha 3342

Dear Mr McLeod

Thank you for providing the NZ Transport Agency (Transport Agency) with the opportunity to comment on the proposed Plan Changes 43 –Transportation and 44 – Works and Network Utilities. These comments build on the earlier comments and feedback provided by the Transport Agency during the drafting of the plan changes, and we would like to thank Council for the ongoing and collaborative approach taken.

The Transport Agency's approach has largely been supportive of the approach taken by Council towards the integration of land use and infrastructure, with additional provisions sought to address reverse sensitivity concerns. The Transport Agency is particularly supportive of the collaborative approach taken by Council to the management of the Transport Network.

Our submission can be found attached. Please note that the Transport Agency is supportive of any consequential change that results from giving effect to our submission and also support any amendments which achieve the same effect that our submission sought.

The Transport Agency does wish to present at the Council planning hearing.

The Transport Agency is prepared to present a joint case at the hearing with others making a similar submission.

The Transport Agency cannot gain an advantage in trade competition through this submission.

We look forward to working with Council as the plan change progresses. If you have any queries, please do not hesitate to contact Caitlin Kelly on 07 958 7949.

Yours sincerely

Andrew McKillop
Planning and Investment Manager
NZ Transport Agency

Section	Provision	Support/ Oppose/ Amend	Reasons	Decision Sought
PART A: Issues, Objectives and Policies				
General				
Entirety of Plan Change 43 Transportation and 44 Works and Network Utilities		Support	The NZ Transport Agency generally supports the notified District Plan subject to the submission points below.	Retain the District Plan as notified subject to submission points below.
Entirety of Plan Change 43 Transportation and 44 Works and Network Utilities		Amend	The NZ Transport Agency is no longer known as the NZTA and would prefer that the plan referenced the NZTA as the 'NZ Transport Agency' or the 'Transport Agency'.	Amend all references to the New Zealand Transport Agency to read the 'NZ Transport Agency' or 'the Transport Agency' Any other consequential amendments (including to the definitions section) are also supported.
1 Introduction				
1.2 Development suitability	1.2.1 Activity status criteria	Amend	The Transport Agency seeks certainty as to which activity status or criteria will be deemed appropriate in situations where there is a conflict of provisions. Requiring applicants to comply with the more onerous activity status will promote a precautionary approach within the plan and provide certainty to the Transport Agency.	Add a provision to the plan requiring that in the case of a conflict between provisions or activity status, the more onerous provisions and activity status will apply.
2. Sustainable Management Strategy				
2.3 Significant resource management issues	2.3.6 Integrating land use and infrastructure and 2.3.7 Regionally	Support	The Transport Agency supports the issue statements which give greater recognition to the importance of integrating land use and infrastructure from a strategic	Retain as notified

	significant infrastructure networks		and investment perspective.	
2.4 Sustainable management strategy	2.4.6 Integrating land-use and infrastructure	Support with Amendment	The Transport Agency generally supports the objectives, policies, methods & explanation. However, P1, P4 and the explanation only refer to “existing infrastructure” and “existing networks”. Infrastructure has a long lead time, therefore it is important that existing and planned infrastructure is recognised in the District Plan to ensure that planned infrastructure investments are not compromised by ad hoc land development.	Retain as notified sustainable management strategies 2.4.6 subject to the exception of the following: Amend references to “existing infrastructure” and “existing networks” to “existing <u>and planned</u> infrastructure” or “existing <u>and planned</u> networks”
2.4 Sustainable management strategy	2.4.7 Regionally significant infrastructure	Support	The Transport Agency generally supports the objectives, policies, methods & explanation.	Retain as notified sustainable management strategy 2.4.7.
2.4 Sustainable management strategy	Anticipated environmental result No. 10	Support with Amendment	The Transport Agency generally supports anticipated environmental result 10. However efficient investment in “existing” infrastructure needs to be clarified to also include planned infrastructure that is not yet constructed but planned and invested in.	Amend reference to “existing infrastructure” to “existing <u>and planned</u> infrastructure”
3. Environment				
3.2 Subdivision	3.4.2 Subdivision 04	Support	The Agency supports this objective as it promotes the safe and efficient function of the transport network	Retain as notified

3.5 Amenity	3.5.2 Nuisance Effects 06	Support with amendment	The Transport Agency generally supports the objectives, policies, methods & explanation. However, 06 only refers to “infrastructure networks”. Infrastructure has a long lead time, therefore it is important that existing and planned infrastructure is recognised in the District Plan to ensure that planned infrastructure investments are not compromised by ad hoc land development.	Amend 3.5.2 as follows: <i>To ensure that subdivision and land use activities are located and sited in a manner that recognises <u>existing and planned</u> transport infrastructure networks.</i>
PART B: RULES				
1 General provisions				
1.1 Information requirements for resource consent applications	1.1.14 Written Report (x)	Amend	Whilst the requirement for an Integrated Transport Assessment is supported, it is recommended that the document “Integrated Transport Assessment Guidelines”, November 2010, NZTA Research Report 422 is not directly referenced.	Add another appendix to the plan (provided in appendix 1 to this submission) and amend as follows: <i>Applications that have the potential to result in adverse traffic effects shall be accompanied by an ITA prepared in accordance with the <u>“Integrated Transport Assessment Guidelines”, November 2010, NZTA Research Report 422. the information and guidance found in Appendix 11</u></i> The Transport Agency also supports any other consequential amendments required to give effect to the intent of this submission.
5 Performance Standards – all activities				
5.2.9 Noise	5.2.9 Internal	Amend	The Transport Agency generally	

standards for works and network utilities	noise limits – railway lines and state highways (entire section)		<p>supports the management of reverse sensitivity issues in the District Plan but request amendments to better address this issue.</p> <p>The title for 5.2.9 - '<i>Internal Noise Limits – railway lines and state highways</i>' is misleading as it suggests that the purpose of the provisions is to limit the amount of sound which can be created internally.. However, the actual intention of the provisions is to protect dwellings, noise sensitive activities and etc from external noise. The Transport Agency requests that this is amended to better reflect the intended purpose.</p> <p>Adjacent to a state highway there are two areas of interest as follows:</p> <p>1 Environmental Buffer Area The area closest to the state highway is the “environmental buffer area” and sensitive activities both indoors and outdoors within this area have the potential to experience significant vibration and noise</p>	<p>That the title to provisions within 5.2.9 is amended as follows:</p> <p><i>Internal Noise Limits – railway lines and state highways</i></p> <p><u><i>Noise insulation: noise sensitive activities</i></u></p> <p>That the potential reverse sensitive effects within the environmental buffer area are managed as follows, with a standard setback performance standard that avoids future reverse sensitivity effects:</p> <p><i>Environmental Buffer Area</i> A permitted activity performance standard that requires new and altered buildings to be set back within</p> <ul style="list-style-type: none"> • 10m of a state highway 70km/h or less • 20m of a state highway 70km/h or more <p><i>Measured from the edge of the nearest traffic lane. Non compliance with this standard results in the activity</i></p>
---	--	--	--	--

			<p>effects. This issue is easiest avoided by permitted activity performance setbacks determined by the level of traffic on the state highway. This would ensure road vibration and noise inside the buildings is within reasonable criteria and will avoid adverse effect such sleep disturbance and ensure that appropriate outdoor amenity can be provided. Non compliance with these standards would result in the activity becoming non-complying as this would result in the building not meeting world health organisation standards.</p> <p>2 Road Noise Effects Area</p> <p>The area up to 80m from the road edge has the potential for reverse sensitivity effects which may be managed by ensuring noise sensitive activities provide appropriate insulation and ventilation to ensure that activities such as sleep are not interrupted.</p> <p>The notified version of Section 5.2.9 only attempts to address the issue of the wider road noise</p>	<p><i>becoming non-complying.</i></p> <p><i>Non- compliance with these standards results in non-complying activity status.</i></p> <p>Please note that the Transport Agency also requests amendments to 5.2.9 to better manage reverse sensitivity effects within the wider road noise effects area.</p>
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			<p>effects area requiring buildings to be built to provide mitigation to ensure an internal noise limit of 40dB LAeq(24) with ventilation requirements.</p> <p>The Transport Agency requests that additional provisions are inserted to manage the increased effects within the environmental buffer area and amendments are made to 5.2.9 to better manage effects within the wider road noise effects area.</p>	
5.2.9 Noise standards for works and network utilities	5.2.9(i)(a)(ii) and 5.2.9(i)(a)(iii) Internal noise limits – railways lines and state highways	Amend	The Transport Agency request that 5.2.9(i)(a)(ii) & (iii) is clarified to ensure that any building to be used for sensitive activities within the road noise effects area is built to an appropriate standard to mitigate potential reverse sensitivity effects.	<p>Amend as follows:</p> <p><i>5.2.8(i)(a)(ii) Within 80m of a state highway <u>with a</u> where the site's frontage has a posted speed limit of 70km/h or above; and/or</i></p> <p><i>5.2.8(i)(a)(iii) On a front site or a corner site that directly adjoins a state highway where the posted speed limit is less than 70km/h and that has a complying building platform that is within 40m of the state highway <u>with a speed limit of less than 70km/hr;</u></i></p>
5.2.9 Noise standards for works and network utilities	5.2.9(b) Internal noise limits – railways lines and state highways	Amend	The Transport Agency requests that 5.2.9(i)(b) is amended to clarify that the distance of the reverse sensitivity provisions will be measured from is the edge of the nearest traffic lane. The edge of the seal may be significantly	<p>Amend as follows:</p> <p><i>5.2.9(i)(b) The distances referred to above are measured from the:</i></p> <ul style="list-style-type: none"> • <i>Edge of a railway track;</i> • <i>Edge of seal <u>nearest traffic lane</u> of the state highway;</i>

			wider and does not reflect an accurate measurement from where the noise is being generated.	
5.2.9 Noise standards for works and network utilities	5.2.9(c) Internal noise limits – railways lines and state highways	Amend	The Transport Agency seeks amendments to the proposed ventilation standard. The proposed Building Code standard provides some air to inhabitants however, it does not provide any thermal comfort. Therefore occupants would still need to open a window which negates the necessary sound insulation.	<p>Amend as follows:</p> <p><i>5.2.9(i)(c) If windows are required to be closed to achieve the noise limits above, the building shall be designed and constructed to provide an alternative means of ventilation in accordance with the Clause G4 of the New Zealand Building Code. with a ventilation system to achieve the following:</i></p> <ul style="list-style-type: none"> <i>• A quantity of air shall be provided to achieve the requirements of Clause G4 of the New Zealand Building Code. At the same time as meeting this requirement, the sound of the system shall not exceed 30 dB $L_{Aeq(30s)}$ when measured 1 m away from any grille or diffuser.</i> <i>• Either</i> <ul style="list-style-type: none"> <i>(i) air conditioning shall be provided, or</i> <i>(ii) a high air flow rate setting shall provide at least 15 air changes per hour (ACH) in the principal living space and at least 5 ACH in all other habitable spaces</i> <i>• At the same time as meeting the above requirement, the sound of the system shall not exceed 40 dB $L_{Aeq(30s)}$ in the principal living space and 35 dB $L_{Aeq(30s)}$ in all other habitable spaces, when measured 1m away from any grille or diffuser.</i> <i>• The internal air pressure shall be no more than 10 Pa above ambient air pressure due to the mechanical ventilation.</i> <i>• Where a high air flow rate setting is provided, the</i>

				<u>system shall be controllable by the occupants to be able to alter the ventilation rate with at least three equal stages up to the high setting.</u>
5.2.9 Noise standards for works and network utilities	5.2.9(iii) Internal noise limits – railways lines and state highways	Amend	The Transport Agency requests that any new building or addition to an existing building to be used for a noise sensitive activity not meeting the performance standards is a non-complying activity. This is because failure to meet these standards will result in buildings housing noise sensitive activities failing to meet world health organisation standards. Effects of such failure include sleep disturbance, interferences with communication, general annoyance and general deterioration in performance ¹ . Such effects of non-compliance are difficult to mitigate, other than by the insulation standards referred to in these provisions. Therefore uninsulated noise sensitive activities within 'environmental buffer area' should not be enabled.	<p>Amend as follows:</p> <p><i>5.2.9(iiii) Restricted-discretionary <u>Non-complying activity activities</u></i> <i>A new building or addition to an existing building, to be used for a noise sensitive activity not meeting the performance standards in 5.2.9(i) above is a restricted-discretionary <u>non-complying activity</u>.</i></p> <p>Or similar amendments to achieve the same outcome.</p> <p>The Agency also supports any consequential amendments required.</p>
5.9.2 Performance outcomes	5.9.2(i) Integrating land	Support with amendments	The Transport Agency supports section 5.9.2(i) including the advice	Amend as follows:

¹ Bluhm G, Nordling E, Berglind N. Road traffic noise and annoyance-an increasing environmental health problem. Noise Health 2004;6:43-9

	use and infrastructure		<p>notes, but requests the following amendments:</p> <p>That (g) is amended to indicate that there is a guideline (the roading hierarchy) as to which roads will best serve the different types of development.</p> <p>That (h) is amended to reflect the importance of existing and planned infrastructure. To ensure that planned infrastructure investments are not compromised by ad hoc land development.</p>	<p><i>5.9.2(i)(g) That the development will be <u>connected</u> by existing and or new roads-identified in the roading hierarchy as appropriate for serving <u>designed for the purpose of carrying</u> the type and volume of traffic that will be generated...</i></p> <p><i>5.9.2(i)(h) That the development will lead to the investment in existing <u>and planned</u> infrastructure networks being used efficiently...</i></p>
5.9.3 Non-compliance with performance standards and outcomes	5.9.3(iv) Transportation	Support	The Transport Agency supports section 5.9.3 and the restricted discretionary activity status for activities that fail to meet the performance standards.	Retain 5.9.3(iv) as notified.
8 Works and network utilities				
8.6 Transport Network	8.6	Support	The Transport Agency supports section 8.6, in particular the link to assessing against the performance standards in section 9 and 5.9.2(i).	Retain 8.6 as notified
8.10 Matters of discretionary/discretionary assessment criteria/guidance for non-complying activities applicable to section ...	8.10 Matters of discretionary ...	Support with amendment	The Transport Agency seeks an additional assessment criteria that assesses the effect of the potential “miscellaneous” works and network utilities against the, safety, efficiency and effectiveness of the roading network. The	<p>Insert additional assessment criteria into 8.10 as follows:</p> <p><i><u>Adverse effects on the safety, efficiency and effectiveness of the ‘strategic’ road network, including state highways.</u></i></p>

			concern is that additional traffic movements generated from activities such as solid waste and recycling transfer stations also need to be carefully assessed and managed.	
9 Transportation				
9.1 Rooding	9.1.1 Rooding hierarchy	Support with amendment	<p>The Transport Agency supports a nationally, and regionally consistent rooding hierarchy.</p> <p>To provide plan users with greater understanding of the rooding hierarchy when considering development and to promote performance outcome 5.9.2(i)(g), it is recommended that the function of the different types of road is defined, as per the one network rooding strategy. It is therefore requested that the function of roads in each tier of the rooding hierarchy is explained.</p> <p>Into the future, the Transport Agency would like to see alignment with the One Network Rooding Classification that is currently being consulted on.</p>	<p>Retain as a regionally consistent rooding hierarchy, and;</p> <p>Insert explanations of the function of each of the rooding hierarchy tiers either within this section or within the definitions section of the Proposed Plan.</p>
9.1.2 Access	9.1.2 Access (entire section)	Support	<p>The Transport Agency supports a collaborative approach to</p>	Retain 9.1.2 as notified (with the following sub sequential amendments)

			<p>managing the transport network, particularly on significant roads with a low speed environment of 50km/hr or less.</p> <p>The Transport Agency also supports restricted discretionary activity status for existing vehicle crossings (in a speed environment over 50km/h) that change in character, scale, or intensity as this allows effects to be carefully assessed and managed.</p>	
9.1.2 Access	9.1.2(iii)(a)(ii) Access to significant roads and arterial roads	Support with amendments	<p>Whilst the Transport Agency supports the intention of this section, it is noted that there is only reference to the Council development manual with no explicit reference to the Transport Agency.</p> <p>It is acknowledged that there is an advice note within the Development Manual requiring consultation with the Transport Agency as to the siting and detail. However, this provision needs to be widened to ensure the appropriate road controlling authority can manage the safety of access onto the state highway network.</p>	<p>Amend as follows:</p> <p><i>9.1.2(iii) The vehicle crossing shall be designed, formed and constructed in accordance with the Development Manual; <u>or if accessing a state highway network, to the standard required by the NZ Transport Agency in speed environments of 70km/h and over</u></i></p>

9.1.2 Access	9.1.2(viii)(a)(ii) General Access Standards (all roads)	Support with amendments	The Transport Agency supports the requirement for all accesses to be of an appropriate standard for safety of use, but notes that not all safe access way designs will need to conform to the standards specified in this provision. It is recommended that a provision is added to allow the relevant Road Controlling Authority's discretion as to the appropriate accessway design.	Amend 9.1.2(viii)(a)(ii) as follows: <i>The primary access to a lot shall be designed and constructed in accordance with the relevant standards being DG307, DG308, or Diagrams C, D, or E in the MPDC Development Manual 2010, or to the relevant Road Controlling Authority's satisfaction....</i>
9.1.4 Parking	9.1.4 On-site parking	Amend	It is important to ensure that there is no provision for parking on the state highway network. Parking on significant roads (with a function of linking different regions, economic areas or tourist spots) has the potential to impede traffic flow which affects road function and safety.	Insert an additional provision to 9.1.4 as follows: <u>All properties with legal access to a strategic road shall provide all parking and manoeuvring on site.</u> <u>Or</u> cross-reference to provision 9.1.2(iii)(iv) The Transport Agency supports all consequential amendments required.
15. Definitions				
15 Definitions	"Built Environment"	Amend	Amend the definition of built environment to give effect to the Proposed Regional Policy Statement (RPS)	Amend as follows: <i>"Built environment" means buildings, physical infrastructure and other structures in urban as well as rural areas, and their relationships to natural resources, land use and people areas.</i>

Appendix 1

Information Requirements for Integrated Transport Assessments

An Integrated Transport Assessment (ITA) is a comprehensive review of all the potential transport impacts of a development proposal. Its purpose is to identify appropriate transport information that is required to assist in better aligning land use and multi-modal transport at both the local and regional level and to provide information on how a proposed development is located, designed and managed to promote access by a choice of modes and to identify any mitigation required to address the adverse impacts of a proposal on the transport system, including the state highway network.

Council staff can give guidance as to the level of detail that will be commensurate with the activity proposed. ITAs may vary in terms of the level of detail and breadth of assessment required. For developments where there is potential for adverse effects that may be more than minor, the ITA will need to be prepared by a suitably qualified person. Below is some guidance as to the content required for ITAs.

- **Outline of relevant development parameters** (location, size, hours of operation, configuration of access and vehicle circulation on-site).
- **Baseline conditions of the road network** (traffic/pedestrian movements, intersection and accessway capacities, provision for public transport, walking & cycling).
- **Future conditions of road network** (analysis of likely traffic generation, impact of proposed development, provision for public transport, walking & cycling).
- **Cumulative Effects** (Analysis of cumulative effects in considering permitted and consented activities in the existing environment).
- **Mitigation** (Road network improvement measures, public transport improvement measures, walking/cycling facilities/parking management/Travel Plan).
- **Safety Audit of access proposals and any related changes to the network through mitigation**
- **Construction effects**

A more comprehensive guide on ITA content requirements is available from in the New Zealand Transport Agency research report 422 – Integrated transport assessment guidelines November 2012. That document is available at <http://www.nzta.govt.nz/resources/research/reports/422/>.

Kelly Moulder

From: WEBMASTER [webmaster@mpdc.govt.nz]
Posted At: Wednesday, 27 November 2013 12:23
Conversation: Proposed plan changes submission
Posted To: Submissions (Corporate Planning)

Subject: Proposed plan changes submission

Categories: Green Category

Full name*: Vector Gas Limited
Contact person: Darryl McMillan
Address*: Private Bag 2020
New Plymouth 4342
Phone: (0274) 872 101
Email*: darryl.mcmillan@vector.co.nz
Fax:

The specific provisions of the plan change that my submission relates to are:: Planning Maps

My submission is (include whether you support or oppose the specific provisions or wish to have them amended, and the reason for your views): Include the alignment of gas transmission pipelines within the planning maps and identify within legend as "Gas Transmission Pipeline"

I seek the following decision from Council (please give precise detail): Accept the plan change with the following amendments

I wish to present at the Council planning hearing: no

I would be prepared to present a joint case at the hearing with others making a similar submission: no

You could gain an advantage in trade competition through this submission: no

If you could gain an advantage in trade competition through this submission please complete the following: Nothing Selected

Kelly Moulder

From: WEBMASTER [webmaster@mpdc.govt.nz]
Posted At: Wednesday, 27 November 2013 12:35
Conversation: Proposed plan changes submission
Posted To: Submissions (Corporate Planning)

Subject: Proposed plan changes submission

Categories: Green Category

Full name*: David Nickalls

Contact person:

Address*: 2542 State Highway 26
Morrinsville

Phone: 021 943 585

Email*: david.nickalls@rotaryplatforms.co.nz

Fax:

The specific provisions of the plan change that my submission relates to are:: Plan Change 43 & 44

My submission is (include whether you support or oppose the specific provisions or wish to have them amended, and the reason for your views): I oppose this planed change on the grounds that when you purchase next to, or close by a railway or main road you expect some noise.

We as home owners have just brought in between a main road and a railway, and while there is road noise it is not to an extent that is of a concern.

Also WHY should the home owners in a 50kph zone be exempt form this planned change.

In our case why does the 50kph zone not be extended to past the last house allowing this to be also a safer road

I seek the following decision from Council (please give precise detail): Decline the plan change

I wish to present at the Council planning hearing: yes

I would be prepared to present a joint case at the hearing with others making a similar submission: yes

You could gain an advantage in trade competition through this submission: no

If you could gain an advantage in trade competition through this submission please complete the following: no

13/6753

SUBMISSION# 11.....

**SUBMISSION ON PLAN CHANGE 43 AND 44 – TRANSPORTATION, WORKS AND NETWORK UTILITIES –
MATAMATA PIAKO DISTRICT PLAN**

TO:

Patrick Clearwater
Matamata Piako District Council
PO BOX 266
TE AROHA 3342

NAME OF SUBMITTER:

Tidmarsh Holdings Ltd

ADDRESS FOR SERVICE:

PO Box 406
Matamata 3440

Attention: Jason Tidmarsh
Ph: 07 881 9160
Fax: 07 881 9158
Email: jason@pearsonengineering.co.nz

Tidmarsh Holdings Ltd wishes to be heard in support of this submission. If others make a similar submission, we would be prepared to considered presenting a joint case with them at any Hearing.

RECEIVED
13-11-13

Tidmarsh Holdings Ltd submission on Plan Change 43 and 44 – Matamata Piako District Plan

Dear Sir,

Thank you for the opportunity to provide feedback on Plan Change 43 and 44 – Matamata Piako District Plan.

We would like to commend the Council on the amendments that have been proposed to the Transportation section of the Plan which we consider effectively protects the on-going viability of the town centres.

Relief sought

Tidmarsh Holdings Ltd broadly supports the amendments to the Plan. We therefore seek to retain all of the amended provisions as notified except to the extent that specific changes are made in accordance with the relief sought by Tidmarsh Holdings Ltd in the balance of this submission and any further submissions that we may make at the appropriate time. Where specific relief is provided, we would accept words to like effect. We additionally recognise that, to achieve consistency with the Plan and to ensure that its provisions are consistent with the purpose of the Act, any relief may give rise to consequential amendments that may not have been identified.

Our specific submissions on the Plan are set out on the attached table. Insertions we wish to make are marked in bold and underlined, while recommended deletions are shown as struck out text. We look forward to working with Council further during the subsequent Plan Change development phases.

Yours faithfully



Jason Tidmarsh
Director, Tidmarsh Holdings Ltd

SUBMISSION NUMBER	PLAN CHAPTER	PLAN SECTION	SUBMISSION/COMMENTS	RELIEF SOUGHT
1	3.8.1 Significant Resource Management Issues	Bullet point 1 page 3:40 A	THL supports recognition of the economic importance of a safe, efficient, and well-connected transport network.	Retain as notified
2	Local Transport Infrastructure	Third paragraph page 3:42 A	THL supports acknowledgement that parking and loading requirements must take into account the need to use land efficiently, and must avoid standards that are so onerous as to constrain development.	Retain as notified
3	Local Transport Infrastructure	First paragraph page 3:43 A	THL supports the position that requiring the same parking and loading in the "core" (i.e. "shopping frontage") areas of the town centres would be contrary to the need to preserve their historic character and amenity values. THL also supports a balanced approach to ensure adequate street and public parking is provided in the town centres to protect traffic safety and efficiency, while limiting the requirement for on-site parking in the "shopping frontage" areas. THL is similarly, supportive of loading requirements in these parts of the town centres being managed on a case-by-case basis.	Retain as notified
4	Local Transport Infrastructure	Second paragraph page 3:43 A	THL supports planning for land use in a manner that seeks to promote an energy efficient urban form but considers that direct reference needs to be made in this section to address issues associated with protecting the integrity of town centres.	<p>THL submits in support of the second paragraph on page 3:43 but seeks for Council to undertake the following (or similar) amendments to the text:</p> <p>.... coupled with a well-connected road network that minimises travel distances. <u>Within town centres, Council is seeking to maintain the compact nature of these areas to avoid the cumulative effects on the transport network of dispersal of office and retail activity. Development should encourage safe and hospitable pedestrian environments along shopping frontages, allow for a higher level of development</u></p>

				<u>intensity to support pedestrian use of the town centre, and protect amenity at street level.</u>
5	3.8.2 Significant Resource Management Issues	Objective O7 page 3:45 A	THL supports the provisions of Objective O7 in providing for parking and loading to ensure safety without constraining development or leading to the inefficient use of land.	Retain as notified
6	3.8.2 Significant Resource Management Issues	Policy P12 page 3:46 A	Typo	Amend the Plan as follows: To ensure that subdivision and development takes into account the existing and proposed capacity and design of the transportation networks and that any adverse effects are avoided, remedied or mitigated.
7	3.8.2 Significant Resource Management Issues	Policy P18 page 3:47 A	THL agrees with the provisions of Policy P18 relating to parking and loading in the “shopping frontage” areas in town centres. THL considers that unnecessary parking and loading restrictions will constrain development, acting counter to maintaining compact urban form and vibrant town centres.	Retain as notified
8	3.8.2 Significant Resource Management Issues	Policy P19 page 3:47 A	<p>THL considers that there is a disconnect between Policy P18 and P19. It is unclear whether P19 seeks to also address the “shopping frontage” areas in the town centres. It may be a matter of terminology, but the policies appear to run counter to one another. Additionally there is no policy provision for the case-by-case assessment of loading requirements in the “shopping frontage” areas as signaled in the first paragraph on page 3:43.</p> <ul style="list-style-type: none"> • Provision for parking and loading shall avoid adverse effects on the safety and efficiency of the road network; while: • The requirement for on-site parking and loading must not unnecessarily constrain 	<p>Amend Policy P19:</p> <ul style="list-style-type: none"> • To specify which areas the provisions apply to. • Provide policy direction for the case-by-case assessment of loading requirements in the “shopping frontage” areas • Address the disconnect between the two policies – P18 seeks to avoid constraining development through parking and loading provisions that may affect the character of the areas. P19 seeks that the amenity of town centres is not adversely affected by loading and lack of parking.

			development, or result in development that is not in keeping with the character of the town centre. To enhance the amenity value of the central business area of Te Aroha, Matamata, and Morrinsville by ensuring that such areas are not congested by service delivery activities and a lack of adequate parking.	And any consequential relief that will give effect to these matters.
9	Anticipated Environmental Results	Number 7 page 3:50 A	The AER requires amendment to clarify that 'self sufficiency' in regards to parking and loading spaces is not required in the "shopping frontage" areas of town centres.	Amend the Plan as follows: 7. Increase in the number of activities outside of "shopping frontage" areas which are self sufficient in terms of parking and loading space provision.
10	Anticipated Environmental Results	Number 9 page 3:50 A	THL agrees with the provisions of AER 9 requiring adequate parking and loading without constraining development or leading to inefficient use of land.	Retain as notified
	9.1.2 Access	Table page 9:4-9:6 B	THL considers that the provisions in the table relating to vehicle crossings onto various road hierarchies to be unnecessarily complex. Additionally the requirement to assess proposals based on whether a vehicle crossing changes "in character, scale, or intensity of use" is too vague for plan users to accurately determine whether a consent is required. The trigger thresholds that are provided seem too low for an arterial and significant road (50vpd) and too high for a local road (250vpd). The provisions of neighbouring rural Councils should be considered in respect of seeking to achieve some consistency in this matter	Amend the Plan to: <ul style="list-style-type: none"> Rationalize the table relating to vehicle crossings onto various road hierarchies to reduce the complexity of provisions and standards. Consider the provisions of Waikato and Waipa DCs when redrafting these rules. Remove the wording "in character, scale, or intensity of use" and replace with threshold triggers or similar in the table in order to provide certainty to Plan users about when a consent is required. Increase the trigger thresholds provided in the Plan. And any consequential relief that will give effect to these matters.
11	9.1.2 Access	Rule (vii) page 9:14 B	<ul style="list-style-type: none"> The requirement to assess proposals based on whether a vehicle crossing changes "in character, scale, or intensity of use" is too vague for plan users to accurately determine whether a consent is required. The matters of discretion need to relate back to 	Amend the Plan to: (vii) Access to properties with frontage to specified "Shopping Frontage" (a) Performance standard Within the specified "Shopping Areas", no new

			<p>the fundamental issue of pedestrian safety and not provision of additional parking accessed from the new crossing which would further compromise pedestrian safety in this environment. The Plan provisions need to aim for reduced conflicts between development, pedestrians and road users.</p> <ul style="list-style-type: none"> • The premise of shopping frontage notations is to provide a pedestrian safe environment and increase the vibrancy and amenity of the area. Whether there is a net increase in the supply of car parking served by the vehicle crossing should not be a matter for consideration because more vehicles crossing pavements in these areas exacerbates safety issues. • No formation standards or sight distance requirements would mitigate the effects of additional cars crossing pedestrian footpaths. 	<p>vehicular access vehicle crossing or existing vehicle crossing that changes in character, intensity, or scale of use shall be permitted to the property from the street over the specified "Shopping Frontage" front boundary of the property.</p> <p>(b) Restricted-discretionary activity A new vehicle crossing or existing vehicle crossing that changes in character, intensity, or scale of use to a site, across the specified "Shopping Frontage" shall be a restricted-discretionary activity.</p> <p>(i) Matters to which discretion is restricted The Council's discretion is restricted to the following matters when considering an application for resource consent under this rule:</p> <ul style="list-style-type: none"> • Whether access can be gained to the site through an alternative route that does not cross the specified "Shopping Frontage". • Whether there is a net increase in the supply of car parking when the number of on-site parking spaces served by the vehicle crossing is compared to the loss of public parking spaces at the road frontage as a result of the formation of the vehicle crossing; • The intensity of development on the site – i.e. whether the Floor Area Ratio (FAR) exceeds 1; • Effects on pedestrian safety and amenity having regard to the particular location and the nature of the activity; • Effects on the function, safety, and efficiency of the transport network; • Effects on the character of the street and the streetscape; • Any matters identified by Council as road controlling authority and/or NZTA where the access affects the state highway network. <p>(ii) Matters in respect of which conditions can be</p>
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				<p>imposed Where consent is granted, the Council may impose conditions to require a net increase in the supply of parking spaces, and measures to avoid, remedy, or mitigate adverse effects on the function, safety, and efficiency of the transport network, pedestrian safety, and the character of the street.</p> <p>And any consequential relief that will give effect to these matters.</p>
12	9.1.3 On site loading	Rule (i)(a) and (b)page 9:19 B	<p>THL is supportive of the loading requirement provisions of this rule where there is development or change of use on sites with at least one frontage onto the "Shopping Frontage" areas. However, THL notes that the terms "Shopping Frontages" and "Specified Shopping Frontage" are used interchangeably throughout the Plan and request that one term is selected and employed consistently.</p>	<p>Retain Rule (i)(a) and (b) page 9:19 B as notified subject to the following amendment:</p> <ul style="list-style-type: none"> Amend the Plan and the Planning Maps and the Planning Map Legend to employ either "Specified Shopping Frontage" or "Shopping Frontage" in a consistent manner.
13	9.1.3 On site loading	Rule (ii)(iii)(c) and (d)page 9:19-9:20 B	<p>THL accepts the alternative means of compliance offered by this rule and the provisions notified to address situations where the site is within specified shopping frontage but the Floor Area Ratio (FAR) exceeds 1. THL considers that these provisions appropriately manage the effects of loading as expected in a town centre but make adequate provision for situations where the standard cannot be complied with and may therefore have an adverse effect on the immediate traffic and pedestrian environment.</p>	Retain as notified
14	9.1.4 On site parking	Rule (i)(a)page 9:21 B	<p>THL agrees with the provisions of Rule 9.1.4 on-site parking within the specified shopping frontage areas. THL considers that this rule is consistent with the recommendations of the Transport engineer's assessment in Appendix 3 of the Plan change document in so far as:</p> <ul style="list-style-type: none"> Requiring on site parking in these areas can have unintended consequences and be contrary to other strategic objectives 	Retain as notified

			<ul style="list-style-type: none"> • New development or a change of use can trigger a resource consent application for parking provision in areas where providing spaces are either impractical or undesirable. • Council generally provides dispensation for parking requirements in these areas meaning that in some respects, the process becomes a revenue gathering exercise rather than a true mitigation measure. • Cash in lieu payments can also deter development from locating within the areas where the activity would be most appropriately situated. • Requiring on-site parking can adversely affect the economic viability of development and density in town centres. • A more flexible approach to parking will reduce compliance and development costs and therefore facilitate development in areas where it is most desirable. • This approach is consistent with measures being undertaken by neighbouring local authorities 	
15	9.1.4 On site parking	Rule (b)(c) and (ii) page 9:21 B	<p>THL conditionally supports these provisions provided that Rule (i)(a) page 9:21 B is retained as notified or its requirements are further reduced. THL accepts that where the floor area ratio is exceeded that some parking compensation may be necessary in order to offset the effects of additional floor area. In the event that Council changes or tightens the provisions of Rule (i)(a) page 9:21 B, THL opposes the provisions of these rules on the basis that requiring on-site parking or cash in lieu for on-site parking in specified shopping frontage areas:</p> <ul style="list-style-type: none"> • Is contrary to the advice provided to Council by expert traffic engineers • Will have unintended consequences and is contrary to other strategic objectives • New development or a change of use will trigger a resource consent application for parking provision in areas where providing spaces are either 	Retain the provisions as notified provided that Rule 9.14 (i)(a) page 9:21 B is retained as notified or its requirements are further reduced. In the event that this does not occur, Rule (b)(c) and (ii) page 9:21 B should be deleted.

			<p>impractical or undesirable.</p> <ul style="list-style-type: none"> • Council is likely to provide dispensation for parking requirements in these areas in any event, meaning that in some respects, the process becomes a revenue gathering exercise rather than a true mitigation measure. • Cash in lieu payments will deter development from locating within the areas where the activity would be most appropriately situated. • Requiring on-site parking can adversely affect the economic viability of development and density in town centres. 	
16	9.1.4 Parking Table	Page 9:21- 9:32 B	THL conditionally supports these provisions provided that Rule (i)(a)page 9:21 B is retained as notified or its requirements are further reduced. Please see submission point 15.	Retain the provisions as notified provided that 9.14 Rule (i)(a)page 9:21 B is retained as notified or its requirements are further reduced.
17	Planning Map 32		THL supports the extent of the shopping frontages notation in Matamata Town Centre	Retain the extent of the “shopping frontages” notation in Matamata Town Centre, particularly as notated over Hetana Street, Arawa Street and Broadway
18	15. Definitions	Page 15:5 B	THL supports the definition of “Floor Area Ratio”.	Retain as notified
19	All Planning Maps		THL considers that the Planning Maps need to be amended in order to notate the “shopping frontages” in a another colour or style. Currently on the printed version of the maps it is very difficult to establish where the shopping frontage notation is located on Roads like Broadway in Matamata which is also subject to a designation. Amend the maps in order to differentiate between the dashed shopping frontages notation and the dashed designations notation.	Amend the Planning Maps to notate the “shopping frontages” in a another colour or style in order to differentiate between the dashed shopping frontages notation and the dashed designations notation.

**SUBMISSION ON PLAN CHANGE 43 AND 44 – TRANSPORTATION, WORKS AND NETWORK UTILITIES –
MATAMATA PIAKO DISTRICT PLAN**

TO:

Patrick Clearwater
Matamata Piako District Council
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TE AROHA 3342


NAME OF SUBMITTER:

M & C O'Callaghan

ADDRESS FOR SERVICE:

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Attention: Cathy O'Callaghan
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Email: cathyocal@yahoo.co.nz

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27 NOV 2013
MATAMATA-PIAKO
DISTRICT COUNCIL

We wish to be heard in support of this submission. If others make a similar submission, we would be prepared to consider presenting a joint case with them at any Hearing.

27 November 2012

Dear Sir,

Thank you for the opportunity to provide feedback on Plan Change 43 and 44 – Matamata Piako District Plan.

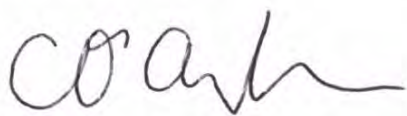
We are very pleased to note the amended provisions regarding parking and loading for shopping frontages in the District. We would like to commend the Council on the amendments that have been proposed, which we consider effectively protects the on-going viability of the town centres.

Relief sought

We seek to retain all of the amended provisions as notified except to the extent that specific changes are made in accordance with the relief sought in the balance of this submission and any further submissions that we may make at the appropriate time. Where specific relief is provided, we would accept words to like effect. We additionally recognise that, to achieve consistency with the Plan and to ensure that its provisions are consistent with the purpose of the Act, any relief may give rise to consequential amendments that may not have been identified.

Our specific submissions on the Plan are set out on the attached table. Insertions we wish to make are marked in bold and underlined, while recommended deletions are shown as struck out text. We look forward to working with Council further during the subsequent Plan Change development phases.

Yours faithfully

A handwritten signature in dark ink, appearing to read 'CO'Callaghan', written in a cursive style.

Cathy O'Callaghan

SUBMISSION NUMBER	PLAN CHAPTER	PLAN SECTION	SUBMISSION/COMMENTS	RELIEF SOUGHT
1	Local Transport Infrastructure	First paragraph page 3:43 A	We support the position that requiring the same parking and loading in the “core” (i.e. “shopping frontage”) areas of the town centres would be contrary to the need to preserve their historic character and amenity values. We also support a balanced approach to ensure adequate street and public parking is provided in the town centres to protect traffic safety and efficiency, while limiting the requirement for on-site parking in the “shopping frontage” areas. We are similarly supportive of loading requirements in these parts of the town centres being managed on a case-by-case basis.	Retain as notified
2	Local Transport Infrastructure	Second paragraph page 3:43 A	We support planning for land use in a manner that seeks to promote an energy efficient urban form but considers that direct reference needs to be made in this section to address issues associated with protecting the integrity of town centres.	<p>We support the second paragraph on page 3:43 but would like Council to undertake the following (or similar) amendments to the text:</p> <p>.... coupled with a well-connected road network that minimises travel distances. <u>Within town centres, Council is seeking to maintain the compact nature of these areas to avoid the cumulative effects on the transport network of dispersal of office and retail activity. Development should encourage safe and hospitable pedestrian environments along shopping frontages, allow for a higher level of development intensity to support pedestrian use of the town centre, and protect amenity at street level.</u></p>
3	3.8.2 Significant Resource Management Issues	Objective O7 page 3:45 A	We support the provisions of Objective O7 in providing for parking and loading to ensure safety without constraining development or leading to the inefficient use of land.	Retain as notified

4	3.8.2 Significant Resource Management Issues	Policy P18 page 3:47 A	We agree with the provisions of Policy P18 relating to parking and loading in the “shopping frontage” areas in town centres. We consider that unnecessary parking and loading restrictions will constrain development, acting counter to maintaining compact urban form and vibrant town centres.	Retain as notified
5	3.8.2 Significant Resource Management Issues	Policy P19 page 3:47 A	<p>We consider that there is a disconnect between Policy P18 and P19. It is unclear whether P19 seeks to also address the “shopping frontage” areas in the town centres. It may be a matter of terminology, but the policies appear to run counter to one another. Additionally there is no policy provision for the case-by-case assessment of loading requirements in the “shopping frontage” areas as signaled in the first paragraph on page 3:43.</p> <ul style="list-style-type: none"> • Provision for parking and loading shall avoid adverse effects on the safety and efficiency of the road network; while: • The requirement for on-site parking and loading must not unnecessarily constrain development, or result in development that is not in keeping with the character of the town centre. <p>To enhance the amenity value of the central business area of Te Aroha, Matamata, and Morrinsville by ensuring that such areas are not congested by service delivery activities and a lack of adequate parking.</p>	<p>Amend Policy P19:</p> <ul style="list-style-type: none"> • To specify which areas the provisions apply to. • Provide policy direction for the case-by-case assessment of loading requirements in the “shopping frontage” areas • Address the disconnect between the two policies – P18 seeks to avoid constraining development through parking and loading provisions that may affect the character of the areas. P19 seeks that the amenity of town centres is not adversely affected by loading and lack of parking. <p>And any consequential relief that will give effect to these matters.</p>
6	Anticipated Environmental Results	Number 7 page 3:50 A	The AER requires amendment to clarify that ‘self sufficiency’ in regards to parking and loading spaces is not required in the “shopping frontage” areas of town centres.	<p>Amend the Plan as follows:</p> <p>7. Increase in the number of activities <u>outside of “shopping frontage” areas</u> which are self sufficient in terms of parking and loading space provision.</p>
7	Anticipated Environmental Results	Number 9 page 3:50 A	We agree with the provisions of AER 9 requiring adequate parking and loading without constraining development or leading to inefficient use of land.	Retain as notified
8	9.1.2 Access	Table page 9:4-9:6 B	We consider that the provisions in the table relating to vehicle crossings onto various road hierarchies to be	Amend the Plan to:

			<p>unnecessarily complex. Additionally the requirement to assess proposals based on whether a vehicle crossing changes “in character, scale, or intensity of use” is too vague for plan users to accurately determine whether a consent is required.</p> <p>The trigger thresholds that are provided seem too low for an arterial and significant road (50vpd) and too high for a local road (250vpd).</p> <p>The provisions of neighbouring rural Councils should be considered in respect of seeking to achieve some consistency in this matter</p>	<ul style="list-style-type: none"> • Rationalize the table relating to vehicle crossings onto various road hierarchies to reduce the complexity of provisions and standards. Consider the provisions of Waikato and Waipa DCs when redrafting these rules. • Remove the wording “in character, scale, or intensity of use” and replace with threshold triggers or similar in the table in order to provide certainty to Plan users about when a consent is required. • Increase the trigger thresholds provided in the Plan. <p>And any consequential relief that will give effect to these matters.</p>
9	9.1.2 Access	Rule (vii) page 9:14 B	<ul style="list-style-type: none"> • The requirement to assess proposals based on whether a vehicle crossing changes “in character, scale, or intensity of use” is too vague for plan users to accurately determine whether a consent is required. • The matters of discretion need to relate back to the fundamental issue of pedestrian safety and not provision of additional parking accessed from the new crossing which would further compromise pedestrian safety in this environment. The Plan provisions need to aim for reduced conflicts between development, pedestrians and road users. • The premise of shopping frontage notations is to provide a pedestrian safe environment and increase the vibrancy and amenity of the area. Whether there is a net increase in the supply of car parking served by the vehicle crossing should not be a matter for consideration because more vehicles crossing pavements in these areas exacerbates safety issues. • No formation standards or sight distance requirements would mitigate the effects of 	<p>Amend the Plan to:</p> <p>(vii) Access to properties with frontage to specified “Shopping Frontage”</p> <p>(a) Performance standard</p> <p>Within the specified “Shopping Areas”, no new vehicular access vehicle crossing or existing vehicle crossing that changes in character, intensity, or scale of use shall be permitted to the property from the street over the specified “Shopping Frontage” front boundary of the property.</p> <p>(b) Restricted-discretionary activity</p> <p>A new vehicle crossing or existing vehicle crossing that changes in character, intensity, or scale of use to a site, across the specified “Shopping Frontage” shall be a restricted-discretionary activity.</p> <p>(i) Matters to which discretion is restricted</p> <p>The Council’s discretion is restricted to the following matters when considering an application for resource consent under this rule:</p> <ul style="list-style-type: none"> • Whether access can be gained to the site

			additional cars crossing pedestrian footpaths.	<p>through an alternative route that does not cross the specified "Shopping Frontage".</p> <ul style="list-style-type: none"> • Whether there is a net increase in the supply of car parking when the number of on-site parking spaces served by the vehicle crossing is compared to the loss of public parking spaces at the road frontage as a result of the formation of the vehicle crossing; • The intensity of development on the site – i.e. whether the Floor Area Ratio (FAR) exceeds 1; • Effects on pedestrian safety and amenity having regard to the particular location and the nature of the activity; • Effects on the function, safety, and efficiency of the transport network; • Effects on the character of the street and the streetscape; • Any matters identified by Council as road controlling authority and/or NZTA where the access affects the state highway network. <p>(ii) Matters in respect of which conditions can be imposed Where consent is granted, the Council may impose conditions to require a net increase in the supply of parking spaces, and measures to avoid, remedy, or mitigate adverse effects on the function, safety, and efficiency of the transport network, pedestrian safety, and the character of the street.</p> <p>And any consequential relief that will give effect to these matters.</p>
10	9.1.3 On site loading	Rule (i)(a) and (b) page 9:19 B	We support of the loading requirement provisions of this rule where there is development or change of use on sites with at least one frontage onto the "Shopping Frontage" areas. However, we note that the terms "Shopping Frontages" and "Specified Shopping Frontage" are used interchangeably throughout the Plan and request that one term is selected and employed consistently.	<p>Retain Rule (i)(a) and (b) page 9:19 B as notified subject to the following amendment:</p> <ul style="list-style-type: none"> • Amend the Plan and the Planning Maps and the Planning Map Legend to employ either "Specified Shopping Frontage" or "Shopping Frontage" in a consistent manner.

11	9.1.4 On site parking	Rule (i)(a)page 9:21 B	<p>We agree with the provisions of Rule 9.1.4 on-site parking within the specified shopping frontage areas. We consider that this rule is consistent with the recommendations of the Transport engineer's assessment in Appendix 3 of the Plan change document in so far as:</p> <ul style="list-style-type: none"> • Requiring on site parking in these areas can have unintended consequences and be contrary to other strategic objectives • New development or a change of use can trigger a resource consent application for parking provision in areas where providing spaces are either impractical or undesirable. • Council generally provides dispensation for parking requirements in these areas meaning that in some respects, the process becomes a revenue gathering exercises rather than a true mitigation measure. • Cash in lieu payments can also deter development from locating within the areas where the activity would be most appropriately situated. • Requiring on-site parking can adversely affect the economic viability of development and density in town centres. • A more flexible approach to parking will reduce compliance and development costs and therefore facilitate development in areas where it is most desirable. • This approach is consistent with measures being undertaken by neighbouring local authorities 	Retain as notified
12	Planning Map 32		We support the extent of the shopping frontages notation in Matamata Town Centre	Retain the extent of the "shopping frontages" notation in Matamata Town Centre, particularly as notated over Hetana Street, Arawa Street and Broadway
13	All Planning Maps		We consider that the Planning Maps need to be amended in order to notate the "shopping frontages" in a another colour or style. Currently on the printed	Amend the Planning Maps to notate the "shopping frontages" in a another colour or style in order to differentiate between the dashed shopping

			version of the maps it is very difficult to establish where the shopping frontage notation is located on Roads like Broadway in Matamata which is also subject to a designation. Amend the maps in order to differentiate between the dashed shopping frontages notation and the dashed designations notation.	frontages notation and the dashed designations notation.
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Kelly Moulder

From: Robin Britton [rbritton_wave@ihug.co.nz]
Posted At: Wednesday, 27 November 2013 13:00
Conversation: Plan change 43 & 44
Posted To: Submissions (Corporate Planning)

Subject: Plan change 43 & 44

Categories: Green Category

Good afternoon – please find attached a copy of the Piako Gliding Club's submission on Plan changes 43 & 44

Thanks
Robin

Robin Britton
Resource Management/ Planning Consultant
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PO Box 7016 Hamilton
rbritton@wave.co.nz

A member of



Matamata Piako District Council

By email to submissions@mpdc.govt.nz

Submission from: Piako Gliding Club

27th November, 2013

Submission on Proposed Plan Changes: 43: Transportation and 44: Works and Network Utilities

1. Introduction

Thank you for the opportunity to make a submission on the proposed plan changes 43 & 44. On behalf of the Piako Gliding Club we wish to convey our special thanks for the willingness of staff and consultants to work with us to address some of the issues we have been facing.

2. General Submission Points

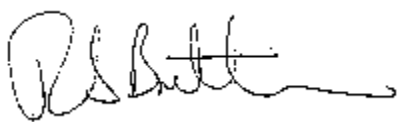
- a) The following submission points refer to the numbering used in the document titled: “Plan Change 43 – Transportation and Plan Change 44 – Works and Network Utilities”.
- b) Section 2.3.6 – **We submit** that reference should also be made specifically to the airfield as being significant infrastructure and transport network for the District. An airfield is defined as a network utility in the RMA (s166g) but this is not carried through to the definition in the District Plan glossary. Our concern is that the airspace is not covered by the existing definition clause vii.
- c) Due to the absence of the airfield from the definition of infrastructure/ utilities , when reading the plan objectives and policies relating to infrastructure and transport networks it is unclear whether the airfield is sufficiently addressed in the objectives, policies and rules.
- d) **We request** that the airfield (including the airspace above the land and which is used for aircraft circuit patterns (ie beyond the land boundaries of the airfield) should be specifically mentioned in the glossary definition of network utilities.
- e) **We request** that the use of terminology “network utilities” and “transport networks” be reviewed to ensure that the interests of the airfield are appropriately covered by the objectives and policies referring to transportation and network utilities.

Specific Submission Points:

- a) The following submission points refer to the numbering used in the document titled: “Plan Change 43 – Transportation and Plan Change 44 – Works and Network Utilities”.
- b) Section 1.4 – We suggest that an additional reference is made to the use of the airfield for *commercial* activities. This includes for example pilot training (as is undertaken by CTC) and other commercial operations which occur from time to time (such as helicopter surveys and

top dressing). These are significant commercial uses of this airfield. **We request** that the use of the airfield for commercial activities is acknowledged.

- c) We submit that Issue 3.1 and explanation 3.2 should refer to transportation networks as well. As currently written it does not appear to recognise the airfield, however reverse sensitivity issues and the need for integration between land use and use of the airfield, are fundamental for the on-going operations of the airfield now and into the future. **We request** that reference is made to the role of the airfield (or transportation networks). **We also request** that specific reference is made to avoiding reverse sensitivity effects from zoning and new development on neighbouring areas.
- d) Referring to 3.3 we support this Objective but only if the airfield is clearly identified as being significant infrastructure or reference is made to transportation networks as discussed above. **We request** that reference is made to the role of the airfield (or transportation networks).
- e) Policy P4 distinguishes between infrastructure and the transport network (this latter is not defined in the glossary). Therefore to clarify where the airfield rests within these policies **we request that:**
 - Policy P1 includes a new sub-clause which makes specific reference to the transportation network
 - Policy P2 includes a new sub-clause which makes specific reference to the transportation network
- f) The objectives in section 6.3 do not recognise the importance of the airfield and the need to protect it from land use activities that could have an impact on the operational requirements of the airfield. **We request** that a specific objective is included to protect the existing operations and future operations.
- g) Policies P3 & P12 are strongly supported and **we request** that no changes are made to them.
- h) With specific reference to the annotated District Plan, we fully support sections 5.2.10 & 5.2.7. **We request** that no amendments are made to these sections.
- i) With respect to the Airport map 1 & map 2 - we fully support the introduction of the height boundary of 30m within the area indicated and **we request** that no changes are made to these maps.



Robin Britton *on behalf of the Piako Gliding Club*

Contact Details:

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c/- Robin Britton
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Hamilton 3247

Ph: 027 281 2969

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Piako Gliding Club wishes to present at the Council planning hearing

Piako Gliding Club would be prepared to present a joint case at the hearing with others making a similar submission

Piako Gliding Club would not gain an advantage in trade competition through this submission

Kelly Moulder

From: Sally Millar [SMillar@fedfarm.org.nz]
Posted At: Wednesday, 27 November 2013 15:42
Conversation: Federated Farmers submission to PC 43 & 44
Posted To: Submissions (Corporate Planning)

Subject: Federated Farmers submission to PC 43 & 44

Categories: Green Category

Please find attached Federated Farmers submission to Plan Change 43 & 44 of the Matamata Piako DP
If you have any queries please do not hesitate to contact me

Regards
Sally

SALLY MILLAR
REGIONAL POLICY ADVISOR

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SUBMISSION

TELEPHONE 0800 327 646 | WEBSITE WWW.FEDFARM.ORG.NZ



To: **Matamata Piako District Council**

From: **Federated Farmers of New Zealand**

On the: **Proposed Plan Change 43 – Transportation & 44 – Works and Network Utilities**

Date: 27 November 2013

Contact: Sally Millar
Regional Policy Advisor

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Federated Farmers will not gain a trade advantage through this submission

Federated Farmers wishes to be heard in support of this submission

Sally Millar
REGIONAL POLICY ADVISOR

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**SUBMISSION TO MATAMATA PIAKO DISTRICT COUNCIL ON:
PROPOSED PLAN CHANGES
43 TRANSPORTATION
44 WORKS AND NETWORK UTILITIES**

1. INTRODUCTION

Federated Farmers is a not-for-profit primary sector policy and advocacy organisation that represents the majority of farming businesses in New Zealand. Federated Farmers has a long and proud history of representing the interests of New Zealand's farmers.

The Federation aims to add value to its members' farming business. Our key strategic outcomes include the need for New Zealand to provide an economic and social environment within which:

- Our members may operate their business in a fair and flexible commercial environment;
- Our members' families and their staff have access to services essential to the needs of the rural community; and
- Our members adopt responsible management and environmental practices.

Our submissions are representative of member views and reflect the fact that resource management and government decisions impact on our member's daily lives as farmers and members of local communities.

Farming has a strong presence in the Matamata Piako District and contributes significantly to the district. Farmers seeks to uphold and enhance the value of farming in the Matamata Piako District. Federated Farmers of NZ therefore thanks the Matamata Piako District Council for this opportunity to provide a submission on the Proposed Plan Changes 43 – Transportation and 44 – Works and Network Utilities. We look forward to being involved in the process moving forward.

This submission is representative of member views and experiences with the management of resources within the Matamata Piako district. It reflects the fact that resource management and District Council policies and plans impact on our member's daily lives as farmers, members of the local community, landowners and ratepayers.

It is important that this is not viewed as a single submission, but rather as a collective one that represents the opinions and views of our members.

Sally Millar
REGIONAL POLICY ADVISOR

Federated Farmers of New Zealand
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2. GENERAL COMMENTS

Federated Farmers is generally supportive of the intent of the proposals that are contained with Plan Change 43 & 44. We do however have specific concerns in relation to the provisions relating to the following;

- Plan Change Process and Rolling Review
- Flood control works
- Transportation
- Stock Crossing provisions
- Electricity transmission
- Definitions

This submission will address each of these issues in turn. We will not make comments in relation to specific provisions in the Plan, unless they are of specific concern, but rather make holistic comments on the topic with the relief sought being amendments to the Plan Change provisions to give effect to our submission.

3. PLAN CHANGE PROCESS AND THE USE OF A ROLLING REVIEW

Federated Farmers has concerns in regards to the approach that Matamata Piako District Council is undertaking to review its District Plan. Federated Farmers considers such an approach does not allow an appropriate assessment of the Plan direction in relation to the management of the natural and physical resources in the Matamata Piako District.

Federated Farmers considers resource management needs to be undertaken in an integrated manner and this is reflected in the Proposed Regional Policy Statement which dedicates a whole chapter to integrated management.

Federated Farmers members are a group within the community that does not use resources in isolation. Further the activities that our members undertake use multiple resources and have roll on implications to other activities they undertake and resource use.

It is therefore difficult to assess activities in isolation of the broader impacts on their businesses and residents in the community. The Plan Change process means that topics are quite narrow in scope and provides no opportunity to provide input into related areas that have yet to be reviewed and have no knowledge on how they may or may not change, or for areas that have been reviewed and are beyond appeal.

There is also a presumption that the District Plan layout and format is appropriate and best serves the needs of the resource user. In Federated farmers opinion like many first generation plans the Matamata Piako District Plan layout is clumsy and not user friendly in particular the very poor connection between the objectives, policies and methods. They are spread throughout the plan and require much page turning and for the non professional lay user near impossible to make any real analysis of the provisions for any particular activity.

In undertaking a whole of plan review would enable Council to assess the format and layout and enable changes to be made that reflect current best practice.

Sally Millar
REGIONAL POLICY ADVISOR

Federated Farmers of New Zealand
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3.1 EXAMPLES

The following are examples of issues arising from Plan Change 43 & 44 with undertaking a rolling review of the District Plan.

Section 2.3 .1 provides information about the district population that should have also been able to be addressed in Plan Change 42 on Rural Subdivision as it provides a statement in relation to projected population changes in the District. While the focus is on urban settlement the data is easily extrapolated to projected rural growth and this information is instrumental to a determination on rural subdivision provisions which is now beyond appeal.

Section 3.1.2.1 Natural Character and heritage – we note the deletion of SP1 and SP2 and 3.1.2.2 the deletion of SP1 to SP6; 3.1.2.3 SP1 – SP6. It is further noted that there are similar deletions throughout the Plan e.g. Natural Hazards Section. . Federated Farmers has no comment in relation to these deletions with respect to Transportation or Works and Network Utilities as there appears to be no relationship to these matters. However we may well do in the context of an anticipated further plan change in relation to indigenous biodiversity and/or amenity, but is such a subsequent plan change these matters would be in context but out of scope and will not be able to provide comment.

Section 3.3.2.1 Natural Hazards P5. Federated Farmers considers the phrase “acceptable degree of protection” to be vague and uncertain. The explanation provides that what has been determined acceptable is that identified on the planning maps and the return periods are identified in the rules and the Development Manual. While this maybe an acceptable degree of protection this can only be determined by balancing with all the other objectives, policies and methods to avoid or mitigate risk of Natural Hazards.

As the balance of the Natural Hazards Chapter is considered out of scope for this Plan Change and may well change when a review is undertaken of this Chapter Federated Farmers is unable to provide any comment as to the veracity of 3.3.2.1P5.

Federated Farmers submits that Council reconsiders its approach to undertaking a rolling review of the District Plan.

4. FLOOD CONTROL WORKS

Section 3.8 Activities (other than flood control works – see section 8.8)

Federated Farmers is generally supportive of the provisions in 3.8, but however consider that the section describing the area that the provisions apply to (5 bullet points) reader understanding would be improved by the addition of a diagram.

Federated Farmers submits that a diagram is included under the section “The following provisions apply to activities” to aid reader understanding of where the provisions apply.

Sally Millar
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5. TRANSPORTATION

9.1.2(vi) Access for seasonal rural activities. Federated Farmers notes that 9.1.2(vi)(a)(ii) provides;

Vehicles must not track loose material onto the carriageway of the road which may cause a hazard/nuisance to road users. Any material that may deposit on the road must as soon as practicable be swept or washed clear of the carriageway.

Federated Farmers has concerns as to what will be considered a hazard or nuisance. When accessing a road directly from a farm paddock it is near impossible not to track some loose material from the paddock to the road. Federated Farmers accepts that no material should create a road hazard we however seek some clarity as to what constitutes a nuisance that would create a breach of the standard and that this be stated in the provision.

Federated Farmers considers that this would go some way in preventing vexatious or frivolous complaints that are not only time consuming and costly for the landowner but also Council.

Federated Farmers submits that 9.1.2(iv)(a)(ii) is amended to provide clarity as to what constitutes an nuisance effect.

6. STOCK CROSSING PROVISIONS

Federated Farmers finds 8.7.1 Activity table confusing and not at all clear as to how it is to be applied. Many of the provisions are described as not applicable. For example 8.7.1.4 that provides for the crossing of stock over a formed carriage way is determined as not applicable in all zones except for the reserve of formed roads, but then 8.7.2 provides standards for the crossing of roads.

Federated farmers is unclear how there can be performance standards when there is no permitted activity status that relates to those performance standards. Further we note that the performance standards are very similar to the "Stock Movements on Roads" of the Councils Land Transport Bylaw 2008 and as a result create confusion and unnecessary duplication.

While we consider that stock underpasses are appropriate to be managed in the District Plan, in regards to stock movements and crossings Federated Farmers considers that they should be deleted from the District Plan and solely controlled via the Bylaw as is the common practice in other districts. This would remove the layer of duplication between the bylaw and the District Plan.

Federated Farmers submits that provisions in relation to stock crossing and stock movement along roads be removed from the District Plan and managed through the Bylaw provisions of Council.

Sally Millar
REGIONAL POLICY ADVISOR

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7. ELECTRICITY TRANSMISSION

Federated Farmers has been working with Transpower to obtain an agreed set of provisions that seek to achieve the protection of the National Grid while ensuring Federated Farmers members farming activities are not disrupted. To this end Federated Farmers has seen a draft of Transpower's submission which proposes to amend Plan Change 44 in relation to the sections in the Plan for the National Grid and without having seen the final version is generally supportive of its approach.

Federated Farmers therefore seeks the adoption of the Transpower submission subject to any specific amendments that Federated Farmers may make through the further submission and hearing process.

8. DEFINITIONS

8.1 Built Environment.

Federated Farmers notes that the definition to the built environment is restricted to that in the urban areas. This definition is at odds with the definition that is in the Proposed Waikato Regional Policy Statement which provides

“buildings, physical infrastructure and other structures in urban rural and coastal marine area and their relationships to natural resources and land use and people”

Federated Farmers considers that definition in the Regional Policy Statement is correct as rural dwellings, farm buildings and other structures in the Rural Zone are part of the built environment of the district and should be identified as such.

Federated farmers submits that the definition of built environment in the District Plan be amended to reflect that of the Regional Policy Statement.

8.2 Flood Control Works.

Federated Farmers does not have concerns with the definition of flood control works. However the diagram includes several words or activities that are not otherwise defined in the plan. For example, riparian fencing and planting, retiring land, vegetation removal, pest weed removal, and gravel extraction. While these are activities of flood control works they are also activities that are undertaken for reasons other than flood control works. These words/activities are often defined in plans for clarity and certainty and not having them specifically defined in the Plan could infer in Matamata Paiko District that they only apply to Flood Control Works.

Federated Farmers submits that these activities are given specific definitions in the Plan.

We do wish to be heard in support of this submission

Sally Millar
REGIONAL POLICY ADVISOR

Federated Farmers of New Zealand
P O Box 447 Hamilton
P 07 858 2589
F 07 838 2960

Kelly Moulder

From: Cockerell, Gillian [Gillian.Cockerell@aecom.com]
Posted At: Wednesday, 27 November 2013 15:50
Conversation: Submissions from Kaimai Properties Ltd and Matata Metal Supplies Ltd to proposed Plan Change 43 and 44
Posted To: Submissions (Corporate Planning)
Subject: Submissions from Kaimai Properties Ltd and Matata Metal Supplies Ltd to proposed Plan Change 43 and 44

Hi Patrick

Please find attached submissions on behalf of Kaimai Properties Ltd and Matamata Metal Supplies Ltd to proposed Plan Changes 43 and 44.

Regards
Gillian Cockerell
Principal Planner
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Gillian.Cockerell@aecom.com

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**SUBMISSION TO PLAN CHANGE 43 (TRANSPORTATION) AND
PLAN CHANGE 44 (WORKS AND NETWORK
UTILITIES)**

**SUBMISSION BY KAIMAI PROPERTIES LTD AND MATAMATA
METAL SUPPLIES LTD TO PLAN CHANGE 43 (TRANSPORTATION)
AND PLAN CHANGE 44 (WORKS AND NETWORK UTILITIES) OF
THE MATAMATA PIAKO DISTRICT PLAN**

26th November 2013

**TO: Matamata Piako District Council
PO Box 266
Te Aroha 3342**

**FROM: Kaimai Properties Limited and Matamata metal Supplies Limited
PO Box 153
Matamata**

ADDRESS FOR SERVICE: Gillian Cockerell
AECOM
PO Box 434
Waikato Mail Centre
Hamilton 3240

Phone: (07) 857 1825
Mobile: 021 433 550
Fax: (07) 834 8981
gillian.cockerell@aecom.com

1.0 INTRODUCTION AND BACKGROUND

The following is a submission made by Kaimai Properties Ltd (KPL) and Matamata Metal Supplies Ltd (MMSL) to Plan Change 43 (Transportation) and Plan Change 44 (Works and Network Utilities) of the Matamata Piako District Plan pursuant to clause 6 of the first schedule of the Resource Management Act 1991 (RMA).

The submission to Plan Change 43 and 44 relates to those provisions that may affect KPL and MMSL land interests and operations within both the Rural and Kaitiaki Zones of the Matamata Piako District Plan.

2.0 THE SUBMISSION

2.1 SUBMISSION 1 – AMENDMENTS TO IB AND JP DIPROSE DEVELOPMENT CONCEPT PLAN

On the basis that Plan Change 44 is for the purpose of ensuring that the Matamata Piako District Plan appropriately provides for the management of Network Utilities it is requested that amendments be made to Schedule 5 Part B Development Concept Plans, specifically to the IB and JP Diprose – Barton Road Okauia) Development Concept Plan (DCP). The existing DCP provides specifically for quarrying, farming and network utility uses within land that has an underlying Kaitiaki (Conservation) zoning.

Various amendments are sought to the DCP as follows:

- Amendments to the Activity Schedule for the Farming Area to provide for Network Utilities in the Rural Zone as listed in the Activity Status tables in Sections 8.1 to 8.9 and for the relevant Network Utilities Matters of Discretion/Assessment Criteria in Sections 8.1 to 8.9 to apply to those Network Utilities listed as either Restricted Discretionary or Discretionary Activities
- Amendments to the Activity Schedule for the Conservation Area to provide for Network Utilities in the Kaitiaki (Conservation) Zone as listed in the Activity Status tables in Sections 8.1 to 8.9 and for the relevant Network Utilities Matters of Discretion/Assessment Criteria in Sections 8.1 to 8.9 to apply to those Network Utilities listed as either Restricted Discretionary or Discretionary Activities
- Amendments to the Activity Schedule for the Networks Utilities Area to provide for Network Utilities in the Rural Zone as listed in the Activity Status tables in Sections 8.1 to 8.9 and for the relevant Network Utilities Matters of Discretion/Assessment Criteria in Sections 8.1 to 8.9 to apply to those Network Utilities listed as either Restricted Discretionary or Discretionary Activities
- Amendments to the DCP Plan to extend the Networks Utility Area and relocate and extend the delineation of Network Utilities Area 'A' access track
-

Making the proposed amendments under this plan change is considered appropriate as pursuant to Section 79 of the RMA, Council is undertaking their District Plan review on a rolling section by section basis and indications are that the Kaitiaki Zone and associated DCPs in Schedule 5 of the District Plan will not be subject to a District Plan review in the foreseeable future. This piecemeal approach to reviewing the DCP is of concern and frustration to the submitter as considerable time and cost is involved in reviewing individual plan changes to ensure the DCP is appropriately updated/amended and to ensure any cross referencing to other District Plan provisions remains correct and relevant. The Council should be more transparent and upfront on the District Plan Review process and provide an indicative timeline for the review of all the sections of the District Plan, so that the public has a clearer understanding of the intended process and can plan accordingly.

MMSL whom operate the quarry which is the subject of the DCP, are in the process of planning for extended operations largely within the area prescribed as "Quarry area within farming area" of the existing DCP. These proposed expansions would be restricted by the existing "Network Utility Area" Access Track 'A' which intersects the land subject to extension. The re-alignment of the Access Track 'A' will provide for continuity of safe and practicable access to the existing onsite network utility facility by its relocation from the future active quarrying area.

SUBMISSION TO PLAN CHANGE 43 (TRANSPORTATION) AND PLAN CHANGE 44 (WORKS AND NETWORK UTILITIES)
November 2013

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The extension to the Network Utility Area will provide future flexibility for additional network utility communication structures and/or renewable energy generation facilities in a location potentially suitable for such structures.

The amendments sought to the Activity Schedule of the DCP for Network Utilities is necessary to ensure there is appropriate provision for and correct cross referencing to the relevant Network Utility rules which have been amended by the Proposed Plan Change 44, as well as avoiding confusion regarding the relevant matters of discretion and assessment criteria for Network Utilities provided for as Restricted Discretionary/Discretionary Activities.

Relief Sought

The relief sought via this plan change is that:

- i. The DCP text be amended as shown in Attachment 1 to this submission. Amendments shown as bold italics for additions and strikethroughs for deletions
- ii. The DCP Plan be amended as shown in Attachment 2 to this submission
- iii. Any other consequential amendments to ensure consistency with Proposed Plan Changes 43 and 44

Please note this site is now operated as Matamata Metal Supplies Limited and any amendment to the plan should update the title given to the Development Concept Plan within the District Plan.

2.2 SUBMISSION 2 – 5.9 INFRASTRUCTURE AND SERVICING

Oppose the first advice note at the end of 5.9.2 Performance Outcomes which states that Council will require evidence of consultation with NZTA where applications have the potential to affect the integration of land use with the state highway network. The RMA does not impose a mandatory requirement on an applicant for resource consent to consult with potentially affected parties. The Council also has the ability to determine the views of any potentially affected party through the s95 notification provisions.

Relief Sought

Amend the first advice note at the end of 5.9.2 Performance Outcomes to read as follows:

Advice Note: In assessing whether the performance outcomes are being achieved, the Council will require ***recommends*** evidence of consultation with NZTA ***be provided*** where applications have the potential to affect the integration of land use with the state highway network

2.3 SUBMISSION 3 - 5.9 INFRASTRUCTURE AND SERVICING

Oppose the requirement to obtain resource consent for non-compliance with the performance outcomes in Section 5.9.2 for various infrastructure (ie. stormwater, wastewater, water supply, transportation, other reticulation) as stated in Rule 5.9.3(i) to (v). The performance outcomes contain discretion which is ultra vires for determining whether or not a particular standard is met or not, and provides no certainty to a developer as to whether or not a resource consent is required.

Relief Sought

Delete all references in Rule 5.9.3 to requiring resource consent as a restricted discretionary activity where the performance outcomes in Rule 5.9.2 are not achieved.

2.4 SUBMISSION 3 - 5.9 INFRASTRUCTURE AND SERVICING

Oppose Rule 5.9.4 Integrating Land Use With Infrastructure – Larger Scale Activities as it conflicts/duplicates, is an unnecessarily low vehicle movement threshold to be applied across the District, and causes confusion with the access and vehicle movement thresholds in Rule 9.1.2 –Access.

SUBMISSION TO PLAN CHANGE 43 (TRANSPORTATION) AND PLAN CHANGE 44 (WORKS AND NETWORK UTILITIES)
November 2013

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Relief Sought

Delete Rule 5.9.4 Integrating Land Use With Infrastructure – Larger Scale Activities

3.0 CONCLUSION

The Submitters wish to thank Matamata Piako District Council for the opportunity to make a submission to the Transport, Works and Network Utilities Plan Changes (Plan Changes 43 and 44). The Submitters could not gain an advantage in trade competition through this submission. The Submitters wish to be heard, attend and speak at the Council hearing in support of this submission. If others make a similar submission, the submitters will consider presenting a joint case with them at a hearing.

Gillian Cockerell

Authorised Agent for Kaimai Properties Ltd and Matamata Metal Supplies Ltd

26th November 2013

IB AND JP DIPROSE – BARTON ROAD OKAUIA DEVELOPMENT CONCEPT PLAN

ACTIVITY SCHEDULE

FARMING AREA

Subject to compliance with the relevant Performance Standards, relevant Rural Zone Development Controls, and the relevant Kaitiaki (Conservation) Zone Standards, Terms & Conditions the following are Permitted, Controlled, Restricted Discretionary & Discretionary Activities, **unless otherwise stated**.

PERMITTED ACTIVITY

- Farming (including deer recovery) & the upgrading and maintenance of existing farm buildings
- Demolition of buildings and structures except those outlined in Schedules 1, 2 and 3
- One dwelling per property
- One dwelling for dependent person(s)
- Home occupation
- Removal of pine trees (existing as at 1 September 2001)
- Conservation Forestry
- Production Forestry, including harvesting, within the Quarry Area only
- All activities listed as permitted in the Kaitiaki (Conservation) Zone
- Cleanfill and earthworks activities involving the depositing or removal/extraction of less than 1000m³ of material at any one time
- Those activities listed as permitted activities in the Kaitiaki (Conservation) *Rural Zone in the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant performance standards in Section 8.1 to 8.9*
- Mining, quarrying & mineral processing & associated operations in accordance with any resource consents approved prior to September 2001 within the Quarry Area
- Temporary Activities as permitted within Rule 4.11.1

CONTROLLED ACTIVITY

- Accessory buildings for any permitted or controlled activity
- One dwelling accessory to an approved dwelling directly associated with farming
- Those activities listed as Controlled in the Kaitiaki (Conservation) *Rural Zone in the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant performance standards and matters of control in Section 8.1 to 8.9*

RESTRICTED DISCRETIONARY ACTIVITY

- Activities listed as permitted or controlled not complying with the Development Controls for the rural zone or the relevant terms and performance standards including those that relate to the Kaitiaki (Conservation) Zone (as stated in Part B, Section 1 of the District Plan), unless otherwise provided
- Formal/active recreation, adventure tourism activities, educational and accommodation facilities, which in aggregate would cater up to a total of 10 persons (excluding any staff) at any time

Councils discretion is limited to the following criteria:

1.4.1 Visual, 1.4.2 Noise, 1.4.3 Stormwater and Effluent, 1.4.4 Traffic and Access, 1.4.5 Parking and Loading, 1.4.6 Social and Heritage Effects, 1.4.9 Risk Management, 1.4.10 Biological Effects, 1.4.12 Kaitiaki Zone, 1.4.16 Activities in Schedules 1, 2 and 3, 1.4.18 Hazardous Substances, 1.4.21 Activities in Natural Hazard Areas

- *Those activities listed as Restricted Discretionary in the Rural Zone in the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), and subject to the relevant Matters of Discretion in Sections 8.1 to 8.9.*

DISCRETIONARY ACTIVITY

- Second hand or pre-used buildings relocated from off-site
- Those activities listed as Discretionary in the Kaitiaki (Conservation) *Rural Zone in the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), and subject to the relevant assessment criteria for discretionary activities in Sections 8.1 to 8.9*
- Formal/active recreation, adventure tourism activities, educational and accommodation facilities, which in aggregate would cater for more than 10 persons (excluding any staff) at any time
- Cleanfill and earthworks activities involving the depositing or removal/extraction of 1000m³ or more of material at any one time

SUBMISSION TO PLAN CHANGE 43 (TRANSPORTATION) AND PLAN CHANGE 44 (WORKS AND NETWORK UTILITIES)
November 2013

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- Mining, quarrying & mineral processing & associated operations not provided for as a permitted activity, within the Quarry Area

CONSERVATION AREA

Subject to compliance with the relevant Performance Standards, relevant Rural Zone Development Controls, and the relevant Kaitiaki (Conservation) Zone Standards, Terms & Conditions the following are Permitted, Controlled, Restricted Discretionary & Discretionary Activities, **unless otherwise stated**.

PERMITTED ACTIVITY

- Demolition of buildings and structures except those outlined in Schedules 1, 2 and 3
- All activities listed as permitted in the Kaitiaki (Conservation) Zone
- Those activities listed as permitted activities in the Kaitiaki (Conservation) Zone in **the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant performance standards in Section 8.1 to 8.9**
- Temporary Activities as permitted within Rule 4.11.1

CONTROLLED ACTIVITY

- Those activities listed as controlled in the Kaitiaki (Conservation) Zone in **the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant performance standards and matters of control in Section 8.1 to 8.9**
- Those activities listed as controlled in the Kaitiaki (Conservation) Zone

RESTRICTED DISCRETIONARY ACTIVITY

- Formal/active recreation, adventure tourism activities, educational and accommodation facilities, which in aggregate would cater up to a total of 10 persons (excluding any staff) at any time, provided that such activities shall not include any buildings

Council's discretion is limited to the following criteria:

1.4.1 Visual, 1.4.2 Noise, 1.4.3 Stormwater and Effluent, 1.4.9 Risk Management, 1.4.10 Biological Effects, 1.4.12 Kaitiaki Zone, 1.4.16 Activities in Schedules 1, 2 and 3, 1.4.18 Hazardous Substances, 1.4.21 Activities in Natural Hazard Areas

- **Those activities listed as Restricted Discretionary in the Kaitiaki (Conservation) Zone in the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant Matters of Discretion in Sections 8.1 to 8.9.**

DISCRETIONARY ACTIVITY

- Those activities listed as discretionary in the Kaitiaki (Conservation) Zone in **the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), and subject to the relevant assessment criteria for discretionary activities in Sections 8.1 to 8.9**
- Formal/active recreation, adventure tourism activities, educational and accommodation facilities, not provided for as a restricted discretionary activity
- Those activities listed as Discretionary in the Kaitiaki (Conservation) Zone unless provided otherwise in the development concept plan

NETWORK UTILITIES AREA

Subject to compliance with the relevant Performance Standards, the relevant Kaitiaki (Conservation) Zone Standards, Terms & Conditions the following are Permitted, Controlled & Discretionary Activities, **unless otherwise stated**.

PERMITTED ACTIVITY

- Those activities listed as permitted activities in the rural zone in **the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant performance standards in Section 8.1 to 8.9**
- The maintenance of Airways Corporation Infrastructure existing as at 1 September 2001
- Farming in Area 'A' only
- Temporary Activities as permitted within Rule 4.11.1

CONTROLLED ACTIVITY

SUBMISSION TO PLAN CHANGE 43 (TRANSPORTATION) AND PLAN CHANGE 44 (WORKS AND NETWORK UTILITIES)
November 2013

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- Those activities listed as controlled activities in the rural zone in *the* Activity Tables in **Sections 8.1 to 8.9** (Works and Network Utilities), **subject to the relevant performance standards and matters of control in Sections 8.1 to 8.9**

RESTRICTED DISCRETIONARY ACTIVITY

- *Those activities listed as Restricted Discretionary in the rural zone in the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), and subject to the relevant Matters of Discretion in Sections 8.1 to 8.9*

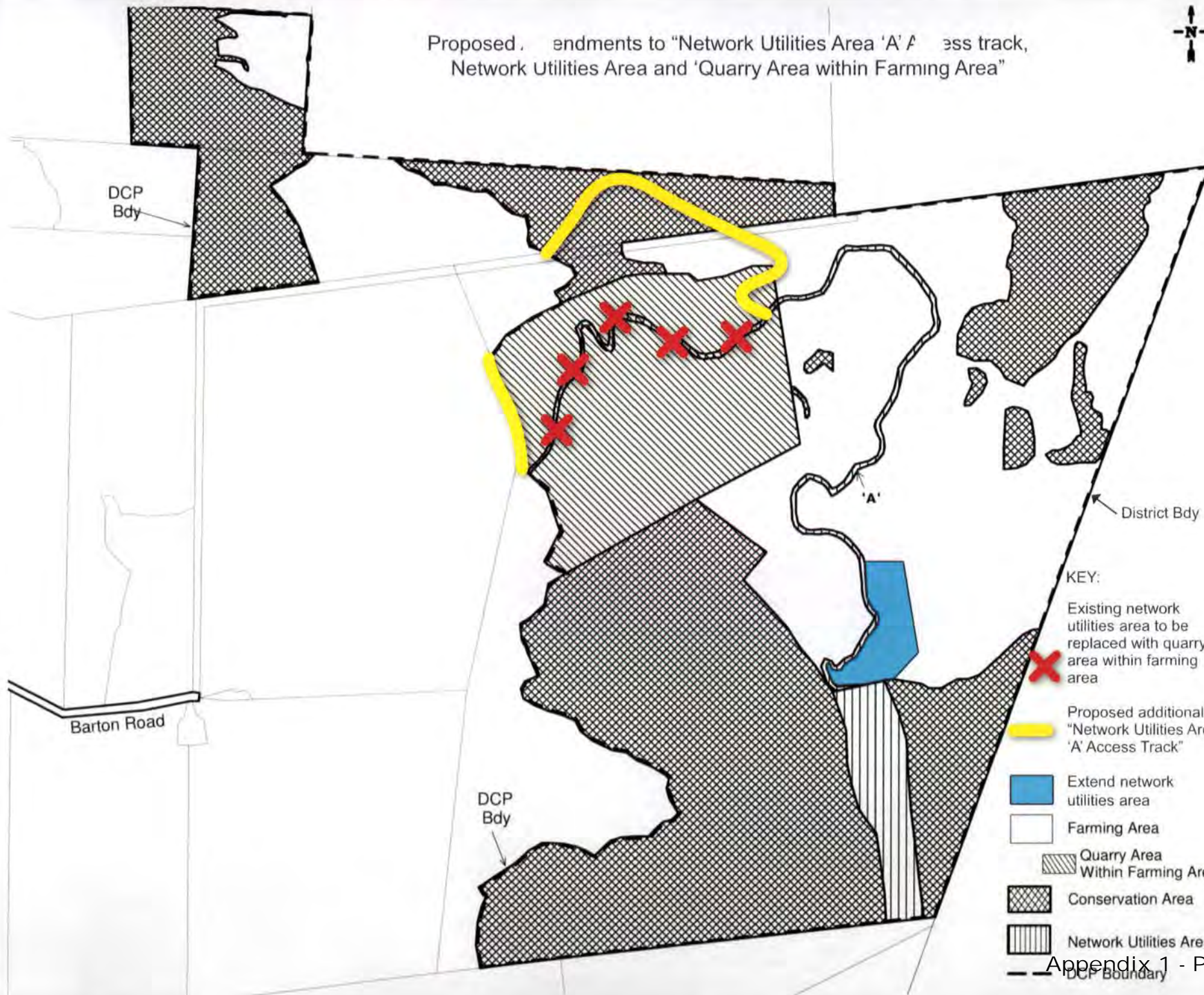
DISCRETIONARY ACTIVITY

- Those activities listed as discretionary activities in the rural zone in *the* Activity Tables in **Sections 8.1 to 8.9** (Works and Network Utilities), **and subject to the relevant assessment criteria for discretionary activities in Sections 8.1 to 8.9**
- The upgrading of Airways Corporation Infrastructure existing as at 1 September 2001



NON-COMPLYING ACTIVITIES FOR ALL AREAS

- Any activity which is not provided for or contemplated as a permitted, controlled, restricted discretionary or discretionary activity
- Any activity which is not **generally** located in accordance with the plan shown on the DCP

Proposed amendments to "Network Utilities Area 'A' Access track,
Network Utilities Area and 'Quarry Area within Farming Area"



KEY:

-  Existing network utilities area to be replaced with quarry area within farming area
-  Proposed additional "Network Utilities Area 'A' Access Track"
-  Extend network utilities area
-  Farming Area
-  Quarry Area Within Farming Area
-  Conservation Area
-  Network Utilities Area

--- DCP Boundary

Kelly Moulder

From: Cockerell, Gillian [Gillian.Cockerell@aecom.com]
Sent: Thursday, 05 December 2013 09:07
To: Patrick Clearwater
Subject: RE: Submissions to proposed Plan Change 43 and 44
Attachments: D & L Swap SUBMISSION TO PLAN CHANGE 43.pdf

Hi Patrick

My apologies, in the rush I attached the wrong version. Attached is correct submission.

Regards

Gillian Cockerell

Principal Planner

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Please consider the environment before printing this email.

From: Patrick Clearwater [<mailto:PClearwater@mpdc.govt.nz>]

Sent: Friday, 29 November 2013 9:22 a.m.

To: Cockerell, Gillian

Subject: RE: Submissions to proposed Plan Change 43 and 44

Hi Gillian,

We received the two submissions from you, attached.

In regards to the submission made by D and L Swap, it seems the incorrect cover page was used (it gives Kaimai Properties and Matamata Metal Supplies as the submitter name), and the page numbering refers to there being 6 pages, but only 5 pages were received.

Are you able to confirm that we have received the full submission, and if required amend the cover page for this submission?

Regards,

Patrick Clearwater | Environmental Policy Planner

Matamata-Piako District Council 35 Kenrick Street, PO Box 266, Te Aroha 3342

p 07 884 0060 | **f** 07 884 8865 | **w** www.mpdc.govt.nz

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From: Cockerell, Gillian [<mailto:Gillian.Cockerell@aecom.com>]

Posted At: Wednesday, 27 November 2013 14:18

Posted To: Submissions (Corporate Planning)

Conversation: Submissions to proposed Plan Change 43 and 44
Subject: Submissions to proposed Plan Change 43 and 44

Hi Patrick

Please find attached submissions from D and L Swap to Proposed Plan Changes 43 and 44.

Regards
Gillian Cockerell
Principal Planner
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Gillian.Cockerell@aecom.com

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**SUBMISSION BY D AND L SWAP TO PLAN CHANGE 43
(TRANSPORTATION) AND PLAN CHANGE 44 (WORKS AND
NETWORK UTILITIES) OF THE MATAMATA PIAKO DISTRICT PLAN**

26th November 2013

**TO: Matamata Piako District Council
PO Box 266
Te Aroha 3342**

**FROM: D and L Swap
PO Box 153
Matamata**

**ADDRESS FOR SERVICE: Gillian Cockerell
AECOM
PO Box 434
Waikato Mail Centre
Hamilton 3240**

**Phone: (07) 857 1825
Mobile: 021 433 550
Fax: (07) 834 8981
gillian.cockerell@aecom.com**

DL AND JL SWAP – DEVELOPMENT CONCEPT PLAN (Part Section 126, Block II, Tapapa East Survey District)

ACTIVITY SCHEDULE

FARMING AREA

Subject to compliance with the relevant Performance Standards, relevant Rural Zone Development Controls, and the relevant Kaitiaki (Conservation) Zone Standards, Terms & Conditions the following are Permitted, Controlled, Restricted Discretionary & Discretionary Activities, ***unless otherwise stated***.

PERMITTED ACTIVITY

- Farming (including deer recovery) & the upgrading and maintenance of existing farm buildings
- Demolition of buildings and structures except those outlined in Schedules 1, 2 and 3
- One dwelling per property
- One dwelling for dependent person(s)
- Home occupation
- Removal of pine trees (existing as at 1 September 2001)
- Planting of trees
- Activities for roading purposes as identified on the DCP
- All activities listed as permitted in the Kaitiaki (Conservation) Zone
- Cleanfill and earthworks activities involving the depositing or removal/extraction of less than 1000m³ of material at any one time
- Those activities listed as permitted activities with the exception of water treatment plants in the Rural zone and Kaitiaki Zone in ***the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant performance standards in Section 8.1 to 8.9***
- Temporary Activities as permitted within Rule 4.11.1
- Educational facilities for up to 10 pupils
- Agricultural effluent disposal

CONTROLLED ACTIVITY

- Accessory buildings for any permitted or controlled activity
- One dwelling accessory to an approved dwelling directly associated with farming
- Those activities listed as Controlled in the Rural Zone and Kaitiaki Zone in ***the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant performance standards and matters of control in Sections 8.1 to 8.9***
- Production Forestry and Harvesting
- Temporary Activities as permitted within Rule 4.11.2
- Industrial effluent disposal
- Subdivision for works and network utilities subject to the relevant criteria of Section 6
- Subdivision for a boundary adjustment

RESTRICTED DISCRETIONARY ACTIVITY

- Activities listed as permitted or controlled not complying with the Development Controls for the rural zone or the relevant terms and performance standards including those that relate to the Kaitiaki (Conservation) Zone (as stated in Part B, Section 1 of the District Plan), unless otherwise provided
- Formal/active recreation, adventure tourism activities, educational and accommodation facilities, which in aggregate would cater up to a total of 10 persons (excluding any staff) at any time

Council's discretion is limited to the following criteria:

1.4.1 Visual, 1.4.2 Noise, 1.4.3 Stormwater and Effluent, 1.4.4 Traffic and Access, 1.4.5 Parking and Loading, 1.4.6 Social and Heritage Effects, 1.4.9 Risk Management, 1.4.10 Biological Effects, 1.4.12 Kaitiaki Zone, 1.4.16 Activities in Schedules 1, 2 and 3, 1.4.18 Hazardous Substances, 1.4.21 Activities in Natural Hazard Areas

- ***Those activities listed as Restricted Discretionary in the Rural Zone in the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities) including Water Treatment Plants, and subject to the relevant Matters of Discretion in Sections 8.1 to 8.9.***

DISCRETIONARY ACTIVITY

- Second hand or pre-used buildings relocated from off-site

- Those activities listed as Discretionary in the Rural Zone and Kaitiaki (Conservation) Zone in **the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), and subject to the relevant assessment criteria for discretionary activities in Sections 8.1 to 8.9**
- Formal/active recreation, adventure tourism activities, educational and accommodation facilities, which in aggregate would cater for more than 10 persons (excluding any staff) at any time
- Cleanfill and earthworks activities involving the depositing or removal/extraction of 1000m³ or more of material at any one time
- Mining, quarrying & mineral processing & associated operations
- One dwelling on the property physically severed by State Highway 29 labelled A on the map
- Temporary Activities as permitted within Rule 4.11.3
- Place of Assembly
- Mineral prospecting/exploration
- Commercial stockyards
- Boarding/breeding of domestic pets
- Packhouses/Coolstores
- Intensive farming
- Depots
- Subdivision as outlined in Activity Table 6.1.13(a) & 3(b)
- ~~Water treatment plants~~

CONSERVATION AREA

Subject to compliance with the relevant Performance Standards, relevant Rural Zone Development Controls, and the relevant Kaitiaki (Conservation) Zone Standards, Terms & Conditions the following are Permitted, Controlled and Discretionary Activities, **unless otherwise stated**.

PERMITTED ACTIVITY

- Demolition of buildings and structures except those outlined in Schedules 1, 2 and 3
- All activities listed as permitted in the Kaitiaki (Conservation) Zone
- Those activities listed as permitted activities in the Kaitiaki (Conservation) Zone in **the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant performance standards in Section 8.1 to 8.9**
- Temporary Activities as permitted within Rule 4.11.1
- Conservation Forestry

CONTROLLED ACTIVITY

- Those activities listed as controlled in the Kaitiaki (Conservation) Zone in **the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant performance standards and matters of control in Sections 8.1 to 8.9**
- Those activities listed as controlled in the Kaitiaki (Conservation) Zone

RESTRICTED DISCRETIONARY ACTIVITY

- **Those activities listed as Restricted Discretionary in the Kaitiaki (Conservation) Zone in the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant Matters of Discretion in Sections 8.1 to 8.9.**

DISCRETIONARY ACTIVITY

- Those activities listed as discretionary in the Kaitiaki (Conservation) Zone in **the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), and subject to the relevant assessment criteria for discretionary activities in Sections 8.1 to 8.9**
- Those activities listed as discretionary in the Kaitiaki (Conservation) Zone unless provided otherwise in the development concept plan

NETWORK UTILITIES AREA

Subject to compliance with the relevant Performance Standards, the relevant Kaitiaki (Conservation) Zone Standards, Terms & Conditions the following are Permitted, Controlled and Discretionary Activities, **unless otherwise stated**.

PERMITTED ACTIVITY

- Those activities listed as permitted activities in the rural zone in **the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), subject to the relevant performance standards in Section 8.1 to 8.9**

- All those activities listed as permitted activities within the farming area
- Conservation Forestry

CONTROLLED ACTIVITY

- Those activities listed as controlled activities in the rural zone in **the Activity Tables in Sections 8.1 to 8.9** (Works and Network Utilities), **subject to the relevant performance standards and matters of control in Sections 8.1 to 8.9**
- All those activities listed as controlled activities within the farming area
- Production forestry and harvesting

RESTRICTED DISCRETIONARY ACTIVITY

- All those activities listed as restricted discretionary within the farming area
- **Those activities listed as Restricted Discretionary in the rural zone in the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), and subject to the relevant Matters of Discretion in Sections 8.1 to 8.9**

DISCRETIONARY ACTIVITY

- Those activities listed as discretionary activities in the rural zone in **the Activity Tables in Sections 8.1 to 8.9** (Works and Network Utilities), **and subject to the relevant assessment criteria for discretionary activities in Sections 8.1 to 8.9**
- Places of Assembly
- All those activities listed as discretionary activities within the farming area
- Water treatment plants

CONTROLLED ACTIVITIES FOR ALL AREAS

In considering any application for a controlled activity consent the Council shall have regard to the objectives and policies contained in Part A of the District Plan & the assessment criteria in Rule 1.3, **unless otherwise stated**

DISCRETIONARY ACTIVITIES FOR ALL AREAS

In considering any application for a discretionary activity consent the Council shall have regard to the objectives and policies contained in Part A of the District Plan & the assessment criteria in Rule 1.4.12 & other relevant criteria within Rule 1.4, **unless otherwise stated**

NON-COMPLYING ACTIVITIES FOR ALL AREAS

- Any activity which is not provided for or contemplated as a permitted, controlled, restricted discretionary or discretionary activity
- Any activity which is not located in accordance with the plan shown on the DCP

In considering any application for a non-complying activity consent the Council shall have regard to the objectives and policies contained in Part A of the District Plan & the assessment criteria in Rule 1.4.12 & other relevant criteria within Rule 1.4

Kelly Moulder

From: Carolyn McAlley [HAPlanningLN@historic.org.nz]
Sent: Wednesday, 27 November 2013 16:31
To: Patrick Clearwater
Subject: RE: NZHPT request for further information re performanace standards for flood works
Attachments: 20131127162502966.pdf

Hi Patrick

Please find attached the NZHPT sub to the Transport and Works and Utility Plan Changes-hard copy in the post today

I presume that you are summarising them before you leave ?

Regards

Carolyn

Carolyn McAlley
Heritage Advisor Planning
Kaiwhakatakoto Kaupapa

Lower Northern Area Office
New Zealand Historic Places Trust / Pouhere Taonga
PO Box 13339 Tauranga 3141
p: 07 577 4535 e: cmcalley@historic.org.nz

Shop online at www.historic.org.nz and help keep New Zealand's heritage places alive.

From: Patrick Clearwater [mailto:PClearwater@mpdc.govt.nz]
Sent: Friday, 22 November 2013 9:12 a.m.
To: Carolyn McAlley
Subject: RE: NZHPT request for further information re performanace standards for flood works

You're right it's not stated how long the opportunity for comment would be in 8.8.2(c). Therefore a presumption could be a 'reasonable' amount of time.

In terms of the plan change numbering – The objectives and policies, and sometimes the rules could relate to either transportation or works and network utilities, or both.

While some time ago the objectives and policies started to relate to both plan changes, a decision was made to retain the titling of both.

Your suggested method of heading up your submission table with both plan change numbers will be work.

Patrick Clearwater | Environmental Policy Planner
Matamata-Piako District Council 35 Kenrick Street, PO Box 266, Te Aroha 3342
p 07 884 0060 | f 07 884 8865 | w www.mpdc.govt.nz

Please consider the environment before printing this email

From: Carolyn McAlley [<mailto:HAPlanningLN@historic.org.nz>]
Sent: Friday, 22 November 2013 09:04
To: Patrick Clearwater
Subject: RE: NZHPT request for further information re performance standards for flood works

Thanks Patrick

Re 8.8.2(c) would you have any idea of how much review time the parties would get –when would it be likely to be circulated ?

Also the plan change material does not seem to be allocated to one plan change or another-or maybe it is and I have not found that document yet ?-for example regionally significant infrastructure include roads so is this transportation plan change but obviously this flood works one would be network utilities plan change ? Can we head up our submission table with both plan change number and you can allocate when you receive it –maybe best to chat on the phone about this one ?

Regards

Carolyn

Carolyn McAlley
Heritage Advisor Planning
Kaiwhakatakoto Kaupapa

Lower Northern Area Office
New Zealand Historic Places Trust / Pouhere Taonga
PO Box 13339 Tauranga 3141
p: 07 577 4535 e: cmcalley@historic.org.nz

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From: Patrick Clearwater [<mailto:PClearwater@mpdc.govt.nz>]
Sent: Friday, 22 November 2013 8:28 a.m.
To: Carolyn McAlley
Subject: RE: NZHPT request for further information re performance standards for flood works

This provision falls under the “regionally significant infrastructure” analysis beginning on page 72 of the plan change report.

Currently the Waikato Regional Council requires a resource consent from the Matamata-Piako District Council for carrying out maintenance of flood control works, vegetation clearance/maintenance, etc. They currently have a consent from the Hauraki District Council and Matamata-Piako District Council for this. The intention of the provisions in this section is to simplify the process for them.

The only detail on the process is described in 8.8.2(iii).

Let me know if you require any more detail.

Patrick Clearwater | Environmental Policy Planner
Matamata-Piako District Council 35 Kenrick Street, PO Box 266, Te Aroha 3342
p 07 884 0060 | f 07 884 8865 | w www.mpdcc.govt.nz

Please consider the environment before printing this email

From: Carolyn McAlley [<mailto:HAPanningLN@historic.org.nz>]
Sent: Thursday, 21 November 2013 16:12
To: Patrick Clearwater
Subject: NZHPT request for further information re performance standards for flood works

Hi Patrick

Re the above attached-just wanting to get an understanding of the background to this new performance standard and if you could outline the process and timings for the process

Thanks

Carolyn

Carolyn McAlley
Heritage Advisor Planning
Kaiwhakatakoto Kaupapa

Lower Northern Area Office
New Zealand Historic Places Trust / Pouhere Taonga
PO Box 13339 Tauranga 3141
p: 07 577 4535 e: cmcalley@historic.org.nz

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at Matamata-Piako District Council



27th November 2013

Matamata Piako District Council
P O Box 266
TE AROHA
3342

Attention: Ally van Kuijk

File no: LA041DP

Dear Ally

Submission of the New Zealand Historic Places Trust Pouhere Taonga to the Matamata Piako District Council, District Plan Review, being Plan Change 43-Transportation, and Plan Change 44- Works and Network Utilities

The New Zealand Historic Places Trust (NZHPT) operates under the Historic Places Act 1993. Included as the purpose of that Act is *"To promote the identification, protection, preservation, and conservation of the historic and cultural heritage of New Zealand."*

The Resource Management Act 1991 (RMA) identifies the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance at section 6(f). The definition of historic heritage includes archaeological sites, sites of significance to Maori, land buildings and structures.

The NZHPT meets these purposes in a number of ways. This includes advocacy and active involvement in local government processes (including encouraging and assisting Councils in using their powers under the RMA) for the benefit of historic heritage, as well as advocating for heritage buildings.

Section 74(1) of the RMA requires that when preparing or changing its District Plan, a territorial authority must ensure that the Plan provisions are "in accordance with" Part 2 matters, which include section 6(f). The Plan must also give effect to the Operative Waikato Regional Policy Statement (RPS), which requires the protection of regionally significant historic heritage through Objectives 3.15.2 and 3.15.3. Similar provisions are contained within the proposed Waikato RPS (Objective 3.17 and related policies.)

The NZHPT generally supports the provisions of the plan changes, however the NZHPT does oppose and seek amendments to some aspects of the plan changes to ensure that pursuant to section 6(f) of the RMA, appropriate recognition is given to and provision is made for the protection of historic heritage from inappropriate subdivision, use and development.

Background

The Matamata Piako Council has chosen to undertake a rolling review of the MPDP, with individual matters i.e. transport, being addressed through discrete plan changes.

Address for service: Lower Northern Regional Office, PO Box 13339, Tauranga 3141
Ph +64 7 577 4535. Fax +64 7 578 1141 Email cmcalley@historic.org.nz

The NZHPT has been advised that the timing of the plan change related to matters of historic heritage has not yet been decided, and as such the NZHPT will seek amendments on matters pertaining to historic heritage as relevant within this rural subdivision plan change.

The rural areas of the Matamata Piako district contain built items and Maori Cultural sites registered by the NZHPT and archaeological sites recorded by the New Zealand Archaeological Association (NZAA). The schedules of the MPDP contain the majority of the built items, and some of the archaeological and cultural sites, these being listed under Schedule 2, containing Waahi Tapu. However there are many recorded archaeological sites that are not listed within the schedules of the MPDP.

The NZHPT seeks to ensure that all historic heritage, recorded and unrecorded, registered or unregistered, is given regard to at the time of development to ensure its appropriate management and/or preservation.

The NZHPT's submission relates to:

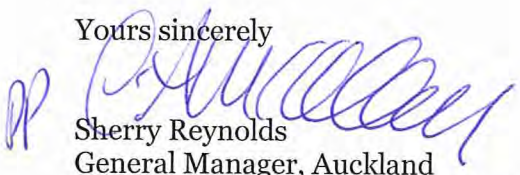
As contained within Appendix A to this letter, the NZHPT seeks greater recognition of historic heritage within the new proposed objectives of the Plan relating to; integrating land use and infrastructure, regionally significant infrastructure networks, and renewable electricity generation and any other consequential changes that may be required. The NZHPT seek further consultation in relation to the deletion of historic heritage policies and the flood control works programme.

The NZHPT's Position and Reasons for that Position:

The NZHPT seeks that there are further amendments to the transport and works and network utilities plan changes, to strengthen the provisions in relation to historic heritage. The NZHPT considers that these amendments will contribute further to the protection of historic heritage from inappropriate subdivision, use and development.

The NZHPT DOES wish to be heard in support of this submission.

Yours sincerely


Sherry Reynolds
General Manager, Auckland
New Zealand Historic Places Trust

Appendix A: Submission table of the NZHPT to MPDC Plan Changes 43-Transportation & 44 Works and Network Utilities

Appendix A

Submission of the New Zealand Historic Places Trust to Matamata-Piako District Council District Plan : Plan Change 43 Transportation, and Plan Change 44 Works and Network Utilities

(Strike: ~~abc~~ =delete and underline: abc = addition)

Proposed Plan: Part & provision number	Support or Oppose	Reasons for submission	Relief sought
Part A Introduction 1.1 Purpose of the Plan	Support	<p>The NZHPT supports the inclusion of s6(f) and (g) of the Resource Management Act; Matters of National Importance</p> <p><i>(f) "The protection of historic heritage from inappropriate subdivision, use and development." and</i></p> <p><i>(g) The protection of protected customary rights</i></p> <p>within the purpose section of the Plan, as being the most up to date version of the legislation.</p>	That the proposed amendment to include s6 (f) and (g) of the Resource Management Act; Matters of National Importance, be retained.
Part A Significant Resource Management Issues; 2.3.6- Integrating land use and Infrastructure (including transport), 2.3.7-Regionally significant Infrastructure networks	Support in part	<p>The NZHPT notes the inclusion of issues related to; Integrating land use and Infrastructure (including transport)(Part A-pg.2.6), Regionally significant Infrastructure networks (Part A-pg.2.7) and Renewable Electricity Generation, at (Part A-pg.2.9):</p> <p>The NZHPT notes at section 2.3.8 under the heading Renewable Electricity Generation, (part A-pg.2.9) the following matters are canvassed :</p> <p><i>"However, the natural resources from which renewable electricity is generated can coincide with areas of significant natural character, significant amenity values, historic heritage, outstanding natural features and landscapes, significant indigenous vegetation and significant habitats of indigenous fauna. There are also potential conflicts with the relationship with Maori with their taonga and their role of kaitiaki. Often, the benefits of renewable energy manifest at the</i></p>	<p>That section 2.3.6 Integrating Land Use and Infrastructure (including transport) (Part A-pg.2.6), and Section 2.3.7-Regionally Significant Infrastructure Networks (Part A-pg.2.7) and Renewable Electricity Generation, are amended to include discussion of the retention and loss of historic heritage,</p> <p>And any consequential changes as required.</p>

Appendix A

Submission of the New Zealand Historic Places Trust to Matamata-Piako District Council District Plan : Plan Change 43 Transportation, and Plan Change 44 Works and Network Utilities

(Strike: ~~abc~~ =delete and underline: abc = addition)

2.3.8- Renewable Electricity Generation		<p><i>national level, while adverse environmental effects tend to be felt at a local level"</i></p> <p>While the NZHPT does note that Tangata Whenua matters are raised as a separate issue at 2.3.3 of the same section the plan, the NZHPT notes that matters related to other elements of historic heritage could arise with the installation of regionally significant infrastructure networks and the integration of land use and infrastructure.</p> <p>Therefore the NZHPT seeks that the matter of historic heritage is raised within the other proposed issues sections of the Plan, being regionally significant infrastructure networks and the integration of land use and infrastructure .</p>	
Part A Objectives 6. Integrating land use and infrastructure, and related Policies P1-P6	Support in part	<p>The NZHPT notes that Objective 01 states;</p> <p><i>"Landuse and infrastructure are planned in an integrated manner that:</i></p> <ul style="list-style-type: none"> <i>• Does not compromise the function, operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure;</i> <i>• Recognises the need for the provision of infrastructure and subdivision, land use and development to be co-ordinated; and</i> <i>• Ensures the sustainable management of natural and physical resources while enabling people and their communities to provide for their economic, social and cultural wellbeing."</i> <p>While the NZHPT acknowledge that consideration of historic heritage could be achieved under the third bullet point of this objective, as part of the "sustainable management of natural and physical resources" the NZHPT is concerned that this has not been made more explicit within the policies for the objective, and</p>	<p>That Policy P1 is amended as follows :</p> <p><i>Rezoning, new development and expansion/intensification of existing development shall take place where:</i></p> <ul style="list-style-type: none"> <i>• The operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure, is not compromised:</i> <i>• There is sufficient capacity in the infrastructure networks to cope with the additional demand, or where the existing networks can be upgraded cost effectively to meet that demand; and</i> <i>• The networks have been designed to carry the</i>

Appendix A

Submission of the New Zealand Historic Places Trust to Matamata-Piako District Council District Plan : Plan Change 43 Transportation, and Plan Change 44 Works and Network Utilities

(Strike: ~~abc~~ =delete and underline: abc = addition)

		<p>seek that the following amendment is introduced to Policy P1;</p> <p><i>“Rezoning, new development and expansion/intensification of existing development shall take place where:</i></p> <ul style="list-style-type: none"> <i>• The operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure, is not compromised:</i> <i>• There is sufficient capacity in the infrastructure networks to cope with the additional demand, or where the existing networks can be upgraded cost effectively to meet that demand; and</i> <i>• The networks have been designed to carry the type of service including the type and volume of traffic required to support development; <u>and</u></i> <i>• <u>The historic heritage of the district is not significantly adversely affected</u></i> <p>or words to similar effect.</p>	<p><i>type of service including the type and volume of traffic required to support development; <u>and</u></i></p> <ul style="list-style-type: none"> <i>• <u>The Historic heritage of the district is not significantly adversely affected</u></i> <p>or words to similar effect.</p> <p>That a consequential amendment is included in Part B- Performance outcomes-Integrating land use infrastructure and other sections as required.</p>
<p>Part A Objectives</p> <p>7. Regionally significant infrastructure networks— Objective 02 and Policy P2</p>	Support in part	<p>The NZHPT notes that Objective 02 states:</p> <p><i>“Operation, maintenance, upgrading and development of regionally significant infrastructure is enabled , efficiency is promoted and the asset is protected to promote the economic, social and cultural wellbeing of national, regional and local communities, while avoiding, remedying and mitigating adverse effects of the environment to the greatest extent practicable”</i></p> <p>and related Policy P2 states;</p> <p><i>“Require the development and upgrading of regionally significant infrastructure to avoid, remedy or mitigate adverse effects to the</i></p>	<p>The NZHPT seeks the following amendments to Objective 02 and Policy P2:</p> <p>Objective 02</p> <p><i>“Operation, maintenance, upgrading and development of regionally significant infrastructure is enabled, efficiency is promoted and the asset is protected to promote the economic, social and cultural wellbeing of national, regional and local communities, while avoiding, remedying and mitigating adverse effects of the environment, to the greatest extent practicable”</i></p>

Appendix A

Submission of the New Zealand Historic Places Trust to Matamata-Piako District Council District Plan : Plan Change 43 Transportation, and Plan Change 44 Works and Network Utilities

(Strike: ~~abc~~ =delete and underline: abc = addition)

		<p><i>extent practicable on the ;</i></p> <ul style="list-style-type: none"> • <i>Health, safety and wellbeing of people</i> • <i>Visual and amenity values</i> • <i>Natural and Physical environment</i> • <i>Intrinsic values of scheduled sites; and</i> • <i>Existing sensitive activities"</i> <p>While the NZHPT supports the recognition of the "environment" within the objective, and the "Natural and Physical environment" and "Intrinsic values of scheduled sites"; within Policy P2, the NZHPT is concerned that the consideration of these matters is diluted within the Objective and policies with the use of the words "to the greatest extent practicable" and "to the extent practicable".</p> <p>The NZHPT would also seek the specific mention of historic heritage as a matter of national importance.</p> <p>The NZHPT seek that these words, "to the greatest extent practicable" and "to the extent practicable" are deleted, respectively from the Objective and policy and historic heritage is included within the policy.</p>	<p>Policy 02</p> <p><i>"Require the development and upgrading of regionally significant infrastructure to avoid, remedy or mitigate adverse effects ;to the extent practicable on the ;</i></p> <ul style="list-style-type: none"> • <i>Health, safety and wellbeing of people</i> • <i>Visual and amenity values</i> • <i>Natural and Physical environment,</i> • <i><u>Historic heritage and the intrinsic values of scheduled sites; and</u></i> • <i>Existing sensitive activities"</i>
<p>Part A Objectives</p> <p>8. Energy efficiency and renewable energy generation- Objective 02 and Policy P2</p>	Support in part	<p>The NZHPT notes that Policy P2 states;</p> <p><i>" Investigation into, operation, maintenance, upgrading and development of new and existing renewable energy generation activities (including small and community scale renewable electricity generation) and their connections to the electricity transmission grid are enabled managing:</i></p> <ul style="list-style-type: none"> • <i>Significant adverse effects on the environment; and:</i> • <i>The potential for conflict with existing land uses/natural and physical resources.</i> 	<p>That Policy P2 is amended as follows ;</p> <p><i>" Investigation into, operation, maintenance, upgrading and development of new and existing renewable energy generation activities (including small and community scale renewable electricity generation) and their connections to the electricity transmission grid are enabled <u>including</u> managing <u>the avoidance of;</u></i></p>

Appendix A

Submission of the New Zealand Historic Places Trust to Matamata-Piako District Council District Plan : Plan Change 43 Transportation, and Plan Change 44 Works and Network Utilities

(Strike: ~~abc~~ =delete and underline: abc = addition)

		<p>The NZHPT supports the inclusion of the consideration of</p> <ul style="list-style-type: none"> • <i>Significant adverse effects on the environment; and:</i> • <i>The potential for conflict with existing landuses/natural and physical resources.</i> <p>as historic heritage can be considered, however consider that the policy does not provide direction in relation to these matters, and seeks the following amendments to avoid adverse effects on historic heritage :</p> <p><i>" Investigation into, operation, maintenance, upgrading and development of new and existing renewable energy generation activities (including small and community scale renewable electricity generation) and their connections to the electricity transmission grid are enabled <u>including managing the avoidance of:</u></i></p> <ul style="list-style-type: none"> • <i>Significant adverse effects on the environment; and:</i> • <i>The potential for conflict with existing landuses/natural and physical resources.</i> 	<ul style="list-style-type: none"> • <i>Significant adverse effects on the environment; and:</i> • <i>The potential for conflict with existing landuses/natural and physical resources.</i>
<p>Part A Objectives 3.1.2 Natural Environment and heritage – Objective 3.Heritage Policies SP1-SP6</p>	Oppose in part	<p>The NZHPT notes through the discussion in the planners report, at Pg. 15 that the MPDC has, as part of this plan change process, proposed the removal of various policies, considering then to be redundant due to changes in the Local Government Act, as outlined in the following excerpts from the report:</p> <p><i>"• Strategic objectives and policies</i></p> <p><i>The operative District Plan currently contains a number of so-called "strategic objectives and policies" (identified in the Plan with the prefix</i></p>	The NZHPT seek further consultation in relation to the deletion of Policies SP1-SP6 in relation to Heritage.

Appendix A

Submission of the New Zealand Historic Places Trust to Matamata-Piako District Council District Plan : Plan Change 43 Transportation, and Plan Change 44 Works and Network Utilities

(Strike: ~~abc~~ =delete and underline: abc = addition)

		<p><i>"SO" and "SP" respectively). These are described in the Plan as "statements of Council's Management.....linked in the District Plan for consideration as part of some resource consent applications".</i></p> <p><i>Section 13 (Other Methods) of the District Plan states that:</i></p> <p><i>"13.3.1 Strategic plan</i> <i>The Council is to establish a strategic plan to provide strategies to meet the strategic needs of the District in the foreseeable future. Strategic policies are listed throughout the issues, objectives, and policies section as a means of meeting the demands of future development.</i> <i>The strategic policies will be taken into account when assessing any resource consent application in the District."</i></p> <p><i>It is understood that the above mentioned "strategic plan" provision was inserted into the District Plan when it was notified in 1996, essentially as a pre-cursor to the then pending Local Government Act 2002 ("LGA") as a means to link the long-term plan (an LGA document) with the District Plan (an RMA document).</i></p> <p><i>The recent (2012) amendment to the LGA has deleted "the promotion of the social, economic, environmental, and cultural wellbeing of communities", from the purpose of local government. The amended LGA now has a narrower focus, and it is considered that the original District Plan's linkage back to the Council's strategic long-term plan produced under the LGA, is no longer of assistance as a non-regulatory method within the broader policy framework.</i></p> <p><i>Therefore, this plan change proposes to delete the Operative Plan's</i></p>	
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Appendix A

Submission of the New Zealand Historic Places Trust to Matamata-Piako District Council District Plan : Plan Change 43 Transportation, and Plan Change 44 Works and Network Utilities

(Strike: ~~abc~~ =delete and underline: abc = addition)

		<p><i>reference to Council's strategic plan and strategic objectives and policies".</i></p> <p>The NZHPT note that this includes the deletion of Policies SP1-SP6 from the Heritage group of policies, as itemised below;</p> <p><i>SP1 To support initiatives which seek to encourage alternative means of protection such as financial incentives or technical assistance.</i></p> <p><i>SP2 To encourage the refurbishment or use of historic resources while ensuring that their valued features are not impaired or destroyed.</i></p> <p><i>SP3 To consult with key agencies such as iwi, NZHPT to develop a tourism strategy which is sensitive to tangata whenua requirements and the integrity of historic resources.</i></p> <p><i>SP4 Council may, where it considers it necessary, purchase important heritage resources. The primary responsibility and opportunities however rests with the owners or future owners(s).</i></p> <p><i>SP5 To increase public awareness of the value of historic resources through public education programmes and by setting a good example.</i></p> <p><i>SP 6 To develop a cultural heritage strategy.</i></p> <p>The NZHPT notes that some of the matters raised within these identified "SP" policies are also covered within the heritage policies that are proposed to remain within the Plan, for example the matters in "SP2" are covered within "P3", and the matters in "SP5" and "SP6" are covered within "P6",</p>	
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Appendix A

Submission of the New Zealand Historic Places Trust to Matamata-Piako District Council District Plan : Plan Change 43 Transportation, and Plan Change 44 Works and Network Utilities

(Strike: ~~abc~~ =delete and underline: abc = addition)

		<p>with P3 being <i>"Use or refurbishment of heritage resources will be encouraged provided it does not give rise to the damage or destruction of these resources or their valued features"</i></p> <p>and P6 being <i>To facilitate greater public awareness and appreciation of heritage resources and the statutory protection afforded them and the limits of that statutory protection.</i></p> <p>The NZHPT appreciates the interest of MPDC to realign their plan as discussed in the planners report at pg. 15, however the NZHPT does consider that a District Plan can;</p> <ul style="list-style-type: none">• discuss incentives within its policies-recognising that there are a range of statutory and non- statutory incentives to protect historic heritage, as outlined in SP1• refer to the development of other methods that may contribute to the protection of historic heritage as outlined in SP3. <p>The NZHPT consider that the deletion of the "SP" policies does leave a policy gap in relation to the consideration of historic heritage, and seek further consultation with staff in relation to their proposed deletion as the NZHPT understand from discussions with Council staff that the rolling District Plan review will not cover heritage matters for several years.</p> <p>The NZHPT consider that the "SP" policies relating to historic heritage should be amended in the context of a District Plan Change in relation to Historic Heritage section.</p>	
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Appendix A

Submission of the New Zealand Historic Places Trust to Matamata-Piako District Council District Plan : Plan Change 43 Transportation, and Plan Change 44 Works and Network Utilities

(Strike: ~~abc~~ =delete and underline: abc = addition)

Part B 2 Activity table 2.1.2	Support	The NZHPT support the proposed inclusion of the consideration of "Natural Environment and Heritage " (section10) provisions, as matters of control.	That the amendment to include Natural Environment and Heritage (section10) provisions as matters of control is retained.
Part B 8.8 Flood Control Works 8.8.2(iii) Annual Works Programme	Support in part	<p>The NZHPT note in the inclusion in this new performance standard related to the annual works programme related to flood control, that NZHPT review is required of the annual works programme. The NZHPT understand, after consulting with Council staff that;</p> <p><i>"Currently the Waikato Regional Council requires a resource consent from the Matamata-Piako District Council for carrying out maintenance of flood control works, vegetation clearance/maintenance, etc. They currently have a consent from the Hauraki District Council and Matamata-Piako District Council for this. The intention of the provisions in this section is to simplify the process for them". (P Clearwater, by email, 22/11/2013)</i></p> <p>While the NZHPT supports such consultation as an additional method to protect historic heritage, they would like to understand a little more about this process, to understand its impact on resourcing. At the time of writing MPDC staff were not able to provide information on timings for this process, other than it would occur within "reasonable" timeframes.</p>	That the performance standards relating to Consultation with the NZHPT, Iwi and other parties, in relation to flood control works, is retained and the NZHPT are advised of likely timeframes.

Kelly Moulder

From: Graeme Mathieson [graeme.mathieson@emslimited.co.nz]
Sent: Monday, 02 December 2013 12:02
Subject: Fonterra Submission - Proposed Plan Change 43 (Transportation) & 44 (Works & Network Utilities)
Attachments: Fonterra Submission - Plan Changes 43 & 44 to the Matamata Piako District Plan (Final 271113).pdf; Appendix A - Traffic Report.pdf
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Patrick

I refer to the submission I lodged on behalf of Fonterra Co-operative Group Ltd on 27th November in relation to the Matamata Piako District Plan (via email to info@mpdc.govt.nz). I've just noticed that the headings and footers in the submission only refer to Plan Change 43 (Transportation), whereas the submission also relates to Plan Change 44 (Works & Network Utilities). This is primarily as a result of picking up on an issue relating to Plan Change 44 at the last minute. For completeness and to ensure that it is clear that the submission relates to both Plan Changes 43 and 44, I have attached a revised submission which now refers to both Plan Changes (i.e. on the cover page and also the heading on page 1, and in the footer). The content of the submission remains unchanged.

Could you please substitute the attached submission for the submission lodged on the 27th November. For completeness, I've also attached Appendix A (Traffic Report) which remains unchanged.

Please come back to me with any comments or queries, otherwise could you please confirm that this has been actioned.

Regards - Graeme

Graeme Mathieson | Environmental Consultant | Environmental Management Services

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**SUBMISSION TO
MATAMATA PIAKO DISTRICT COUNCIL ON
PLAN CHANGE 43 (TRANSPORTATION) AND PLAN
CHANGE 44 (WORKS AND NETWORK UTILITIES) TO THE
MATAMATA PIAKO DISTRICT PLAN FROM
FONTERRA CO-OPERATIVE GROUP LTD**

**SUBMISSION BY FONTERRA CO-OPERATIVE GROUP LTD ON PLAN CHANGE 43
(TRANSPORTATION) AND PLAN CHANGE 44 (WORKS AND NETWORK UTILITIES)
TO THE MATAMATA PIAKO DISTRICT PLAN**

To: Matamata Piako District Council
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Name of Submitter: Fonterra Co-operative Group Ltd ("Fonterra")

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Fonterra could not gain an advantage in trade competition through this submission.

Fonterra wishes to be heard in support of this submission. If others make a similar submission, Fonterra would be prepared to consider preparing a joint case with them at any hearing.

1.0 INTRODUCTION

Fonterra is a global, co-operatively owned company with its roots firmly planted in New Zealand. Our 10,500 New Zealand farmer shareholders produce some 16 billion litres of the 22 billion litres of milk we collect and process annually as the world's largest processor of dairy products.

Fonterra is the world's leading dairy exporter, sending 2.8 million tonnes of product to the global market in the year ending 31 July 2013. The Co-operative has total assets of \$14.37 billion and earned \$18.6 billion in the year ending 31 July 2013, resulting in a net profit after tax of \$736 million.

Fonterra is a significant employer, with over 11,000 New Zealand staff working across the dairy spectrum; from advising farmers on sustainable farming and milk production, to ensuring we meet exacting quality standards and deliver dairy nutrition every day in more than 100 countries around the world. . As many as 1 in 4 jobs in some rural areas are in the dairy farming and processing sectors. Fonterra operates over 30 manufacturing sites in New Zealand alone.

Fonterra has significant assets and operational interests in the Matamata Piako District, specifically the Waitoa and Morrinsville Dairy Manufacturing Sites. The 45 hectare Waitoa Dairy Manufacturing Site is situated on the corner of State Highway 26 and No. 1 Road and has been associated with dairy products manufacture for over a century. Butter factories were built in the area in 1890 and 1902, and cheese was manufactured at the site during the first World War. It currently processes up to approximately 3.6 million litres of milk per day, producing milk powder, nutritional powder and specialty products. Approximately 500 staff are employed at the Waitoa Dairy Manufacturing Site, primarily from within the Matamata Piako District including from within the immediate Waitoa area. In March 2013, Fonterra was granted resource consent by Matamata Piako District Council to construct, maintain and operate a Ultra-Heat Treatment ("UHT") Plant at the site. The proposed UHT Plant is designed to expand in stages with the first confirmed stage being completed in time for processing to commence early 2014 providing employment for 50 people. When the second stage of the UHT Plant is completed, there is expected to be employment for 98 people. , The site is a 24 hour a day, 7 day a week operation.

The Morrinsville Dairy Manufacturing Site is located on Allen Street (State Highway 26) and currently covers approximately 6.5 hectares. Fonterra also owns an associated Transport Garage located immediately across Allen Street (i.e. to the north) from the site. The site was originally established in 1921 when the local milk suppliers formed a Co-op. In 1966 the site

was upgraded as the world's first fully automated butter factory. The site's main products are whole milk powder and butter. During peak season, the site can produce up to 170 tonnes/day of Whole Milk Powder and 200 tonnes/day of Butter. The site currently employs approximately 90 staff, and is a 24 hour a day, 7 day a week operation.

The Waitoa and Morrinsville Dairy Manufacturing Sites make a significant contribution to the local and regional economy. Sound planning is required to ensure that such resources (and their future development and expansion) are sufficiently recognised, provided for and protected under statutory planning documents such as the Matamata Piako District Plan.

2.0 GENERAL SUBMISSION AND RELIEF SOUGHT

Fonterra seeks a number of specific changes in accordance with the relief set out in the balance of this submission, along with any consequential amendments that may be required. Where specific relief has been provided, Fonterra would accept words to similar effect or as otherwise may be required to ensure sustainable management and to ensure that Fonterra's concerns as set out in this submission are addressed.

3.0 SPECIFIC SUBMISSIONS

3.1 Rule 5.9.3 – Non-compliance with performance standards and outcomes

3.1.1 Submission

Rules 5.9.3(i) to (v) require a restricted discretionary activity resource consent for non-compliance with the performance outcomes in Section 5.9.2 for various infrastructure (ie. stormwater, wastewater, water supply, transportation, other reticulation). The performance outcomes in Section 5.9.2 contain discretion which is ultra vires for determining whether or not a particular standard is met or not, and provides no certainty to a developer as to whether or not a resource consent is required.

3.1.2 Relief Sought

Delete all references in Rule 5.9.3 to requiring resource consent as a restricted discretionary activity where the performance outcomes in Rule 5.9.2 are not achieved.

3.2 Rule 5.9.4 – Integrating land use with infrastructure

3.2.1 Submission

Rule 5.9.4 requires that subdivision or development generating more than an average of 100 car equivalent movements per day within any one week shall be considered a restricted discretionary activity to provide for integration of land use with infrastructure. Fonterra opposes this rule because it is an unnecessarily low vehicle movement threshold to be applied across the District, and causes confusion with the access and vehicle movement thresholds in Rule 9.1.2 (including site specific thresholds being sought by Fonterra for the Waitoa and Morrinsville Dairy Manufacturing Sites). It is also at odds with the Industrial

Zoning and Development Concept Plans at the Waitoa and Morrinsville Dairy Manufacturing Sites which provide for future development of both sites, and does not recognise the largely self-sufficient nature of these sites in terms of infrastructure.

3.2.2 Relief Sought

Delete Rule 5.9.4.

3.3 Activity Table 8.5.1 – Water, wastewater and stormwater

3.3.1 Submission

Table 8.5.1 details the activity status for water, wastewater and stormwater infrastructure.

Fonterra opposes the need for a restricted discretionary activity resource consent for stormwater detention/retention ponds and similar facilities in all zones under Rule 8.5.1(10) on the basis that it is more appropriate that such activities are dealt with by the Waikato Regional Council via the relevant Rules under the *Waikato Regional Plan*.

Notwithstanding this, Fonterra notes the following statement in Section 5.9.1 (Infrastructure and Servicing Performance Standards):

This section shall not apply to existing or future on-site, self-serviced stormwater, wastewater, water supply, electricity or telecommunications infrastructure on Development Concept Plan sites insofar as this section refers to the Development Manual. The performance outcomes in Section 5.9.2 are required to be met in relation to infrastructure and servicing.

Fonterra considers that for consistency, the provisions in Activity Table 8.5.1 (Water, Wastewater and Stormwater) should also not apply to existing or future water, wastewater and stormwater infrastructure on Development Concept Plan sites (such as those that apply to the Waitoa and Morrinsville Dairy Manufacturing Sites). This would avoid the need for unnecessary resource consents at both sites and would be consistent with the Development Concept Plans for the Waitoa and Morrinsville Dairy Manufacturing Sites which provide for future development.

3.3.2 Relief Sought

Under Rule 8.5.1(10), provide a permitted activity status for stormwater detention/retention ponds and similar facilities in all zones with a reference to the Waikato Regional Plan for consent requirements.

Include a provision exempting Development Concept Plan sites from the provisions in Activity Table 8.5.1.

3.4 Rule 9.1.1(i)(c) (Roding Hierarchy - Collector Roads)

3.4.1 Submission

Fonterra supports that the roading hierarchy status of No. 1 Road (which services the Waitoa Dairy Manufacturing Site) has been changed from “Arterial Road” to “Collector Road” as this more accurately reflects the function of the road.

3.4.2 Relief Sought

Retain the “Collector Road” hierarchy status of No. 1 Road in Section 9.1.1(i)(c).

3.5 Rule 9.1.2(iii)(a)(ii)

3.5.1 Submission

Both the Morrinsville Dairy Manufacturing Site and the associated Morrinsville Transport Garage access State Highway 26 (Allen Street) which is defined as a “Significant Road” in Rule 9.1.1(i)(a).

Rule 9.1.2(iii)(a)(ii) applies the following performance standard to vehicle crossings onto “Significant Roads” and “Arterial Roads”:

The vehicle crossing shall be designed, formed and constructed in accordance with the Development Manual.

Failure to comply with this provision triggers a discretionary activity resource consent in accordance with Rule 9.1.2(ii)(1.5).

A Traffic Report has been prepared by AECOM and is attached as Appendix A. The Traffic Report concludes that the existing Allen Street vehicle crossings at the Morrinsville Dairy Manufacturing Site and the Morrinsville Transport Garage are of a high standard and have sufficient capacity to safely accommodate a significant increase in traffic volumes, without having an adverse effect on the safety and efficiency of the local roading network. However, the Traffic Report notes that each of the existing vehicle crossings exceed the maximum width specified in the Development Manual because the increased width is a practical requirement to safely enable access by truck and trailer units without using the whole width of Allen Street to turn.

As the existing vehicle crossings exceed the maximum width specified in the Development Manual, this means that any development or expansion of either site that changes the character, scale or intensity of use of the crossings, would trigger a discretionary activity resource consent under Rule 9.1.2(ii)(1.5). Because the existing Allen Street vehicle crossings at the Morrinsville Dairy Manufacturing Site and the Morrinsville Transport Garage have been specifically designed to safely accommodate the vehicles which use them, the Traffic Report (attached as Appendix A) recommends that they be exempt from complying

with the requirement to comply with the Development Manual under 9.1.2(iii)(a)(ii). This would avoid unnecessarily triggering the need for a discretionary activity resource consent in accordance with Rule 9.1.2(ii)(1.5).

3.5.2 Relief Sought

Amend Rule 9.1.2(iii)(a)(ii) as follows:

With the exception of the two existing Allen Street vehicle crossings at the Morrinsville Dairy Manufacturing Site, and the two existing Allen Street vehicle crossings at the associated Transport Garage, the vehicle crossing shall be designed, formed and constructed in accordance with the Development Manual.

3.6 Rule 9.1.2(iii)(a)(iii)

3.6.1 Submission

Both the Morrinsville Dairy Manufacturing Site and the associated Transport Garage access State Highway 26 (Allen Street) which is defined as a “Significant Road” in Rule 9.1.1(i)(a).

Rule 9.1.2(iii)(a)(iii) applies the following performance standard to vehicle crossings onto “Significant Roads” and “Arterial Roads”:

There shall be less than an average of 50 car equivalent movements per day within any one week using the vehicle crossing, where a car equivalent movement is defined as follows:

1 car to and from the site = 2 car equivalent movements;

1 truck to and from the site = 6 car equivalent movements;

1 truck and a trailer to and from the site = 10 car equivalent movements.

Provided that a single residential dwelling is deemed to generate 8 car equivalent movements.

Failure to comply with this provision triggers a discretionary activity resource consent in accordance with Rule 9.1.2(ii)(1.5).

A Traffic Report has been prepared by AECOM and is attached as Appendix A. The Traffic Report states that in the peak season, the Morrinsville Dairy Manufacturing Site currently generates approximately 910 car equivalent movements per day (e.g. milk tankers, delivery and product trucks, service vehicles, staff, visitors). The associated Transport Garage currently generates up to approximately 120 car equivalent movements per day (e.g. milk tankers, staff, visitors). As existing vehicle movements through existing accessways exceed the threshold under Rule 9.1.2(iii)(a)(iii), this means that any development or expansion of either site which generates additional traffic movements would trigger a discretionary activity resource consent under Rule 9.1.2(ii)(1.5).

The Traffic Report concludes that the existing Allen Street accessways at the Morrinsville Dairy Manufacturing Site and the Morrinsville Transport Garage are of a high standard and have sufficient capacity to safely accommodate a significant increase in traffic volumes, without having an adverse effect on the safety and efficiency of the local roading network. Accordingly, the Traffic Report recommends amending Rule 9.1.2(iii)(a)(iii) to include a permitted activity threshold of 1300 car equivalent movements for the Morrinsville Dairy Manufacturing Site, and 300 car equivalent movements for the associated Transport Garage. It is noted that the Morrinsville Dairy Manufacturing Site is a long-established and significant industrial site which is zoned Industrial and includes a Development Concept Plan. Both the Industrial zoning and Development Concept Plan provide for future development of the site where increased traffic movements are anticipated. However, the ability to further expand the site has not been provided for in the relevant provisions controlling traffic volumes under Rule 9.1.2(iii)(a)(iii), which unnecessarily triggers the need for resource consent.

3.6.2 Relief Sought

Amend Rule 9.1.2(iii)(a)(iii) as follows:

With the exception of vehicle movements through the existing Allen Street vehicle crossings at the Morrinsville Dairy Manufacturing Site (and the associated Transport Garage), there shall be less than an average of 50 car equivalent movements per day within any one week using the vehicle crossing, where a car equivalent movement is defined as follows:

1 car to and from the site = 2 car equivalent movements;

1 truck to and from the site = 6 car equivalent movements;

1 truck and a trailer to and from the site = 10 car equivalent movements.

Provided that a single residential dwelling is deemed to generate 8 car equivalent movements.

In terms of the two existing Allen Street vehicle crossings at the Morrinsville Dairy Manufacturing Site, there shall be less than an average of 1300 car equivalent movements per day within any one week.

In terms of the two existing Allen Street vehicle crossings at the Transport Garage associated with the Morrinsville Dairy Manufacturing Site, there shall be less than an average of 300 car equivalent movements per day within any one week.

3.7 Rule 9.1.2(iv)(a)(ii)

3.7.1 Submission

The Waitoa Dairy Manufacturing Site has two separate vehicle crossings to No. 1 Road which has been classified as a “Collector Road” under Rule 9.1.1(i)(c). These comprise the main eastern entrance to the site, and a new western vehicle crossing which is being constructed as a left-turn egress for the new UHT Plant (currently under construction).

Rule 9.1.2(iv)(a)(ii) applies the following performance standard to vehicle crossings onto “Collector Roads” and “Local Roads”:

“There shall be less than an average of 250 car equivalent movements per day within any one week using the vehicle crossing, where a car equivalent movement is defined as follows:

1 car to and from the site = 2 car equivalent movements;

1 truck to and from the site = 6 car equivalent movements;

1 truck and a trailer to and from the site = 10 car equivalent movements.

Provided that a single residential dwelling is deemed to generate 8 car equivalent movements.

Failure to comply with this provision triggers a restricted discretionary activity resource consent in accordance with Rule 9.1.2(ii)(3.7).

A Traffic Report has been prepared by AECOM and is attached as Appendix A. The Traffic Report states that in the peak season, current operations at the Waitoa Dairy Manufacturing Site plus those anticipated when the UHT Plant is fully operational will generate approximately 2370 car equivalent movements per day (e.g. milk tankers, delivery and product trucks, service vehicles, staff, visitors). As existing vehicle movements through existing accessways exceed the threshold under Rule 9.1.2(iv)(a)(ii), this means that any development or expansion of the site which generates additional traffic movements would trigger a restricted discretionary activity resource consent under Rule 9.1.2(ii)(3.7).

The Traffic Report concludes that the No. 1 Road vehicle crossings at the Waitoa Dairy Manufacturing Site are of a high standard and have sufficient capacity to safely accommodate a significant increase in traffic volumes, without having an adverse effect on the safety and efficiency of the local roading network. Accordingly, the Traffic Report recommends amending Rule 9.1.2(iv)(a)(ii) to include a permitted activity threshold of 3000 car equivalent movements for the existing No. 1 Road vehicle crossings at the Waitoa Dairy Manufacturing Site (but retaining the left-turn egress function of the western vehicle crossing associated with the new UHT Plant). It is noted that the Waitoa Dairy Manufacturing Site is

a long-established and significant industrial site which is zoned Industrial and includes a Development Concept Plan. Both the Industrial zoning and Development Concept Plan provide for future development of the site where increased traffic movements are anticipated. However, the ability to further expand the site has not been provided for in the relevant provisions controlling traffic volumes under Rule 9.1.2(iv)(a)(ii), which unnecessarily triggers the need for resource consent.

3.7.2 Relief Sought

Amend Rule 9.1.2(iv)(a)(ii) as follows:

With the exception of vehicle movements through the two existing No.1 Road vehicle crossings at the Waitoa Dairy Manufacturing Site, there shall be less than an average of 50 car equivalent movements per day within any one week using the vehicle crossing, where a car equivalent movement is defined as follows:

1 car to and from the site = 2 car equivalent movements;

1 truck to and from the site = 6 car equivalent movements;

1 truck and a trailer to and from the site = 10 car equivalent movements.

Provided that a single residential dwelling is deemed to generate 8 car equivalent movements.

In terms of the two existing No. 1 Road vehicle crossings at the Waitoa Dairy Manufacturing Site (i.e. the main entrance), there shall be less than an average of 3000 car equivalent movements per day within any one week (provided that the western-most vehicle crossing shall be used as a left turn egress only).

3.8 Rule 9.1.4(ii) (On-site Parking Table)

3.8.1 Submission

The permitted on-site parking requirements of the Table under Rule 9.1.4(ii) requires 1 space per 100m² gross floor area (“gfa”) for “industry” which would apply to both the Waitoa and Morrinsville Dairy Manufacturing Sites. In terms of the Transport Garage associated with the Morrinsville Dairy Manufacturing Site, the parking requirement for “Premises for assembly or repair of motor vehicles” would appear to apply which requires:

4 spaces per lubrication/servicing repair bay, plus 2 spaces per three staff members.

Failure to comply with the parking requirements would trigger a restricted discretionary activity resource consent in accordance with Rule 9.1.4(iii)(a).

The “industry” carparking requirements are excessive and inappropriate for the Waitoa and Morrinsville Dairy Manufacturing Site because they are primarily based on the gfa of

industrial buildings, not the more relevant parameter of the maximum number of staff on site at any one time.

The definition of Gross Floor Area in the Matamata Piako District Plan is:

“...the sum of the floor areas of a building measured to the outside of the exterior walls or structural frame of the building, but may exclude any basement, roof space or other floor area allocated to car parking, loading docks and machinery or plant space.”

Accordingly, the definition would appear to include the gfa of all floors on a multi-storey building. In terms of illustrating Fonterra's concerns with the “industrial” parking standards, all buildings at the Waitoa Dairy Manufacturing Site (including the proposed UHT Plant) have a gfa (ground level only) of approximately 71,000 m². Under Rule 9.1.4(ii), this would mean that 710 carparks are required using the ground level gfa (n.b. the site has several multi-storey buildings, so accordingly the carparking requirements would be greater if the gfa of each storey was taken into account). The site currently has 265 carparking spaces (with another 50 to be constructed as part of the new UHT Plant). These carparks are adequate to cater for the number of staff associated with the different shifts at the factory. With a total of 315 carparks, the site does not comply with the requirements of the On-site Parking Table under Rule 9.1.4(ii). This means that the construction of any new buildings on the site (regardless of whether or not additional staff are employed) would trigger the need for a restricted discretionary activity resource consent under Rule 9.1.4(iii)(a).

Similarly, all current buildings at the Morrinsville Dairy Manufacturing Site have a gfa (ground level only) of 24,666 m². Under Rule 9.1.4(ii), this would mean that 247 carparks are required (without taking into consideration to gfa of any multi-storey buildings). However, the site only employs a maximum of 90 staff, and as a result of shift work, there is only a maximum of 45 staff working on site at any one time. The site currently has 75 carparking spaces. These carparks are adequate to cater for the number of staff associated with the different shifts at the factory. A requirement of 247 carparks for a maximum of 45 staff is excessive and unnecessary. Failure to comply with this requirement triggers the need for a restricted discretionary activity resource consent under Rule 9.1.4(iii)(a).

In terms of the Transport Garage associated with the Morrinsville Dairy Manufacturing Site, the parking requirements for *“Premises for assembly or repair of motor vehicles”* are not appropriate because they require *“4 spaces per lubrication/servicing repair bay”*. The Transport Garage has been specifically designed to service and repair milk tankers associated with the nearby Morrinsville Dairy Manufacturing Site.

A Traffic Report has been prepared by AECOM and is attached as Appendix A. The Traffic Report concludes that the parking requirements are excessive and unnecessary, and that a

more appropriate parking standard for the Waitoa and Morrinsville Dairy Manufacturing Sites would be one based on the maximum number of staff on site at any one time, and for the Morrinsville Transport Garage, two spaces for truck and trailer units for every servicing bay plus two spaces for every 3 staff members.

3.8.2 Relief Sought

Amend the On-site Parking Table under Rule 9.1.4(ii) as follows:

Activity	Parking Spaces Required
<i>Premises for assembly or repair of motor vehicles <u>(not applicable to the Transport Garage associated with Morrinsville Dairy Manufacturing Site)</u></i>	<i>4 spaces per lubrication/servicing repair bay, plus 2 spaces per three staff members</i>
<i>Depots, light industry, industry, commercial stockyards, sale yards, and holding paddocks <u>(not applicable to the Waitoa and Morrinsville Dairy Manufacturing Sites)</u></i>	<i>1 space per 100m² gross floor area</i>
<i><u>Waitoa and Morrinsville Dairy Manufacturing Sites (and the associated Morrinsville Transport Garage)</u></i>	<i><u>1 space for each staff member employed on the site at any one time.</u></i>
<i><u>Morrinsville Transport Garage</u></i>	<i><u>2 spaces for truck and trailer units for every servicing bay plus 2 car parking spaces for every 3 staff members.</u></i>

4.0 General Relief

In addition to the relief sought for each of the specific submissions above, Fonterra also seeks general relief to make all the necessary additional amendments to achieve the relief sought and to deal with the concerns raised in this submission or to otherwise achieve sustainable management.

Signature: FONTERRA CO-OPERATIVE GROUP LTD

by its authorised agents Environmental Management Services Ltd



G.J. Mathieson

Date: 27th November 2013

APPENDIX A

Traffic Report



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27 November 2013

Fonterra Co-operative Group Ltd
 Attention Adrian Pyne
 PO Box 459
 Waikato Mail Centre
 Hamilton 3240

Dear Adrian

Matamata Piako District Plan - Plan Change 43

1.0 Introduction

Matamata Piako District Council has notified Plan Change 43 (PC 43). This includes a review of the Objectives, Policies and Rules that relate to transportation. Some of the ensuing provisions potentially affect future changes to activities at Fonterra's Waitoa and Morrinsville Dairy Factories and its Transport Garage ("Service Centre") in Morrinsville. This letter examines the implications of PC 43 for these activities and makes recommendations for amendments.

2.0 Issues

Our interpretation of particular objectives of PC43 which are relevant are :

- Acknowledging the importance of the roading hierarchy and the significance of SH26 as a regionally significant route, especially for the movement of freight which includes locally produced goods such as milk products
- Promotion of alternative transport modes including rail for freight
- Ensuring adequate provision is made for parking so that it does not impinge on the safety and efficiency of the road network

These objectives have been translated into a series of Policies and Rules. Of note are that :-

- The classification of SH26 in the District Plan has been confirmed as a 'Significant Road' and No. 1 Road has been downgraded from an 'Arterial Road' to a 'Collector Road'.
- In a location with a posted speed of 50km/h or less on a Significant Road a new vehicle crossing, or an existing vehicle crossing that changes in character, scale or intensity of use is a permitted activity only if there are less than 50 car equivalent movements per day when averaged over any one week. All parking and manoeuvring required by the activity must also be provided on site. *This rule would apply to the Morrinsville factory and Service Centre.*
- On a Collector road a new vehicle crossing, or an existing vehicle crossing that changes in character, scale, or intensity of use is a permitted activity only if there are less than 250 car equivalent movements per day when averaged over any one week. *This rule would apply to the Waitoa factory.*
- A tiered range of assessment criteria apply for Controlled, Restricted Discretionary and full Discretionary activities. These criteria include provision of an ITA (Integrated Transportation Assessment) for a Restricted Discretionary Activity on a Significant Road and for a Discretionary Activity on a Collector Road.
- One parking space per 100m² gross floor area (GFA) is required for industrial activities.

3.0 Waitoa Dairy Factory

3.1 Waitoa Dairy Factory traffic

Current operations along with those anticipated when the UHT plant (currently under construction) is operational will generate an average in the spring season of :

- Nearly 400 heavy vehicle movements per day. These will comprise about 140 truck and trailer movements for bulk store product with most of the remainder being dairy tankers (ie truck and trailer units). This will thus equate to 2000 car equivalent movements. These movements will be split between

the existing main gate on No.1 Road and the existing secondary access about 350m further west.¹ The secondary access will be used as a left turn exit only for trucks associated with the UHT plant (refer attached plan).

- 370 staff car and light vehicle movements in and out of the main gate

The UHT plant will be responsible for approximately 150 of the above truck movements and 150 of the light vehicle movements.

It should be noted that the above figures refer to the peak season, heavy and light vehicle movements decrease significantly outside the peak season.

3.2 Waitoa Dairy Factory access

The Waitoa Dairy Factory has two accesses on No. 1 Road, The western access has not been used in recent years but is currently being used as a construction access for building the new UHT plant and will be used as a left turn truck exit only when the UHT plant is completed. The Main Gate will handle all other movements as it does now.

The Main Gate access is of a high standard with a layout suitable for a public road.



Figure 1 Waitoa Dairy Factory Main Gate on No. 1 Road

The access has a 3.5m wide right turn bay with a 42m long stacking length and flush median development in accordance with MOTSAM (the NZTA Manual of Traffic Signs and Markings). The through traffic lanes are 3.5m wide and there is a 3.5m wide left turn auxiliary lane, 130m long with a 70m lead in taper for the left turn into the main gate (to enable vehicles to decelerate clear of through traffic). The main gate intersection has a throat island as seen in Figure 1.

Sight distances are good to and from the main gate to the west along No. 1 Road. The bend in no.1 Road limits sight distances to and from the north-east, but there is still 170m sight distance for a driver turning right into the main gate. The sight distance is mitigated by the fact that approaching drivers on No. 1 Road will be fully aware of the presence of the dairy factory and the consequent possibility of encountering a vehicle such as a milk tanker turning into the factory. The safe stopping sight distance for a design speed of 100km/h (which is considered a reasonable estimate for the bend in No.1 Road north of the factory entrance) is 165m², so the 170m sight distance available exceeds this figure.

¹ A truck and trailer entering and leaving the site is two movements and is counted as 10 car equivalent movements according to the District Plan. A truck entering and leaving constitutes 6 car equivalent movements.

² Austroads Guide to Road Design Pt 3, Tables 5.2 & 5.4

Sight distances for exiting the Main Gate are approximately 250m to the north and 230m to the south-west within the road boundary (but in practice greater across the adjoining paddocks). These are close to or exceed the 248 Safe Intersection Sight Distance recommended for a 100km/h design speed.³ They also exceed the sight distance of 170m required according to the MPDC Development Manual for a 100km/h operating speed.



Figure 2 View to the north-east for driver turning right into Waitoa main gate



Figure 3 Sight distance to the north-east from the Main Gate



Figure 4 sight distance to the south-west from the Main Gate

³ Austroads Guide to Road Design Part 4A Table 3.2

The western factory access is also of a high standard. It has a right turn bay on No.1 Road which has a stacking length of 22m widening from 3.0m to 3.5m plus a lead in taper and approaching flush median. There is a 2.1m wide shoulder widening over 90m for the left turn into the access from No. 1 Road. This is marginally below the 2.5m widening that would normally be provided for such a turn for use by general traffic, but the left turn entry is not intended to be used, being downstream from the Main Gate and only accessing the future UHT plant directly. Sight distance from the access to the north-east is over 300m. Sight distance to the south-west is about 170m, so is less than desirable according to Austroads but meets the MPDC Development Manual standard. For this reason the access is proposed to be used as a left turn exit only when the UHT plant is operational, if right turn exits were ever needed they can be made by using the internal roads and then turning right out of the main gate.



Figure 5 Waitoa Factory west access on No.1 Road (secondary access to be used as left turn exit from UHT plant under construction)

3.3 SH26/No.1 Road intersection

Much of the Waitoa Dairy Factory traffic uses the SH26/No.1 Road intersection although milk tankers in particular come and go via both No.1 Road to the north and SH26. The SH26/No.1 Road intersection has excellent sight distances in all directions with a 3.5m wide right turn bay and 3.5m wide left turn auxiliary (deceleration) lane on SH26. The auxiliary left turn lane has a 120m long parallel length plus a 70m lead in taper.

The intersection has a throat island and approximately 15m radii. The 70km/h / 100km/h speed limit transition is just to the east of the intersection on SH26.

The intersection is thus of a high standard and easily able to cater for significant volumes of turning traffic safely, given that the average daily traffic volume on SH26 is only around 4,500 vpd (vehicles per day).

The only negative aspect of the intersection is that there is only 16m separation between the SH26 lane continuity line and the rail tracks that cross No.1 Road. However, the rail track carries few trains, only being the Waitoa Dairy Factory branch line, so there is very little risk of a truck straddling the line while waiting to exit No.1 Road onto SH26 or of being delayed by a train when turning into No.1 Road. The crossing is consequently uncontrolled.



Figure 6 View east along SH26 from No.1 Road



Figure 7 View west along SH26 from No.1 Road

3.4 Road Safety Record

The NZTA CAS crash database records only one crash near the Waitoa Dairy Factory on No.1 Road or at the No.1 Road/SH26 intersection since the start of 2008. This was a single vehicle loss of control crash on the bend to the north of the factory and was unrelated to the factory. This safety record supports there being no safety issues with the traffic generated by the Waitoa Dairy Factory.

3.5 Parking

The Waitoa site currently has 265 car parking space with another 50 to be constructed as part of the proposed UHT plant. The existing provision includes disabled accessible spaces and visitor spaces and meets the site's parking demands adequately and efficiently.

3.6 Waitoa Dairy Factory Assessment

The Waitoa Dairy Factory has excellent provisions for access, nearly all of which is via the Main Gate and will continue to be so apart from some future traffic turning left out of the site's secondary western access from the proposed UHT plant. The secondary western access also has good provision for safe use as an entrance, even though not currently intended for such use.

Similarly the SH26/No.1 Road which much of the traffic from the site uses has all the necessary geometric features and is of a high standard to cater for turning traffic.

Traffic volumes on SH26 and No.1 Road are at such a low level that even a doubling of current traffic movements would not seem likely to cause any efficiency problems. It is understandable that Matamata Piako District Council

would wish to retain some discretion over major changes in traffic generation. However, given the high standard of access and the safety record, it is suggested that a threshold for requiring some form of consent application on traffic grounds can be set relatively high. Our suggestion is that a threshold of 3000 car equivalent movements be adopted ie an additional 630 car equivalent movements (an increase of 27% on the current traffic generation). The currently consented use of the secondary western access as an exit only would remain as a condition. Provided that no new vehicle crossings are proposed, the other performance standards in Rule 9.1.2 (iv)(a) are also superfluous and could be dispensed with for the Waitoa Dairy Factory. Sight distances meet the required standard and there are no other improvements to the Main Gate layout that could meaningfully be made. In terms of parking, the only reasonable means of ensuring adequate provision is made without wasteful use of resources in constructing parking that will not be utilised, would be to have a standard based on staff numbers on site at any one time, with allowance for overlap at shift times and for visitors. Provision linked to GFA has little meaning in an industrial complex such as the Waitoa site which contains such components as dryers, stores, tanker unloading plant, truck washes, workshops and offices. The GFA of the site is estimated at around 71,000m² which would otherwise result in 710 parking spaces being required under PC43. It is therefore proposed that a more reasonable standard for the site would be to require parking at the rate of one space to be provided for every staff member who is on site at any one time including allowance for overlap at shift change times. The surplus provided for shift overlap will ensure that there is adequate space for visitors. The staggering of office start and finish times relative to shift start and finish times will also enable Fonterra to make efficient use of parking spaces within the criteria of the number of staff who are on site at any one time.

4.0 Morrinsville Dairy Factory Site and Service Centre

Fonterra's Morrinsville Site and Service Centre (Transport Garage) are opposite each other on SH26 (Allen Street) in Morrinsville.

Allen Street has a carriageway width of 11.4m and is marked with 3.5m wide traffic lanes, a 2.0m wide median and shoulders that vary between 0.8m and 1.6m wide. It is within the urban 50km/h speed zone.



Figure 8 Allen Street (SH26) with Service Centre vehicle crossing in the foreground, Service Centre secondary vehicle crossing further along the road and the factory site main gate opposite

4.1 Service Centre

The Service Centre employs 20 people during the peak season with a maximum of 14-15 on site at any one time due to shifts. Typically two dairy tankers per day are serviced, with up to 6 when new tankers are being brought on line, ie 20-60 car equivalent movements per day for trucks plus about 60 car equivalent movements for staff and visitors (allowing for commuting and some lunchtime and daytime trips). Tankers are sometimes parked on site whilst part way through their new build process.

The Service Centre has two vehicle crossings. The principal vehicle crossing has an 11.7m wide cut down kerb length. It is offset from the factory site main gate opposite by 17m. There is a secondary vehicle crossing further west which has a 35m wide cut down kerb length and is formed in concrete. The length of the crossing may be historical, but is also necessary to allow truck and trailer units to drive straight into the workshop bay doors on

occasions without a lot of manoeuvring on site. It is gated off apart from when required for access, and truck drivers normally just use the eastern vehicle crossing out of choice as it has better visibility to the west.

The vehicle crossings exceed the Development Manual recommended widths but are a practical requirement of safely enabling access to the Service Centre by truck and trailer units without using the whole width of Allen Street to turn.

There are marked parking spaces for the few cars requiring to park, but beyond that the site provides ample space for parking trucks and unmarked space for car parking if ever required.

4.2 Factory Site

The factory site employs a maximum of 90 people during the peak season of which 60 are on 4 days/4 days off shifts, meaning that only 45 staff are working on site at any one time.

At present in the peak season there are typically 72 tanker deliveries, 2 trucks delivering supplies and servicing, and 3 trucks taking out product. This equates to approximately 770 car equivalent movements. Staff and visitor movements total about 140 car equivalent movements per day. The factory receives winter milking when the tanker deliveries are about half of those during the peak season.

The factory site has three vehicle crossings. The easternmost crossing is off Haig Street which is a short cul-de-sac. This access is only used for servicing and deliveries.

The central site access is an exit only, used by tankers to leave the site after unloading. It has a 17.5m wide cut down kerb and is formed in concrete.

The principal site access is formed as a road with kerbed radii and 'Give Way' markings. (refer attached Morrinsville Site Plan).



Figure 9 Morrinsville Site central access (exit only)

Clearly the vehicle crossings do not comply with the Development Manual recommended maximum widths but are all specifically designed to safely accommodate the vehicles which use them. All the crossings have excellent visibility, and the flush median and shoulder widths enable vehicles waiting to turn into the site to be passed by following traffic. The road marking is a practical balance between accommodating traffic turning into vehicle crossings on both sides of the road and leaving a shoulder to accommodate cyclists (although cyclist numbers appear to be low).

The site currently has approximately 75 marked car parking spaces. It is noted that the factory site currently has a building footprint of nearly 24,700 m² (the GFA could be even higher allowing for some two storey buildings). At the proposed rate of one space/100m² GFA the requirement would thus be calculated at 247 spaces which would clearly be excessive and a gross waste of resources.

4.3 Road Safety Record

There have been 7 crashes reported in the vicinity of the site since the start of 2008 according to the NZTA CAS crash database. All involved driver loss of control, with one being due to driver illness, and five occurred at the bend and intersection in Allen Street east of the site. None were related to the Fonterra site accesses or traffic.



Figure 10 Morrinsville Site main gate

4.4 Morrinsville Site Assessment

The Morrinsville factory site and Service Centre have appropriate and necessary well formed vehicle crossings that are performing safely and without any known efficiency issues. There is nothing that could obviously be done or would be worthwhile to improve their operation, and they are capable of taking traffic volumes well in excess of their current use. The proposed performance standard 9.1.2 (iii) (a) (iii) with a limitation of 50 car equivalent movements for a permitted activity is therefore unreasonable and unnecessary for both the factory site and the Service Centre.

An alternative threshold is therefore suggested of 1300 car equivalent movements for the factory site ie an additional 390 car equivalent movements (an increase of 43% on the current 910 car equivalent movements). A threshold of 300 car equivalent movements is suggested for the Service Centre ie an additional 180 car equivalent movements. This would be a 150% increase on the current number of movements but should be well within the capacity of the access and SH26. It would represent only an additional 18 truck and trailers being serviced per day, for example.

Given the standard of the accesses the other performance standards in 9.1.2 (iii) (a) are also considered redundant so long as any new activity at the factory site or Service Centre does not involve any new access or alterations to the existing accesses.

As with the Waitoa site, the only practical standard for parking provision for the factory site would again appear to be requiring parking to be provided at the rate of one space for every staff member on site at any one time.

With respect to the parking requirement for the Service Centre, this would be assessed under PC43 on the basis of *"4 spaces per lubrication/servicing bay, plus 2 spaces per three staff members"*⁴. This standard is designed to allow for the normal car/light vehicle servicing scenario where several vehicles are worked on at one bay through a typical day and are left on site prior to and after being worked on. The Service Centre has 3 servicing bays and trucks are normally turned around and back out in service shortly after as the industry works 24 hour 7 day weeks. For the Service Centre scenario a more valid requirement would be to provide parking for *"2 spaces for truck and trailer units per servicing bay plus 2 parking spaces for every 3 staff"*.

⁴ On Site Parking Table under Rule 9.1.4(ii)f

5.0 Conclusions

Plan Change 43 incorporates traffic generation thresholds for activities which would prevent any change in the intensity or nature of activities at Fonterra's Waitoa and Morrinsville sites from being considered as permitted activities. This is unreasonable given the high standard of access provided to these sites.

The application of the District Plans parking standards is also grossly inappropriate to the nature of the Fonterra sites and would result in a large excess of parking and a consequent waste of resources.

It is consequently proposed that performance standards be worded such that :

As an exception to Rule 9.1.2 (iv)(a)(ii), provided that the existing vehicle crossings are not altered in any way, then there shall be less than an average of 3,000 car equivalent movements per day within any one week using the two vehicle crossings serving the Waitoa Dairy Factory, with the use of the secondary western access being restricted to a left turn exit only.

As an exception to Rule 9.1.2 (iii)(a)(iii), provided that the existing vehicle crossings on Allen Street are not altered in any way, then there shall be less than an average of 1,300 car equivalent movements per day within any one week using the three vehicle crossings serving the Morrinsville Dairy Factory, and less than 300 car equivalent movements per day within any one week using the two existing vehicle crossings to the Morrinsville Service Centre.

The On Site parking Table under Rule 9.1.4 (ii) be amended to exclude the Morrinsville Fonterra Service Centre from the normal requirement for premises for the assembly or repair of motor vehicles and to instead be required to provide :

2 spaces for truck and trailer units for every servicing bay plus 2 car parking spaces for every 3 staff members

An exception should be granted to the parking requirements which would apply under Rule 9.1.4 (ii) for the Waitoa Dairy Factory and Morrinsville Dairy factory sites. A new requirement for these activities should be introduced that :-

Parking spaces provided shall be provided at not less than the rate of one space for every staff member on site at any one time.

Yours faithfully



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encl: Waitoa dairy factory site plan

PLANT LIST

CODE	BOTANICAL NAME	COMMON NAME	CODE	BOTANICAL NAME	COMMON NAME
AGA ORI	AGAPANTHUS ORIENTALIS	AGAPANTHUS	QUE ILE	QUERCUS ILEX	EVERGREEN OAK
ALE EXC	ALECTRYON EXCELSUS	TITOKI	QUE PAL	QUERCUS PALUSTRIS	PIN OAK
ALN COR	ALNUS CORDATA	ALDER	QUE ROB	QUERCUS ROBUR	ENGLISH OAK
COP ROB	COPROSMA ROBUSTA	KARAMU	SOP TET	SOPHORA TETRAPTERA	KOWHAI
COR AUS	CORDYLINE AUSTRALIS	CABBAGE TREE	ULM PAR	ULMUS PARVIFLORA	SIBERIAN ELM
COR TOE	CORTADERIA TOETOE	TOETOE			
FRA EXC	FRAXINUS EXCELSIOR 'RAYWOOD'	CLARET ASH			
GLE TRI	GELDITSIA TRIACANTHOS	HONEY LOCUST			
GRI LIT	GRISILINIA LITTORALIS	BROADLEAF/KAPUKA			
HEB STR	HEBE STRICTA	KOROMIKO			
HOH POP	HOHERIA POPULNEA	LACEBARK/HOUHERE			
LEP SCO	LEPTOSPERMUM SCOPARIUM	MANUKA			
MAG GRA	MAGNOLIA GRANDIFLORA	LAUREL MAGNOLIA			
MYR AUS	MYRSINE AUSTRALIS	MATIPO			
PHO TEN	PHORMIUM TENAX	FLAX			
PIT EUQ	PITTOSPORUM EUGENIODES	LEMONWOOD			
PIT TEN	PITTOSPORUM TENUIFOLIUM	KOHUHU			
PLA BET	PLAGIANTHUS BETULINUS	RIBBONWOOD			
POD TOT	PODOCARPUS TOTARA	TOTARA			

KEY

● APPROXIMATE LOCATION OF TREES TO BE REMOVED FOR THE DRAIN DIVERSION

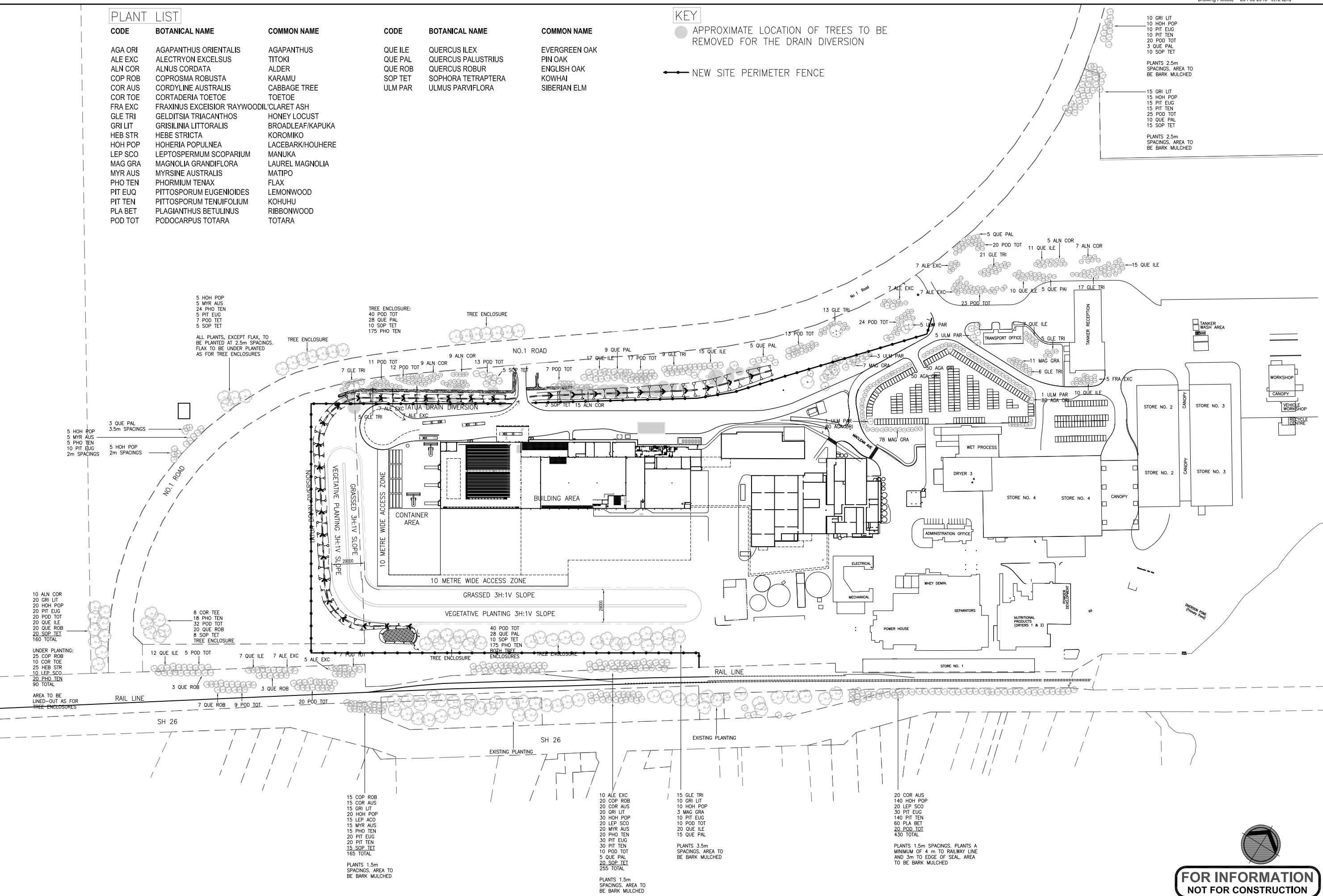
— NEW SITE PERIMETER FENCE

10 GRI LIT
10 HOH POP
10 PIT EUG
10 PIT TEN
20 POD TOT
3 QUE PAL
10 SOP TET

PLANTS 2.5m SPACINGS. AREA TO BE BARK MULCHED

15 GRI LIT
15 HOH POP
15 PIT EUG
15 PIT TEN
25 POD TOT
10 QUE PAL
15 SOP TET

PLANTS 2.5m SPACINGS. AREA TO BE BARK MULCHED



No.	Revision	By	CHK	Appd	Date
A	FOR INFORMATION	WH	GW	GW	15.02.13



Original Scale (A1)	Design	Drawn	WH
1:1500	Design	Drawn	WH
Revised Scale (A3)	Design	Drawn	WH
1:2000	Design	Drawn	WH



Project: PROJECT RIMU

Title: LANDSCAPING PLAN

Discipline	ARCHITECTURAL
Drawing No.	2931770-AR-005
Rev.	A

Kelly Moulder

From: Jo Young [Jo.Young@boffamiskell.co.nz]
Posted At: Wednesday, 27 November 2013 16:51
Conversation: Submission by Transpower on Matamata Piako Proposed Plan Change 44
Posted To: Submissions (Corporate Planning)

Subject: Submission by Transpower on Matamata Piako Proposed Plan Change 44

Categories: Green Category

Please find attached a submission by Transpower on Matamata Piako Proposed Plan Change 44.

Kind regards



Jo Young | Planner

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Submission by Transpower NZ Limited on the Matamata Piako Proposed Plan Change 44

November 2013

Keeping the energy flowing



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APPROVED FOR RELEASE



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SUBMISSION BY TRANSPOWER NZ LTD ON PLAN CHANGE 44 TO THE MATAMATA PIAKO DISTRICT PLAN PURSUANT TO CLAUSE 6 OF THE FIRST SCHEDULE OF THE RESOURCE MANAGEMENT ACT 1991.

INTRODUCTION

Transpower New Zealand Limited (“Transpower”) is the State Owned Enterprise that plans, builds, maintains and operates New Zealand’s high voltage transmission network (the “National Grid”) which links generators to distribution companies and major industrial users. The grid, which extends from Kaikohe in the North Island down to Tiwai in the South Island, transports electricity throughout New Zealand.

The National Grid comprises some 12,000 km of transmission lines and 182 substations. The national control centres, located in Wellington and Hamilton, operate a network of some 300 telecommunication sites which link together the components that make up the National Grid.

Statutory Framework for Electricity Transmission

Transpower's electricity infrastructure is a significant physical resource that must be sustainably managed under the Resource Management Act 1991 (RMA), and any adverse effects on that infrastructure must be avoided, remedied or mitigated. Section 31 of the RMA sets out the responsibilities of district councils, including at section 31(1)(a) 'the establishment, implementation, and review of objectives, policies, and methods to achieve integrated management of the effects of the use, development, or protection of land and associated natural and physical resources of the district'.

The National Policy Statement on Electricity Transmission 2008 (NPSET) confirms the national significance of the resource and the need to appropriately manage activities and development close to it¹. The objective of the NPSET is as follows:

“To recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while:

- *Managing the adverse environmental effects of the network; and*
- *Managing the adverse effects of other activities on the network”.*

¹ The Ministry for the Environment has prepared guidance for local authorities on how to implement the NPSET in plans and policy statements. See~
<http://www.mfe.govt.nz/publications/rma/nps-electricity-transmission-implementation-guidance-jan2010/index.html>

The NPSET refers to the electricity transmission network; this is the National Grid. Transpower's discussions with stakeholders is that people understand the term National Grid but not necessarily the electricity transmission network. Transpower supports the use of the term National Grid as it is more widely understood. Sections 55 and 75(3)(a) of the RMA require a District Plan to give effect to a National Policy Statement (NPS).

The RMA amendment to Regulation 10 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 (clause 2(i) further acknowledges the importance of Transpower's National Grid assets, requiring Transpower to be served notice of applications or reviews that may affect the National Grid.

Resource Management (National Environment Standards for Electricity Transmission Activities) Regulations 2009 (NES-ET) came into effect on 14 January 2010. The standards:

- Specify that transmission activities are permitted, subject to terms and conditions to ensure that these activities do not have significant adverse effects; and
- Specify resource consent requirements for transmission activities that do not meet the terms and conditions for permitted activities.

The NES-ET applies to the high voltage National Grid transmission lines in existence on 14 January 2010. The standards in the NES-ET recognise and provide for the effective operation, maintenance and upgrading, relocation and removal of the existing transmission network, having considered operational constraints and technical requirements. The standards provide a framework of consent requirements and permissions that take into account the policies in the NPSET. The NES-ET does not apply to new lines.²

It is important, given its national and regional significance, that the National Grid's management is properly addressed in the Matamata Piako District Plan. The national significance of the National Grid should be recognised in Proposed Plan Change 44 ("PPC44") through appropriate objectives and policies, and provisions which protect the National Grid transmission corridor.

Transpower thanks Council officers for the opportunity to meet before the development of this Plan Change and post its notification to provide an update on the current transmission corridor provisions. These provisions have been updated as a result of Transpower consultation with Federated Farmers of New Zealand and the general approach agreed to with Horticulture New Zealand. It is these updated provisions that are sought in this submission.

² The Ministry for the Environment has prepared guidance to assist local authorities with reviewing and amending plans to fully incorporate the NES-ET.
See~<http://www.mfe.govt.nz/publications/rma/neselectricitytransmissionregulations/plans1.html>.

Matamata Piako National Grid Transmission Assets

The following National Grid transmission assets are located within the Matamata Piako District (refer to location map in Attachment A):

- Hamilton – Waihou A (HAM-WHU A) 110kV transmission line on towers;
- Waihou – Waikino (WHU-WKO A) 110kV transmission line on towers;
- Piako Tee A (PAO-TEE A) 110kV transmission line on single poles;
- Hinuera – Karapiro A (HIN-KPO A) 110kV transmission line in pi-poles;
- Brownhill Road – Whakamaru North A (BHL-WHN A) 400kV capable transmission line on towers;
- Piako and Waihou substations.

These assets are correctly located on Matamata Piako Plan Change 44 proposed Planning Maps 3, 6, 7, 8, 10, 16, 23, 28, 29 and 30. The BHL-WHN A and PAO-TEE A lines and the two substations are designated in the District Plan.

1.0 GENERAL COMMENTS

1.1. For Transpower, the provisions of the PPC44 need to ensure:

- That the NPSET is given effect to;
- Appropriate recognition is given to the provisions of the NES-ET;
- The sustainable management of the National Grid as a physical resource;
- The benefits of the National Grid to the district are recognised;
- Appropriate provision for the ongoing operation and maintenance of the network, including ensuring that lines can be accessed;
- That the existing network can be upgraded in order to meet growth in energy demand;
- The protection of the existing network from issues of reverse sensitivity and the effects of others' activities; and
- Appropriate provision for the planning and development of new lines (notwithstanding that no new lines are currently planned).

1.2. Transpower is satisfied that the PPC44 will achieve most of the outcomes set out above. In particular, PPC44 recognises the lines of National Grid as essential infrastructure for the district. Part A of PPC44 includes strong objectives, which recognise the importance of such network utilities for the district and the need to ensure that their safe, secure and efficient use and operation is protected from the adverse effects of other activities.

1.3. The lines of the National Grid are correctly shown on the planning maps. The policies which follow the above objectives in Part A seek to encourage the establishment, operation, maintenance and upgrading of network utilities, which these comments support. There are a number of amendments suggested however to the policies, to better achieve the requirements of the NPSET.

- 1.4. Similarly, PPC44 establishes an electricity transmission buffer corridor management approach, which is strongly supported by Transpower. Since the development of these provisions however, Transpower has continued discussions with key stakeholders and refined further its transmission corridor management approach. These stakeholders have included Federated Farmers of New Zealand and Horticulture New Zealand, and as a result the transmission buffer corridor management approach relating to rural areas has been further refined to meet issues raised by these stakeholders.
- 1.5. Transpower understands that Federated Farmers of New Zealand are in agreement with the new buffer corridor provisions as reflected in this submission. This refined approach is discussed further in this submission along with new district plan provisions sought by Transpower.
- 1.6. While no new transmission assets are planned within the District at this stage, Transpower also considers it important to ensure that the Matamata Piako District Council makes appropriate allowance for new transmission assets to properly establish a planning framework for this eventuality in line with the NPSET.
- 1.7. Overall, while generally supported by Transpower, some modifications and/or clarifications are required to Proposed Plan Change 44 in order to address all of the relevant general resource management issues identified in paragraph 1.1 above. The specific changes required to achieve this are outlined in the balance of this submission. Firstly however there are a number of general matters which apply to the PPC44 as a whole which are addressed in this section. These are dealt with in turn below, before the comments relating to specific sections.

Planning Maps

- 1.8. Transpower supports the notation on the proposed planning maps (maps 3, 6, 7, 8, 10, 16, 23, 28, 29, 30) of the Matamata Piako section of the National Grid. This fulfils Policy 12 of the NPSET, which requires territorial authorities to identify the electricity transmission network on there relevant planning maps, whether or not the network is designated.

Designations

- 1.9. As stated above two of Transpower's lines and two substations are designated. All of these designations have been given effect to. Transpower's expectation is that the designation rollover process will occur prior to the notification of any proposed plan in accordance with schedule 1 of the RMA, at which time Transpower will formally confirm its intention to rollover the designation.

Infrastructure rules overlay the underlying zone rules

- 1.10. It is unclear whether the infrastructure rules in part B of PPC44 (specifically rules 3.5.1 and 3.5.2) are an overlay (and therefore the provisions of the underlying zoning still apply, unless the overlay specifically modifies these). In this regard it is assumed that that normal rural activities, otherwise allowed in the Rural Zone (specified in section 3.2 of the Matamata Piako District Plan), apply unless the additional requirements of rules 3.5.1 and 3.5.2 apply.
- 1.11. Transpower seeks the Plan Change be amended to clarify that the underlying zones rules still apply unless specifically modified by rules 3.5.1 and 3.5.2 provide an additional overlay.

Proposed new wording

- 1.12. Throughout this submission, there will be reference to a new suite of terms as explained in the section on definitions. These include the following:
- National Grid Yard – similar to the current “Red zone”;
 - National Grid Subdivision Corridor – similar to the current “Buffer Corridor or “Green zone” and “Red zone” combined;
 - Distribution line – the same as the current “sub-transmission” line.
- 1.13. These are explained further throughout the submission. In particular, in relation to rules 3.5.1 and 6.1.1 of PPC44.

1. GENERAL RELIEF SOUGHT

1. Full effect is given to the National Policy Statement for Electricity Transmission 2008;
2. Recognise the National Environmental Standards for Electricity Transmission Activities and ensure that there are no conflicts with provisions of the District Plan and NES-ET (s44A of the RMA);
3. **Retain** notation on the draft planning overlay maps (proposed maps: 3, 6, 7, 8, 10, 16, 23, 28, 29, 30) of the HAM – WHU A, WHU - WKO A, HIN-KPO A, PAO-TEE A and BHL-WHN A transmission lines.
4. **Insert** clarification that rules 3.5.1 and 3.5.2 are an overlay on top of the underlying zone rules.
5. **Provide** new definitions for “National Grid Yard”, “National Grid Subdivision Corridor” and “distribution line”.
6. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

2.0 SECTION 15 DEFINITIONS

- 2.1. Transpower seeks that the definitions are updated in line with the new terminology proposed. Transpower submits that these terms are better understood by Plan users and better reflect the matters sought to be controlled. See below for specific details however broadly, the following changes are sought:
- National Grid Yard – similar to the current “Red zone”;
 - National Grid Subdivision Corridor – similar to the current “Transmission Line Buffer Corridor”.
- 2.2. Transpower supports with definition of “Sensitive Activity” with the inclusion of the words “...the National Grid”. It is noted that in particular, Transpower consider the following to be sensitive activities in relation to the National Grid transmission lines:
- Residential activities;
 - Childcare and preschool facilities;
 - Schools;
 - Retirement village accommodation; and
 - Hospitals.
- 2.3. Transpower has suggested a new definition of NZECP34 to enable an abbreviated reference to the document to be used throughout the Plan.

2. SECTION 15 DEFINITIONS

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Delete** “Buffer Corridor”:

~~“Buffer corridor” means a corridor comprising the “red zone” and the “green zone” as follows:~~

~~(i) A 16m wide corridor measured from the centreline of the HIN-KPO A transmission line as identified on the planning maps.~~

~~(ii) A 32m wide corridor measured from the centreline of the HAM-WHU A and WHUWKO A transmission lines as identified on the planning maps.~~

2. **Insert** a new definition for “NZECP34”:

Means the New Zealand Electrical Code of Practice for Electrical Safe Distances 34:2001.

3. **Delete** “Green zone”:

~~“Green Zone” means a buffer corridor:~~

~~(i) Extending 4m either side of the Red Zone that applies to the HIN-KPO A transmission line identified on the Planning Maps;~~

~~(ii) Extending 20m either side of the Red Zone that applies to the HAM-WHU A and WHU-WKO A transmission lines identified on the Planning Maps.~~

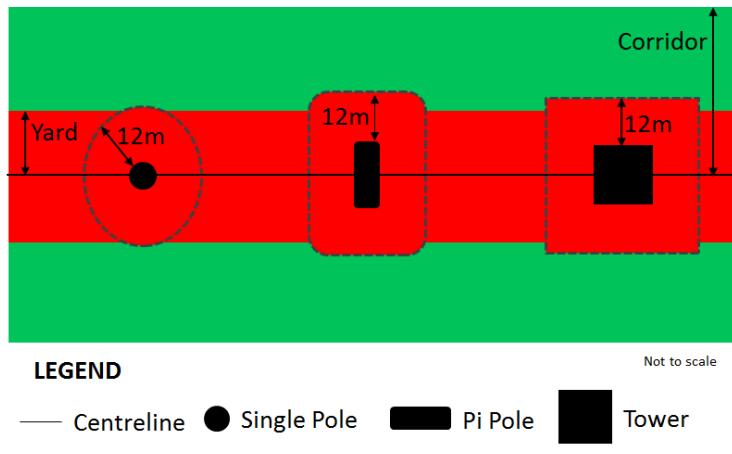
4. **Retain** the “Intensive Farming” definition as notified.
5. **Retain** the “National Grid” definition as notified.
6. **Insert new** “National Grid Subdivision Corridor” definition as follows:

National Grid Subdivision Corridor (shown in diagram below)

Means the area measured either side of the centreline of above ground National Grid line as follows:

- 16m for the 110kV lines on pi poles
- 32m for 110kV lines on towers

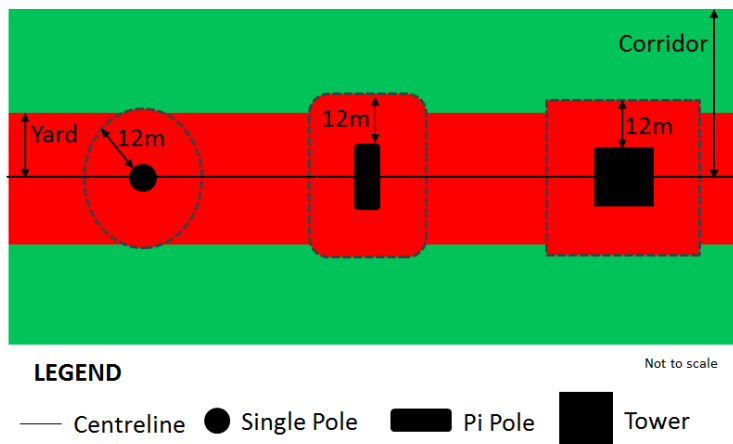
Note: The National Grid Subdivision Corridor and National Grid Yard do not apply to underground cables or any National Grid lines (or sections of line) that are designated.



7. **Insert** “National Grid Yard” definition as follows:

National Grid Yard (shown in the diagram below) means:

- the area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- the area located 12 metres either side of the centreline of any overhead National Grid line;



8. **Delete** “Red zone”:

~~“Red Zone” means a buffer corridor extending 12m either side of the centreline of the HINKPO A, HAM-WHU A, and WHU-WKO A transmission lines identified on the Planning Maps.~~

9. **Amend** “Regionally Significant Infrastructure” point (iv) as follows:

“Regionally significant infrastructure” means:

~~(iv) The national electricity grid, as defined by the Electricity Industry Act 2010;~~

10. **Amend** “Sensitive Activity” as follows:

“Sensitive activity” means a more recently established activity which is sensitive to the adverse environmental effects being generated by a pre-existing lawfully established activity, and in the context of state highways, the National Grid and railway lines includes any dwelling, papakainga, visitor accommodation, boarding house, retirement village, supported residential care, educational facilities, hospitals and healthcare services, and care centres.

Or include a new definition for sensitive activities around the National Grid that only captures: dwellings, papakainga, boarding houses, retirement villages, supported residential care, pre-schools, schools and hospitals.

11. **Delete** “Transmission Line Buffer Corridor”:

~~“Transmission line buffer corridor”~~—see “buffer corridor”.

12. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

PART A – ISSUES, OBJECTIVES AND POLICIES

3.0 SECTION 2.3 SIGNIFICANT RESOURCE MANAGEMENT ISSUES

- 3.1. Transpower supports Issue 2.3.6 and Issue 2.3.7 as they seek to manage adverse environmental effects of infrastructure networks on the local receiving environment. In particular, they seek to ensure new development does not compromise the operation, maintenance, upgrading or development of infrastructure networks.
- 3.2. This recognises that a variety of land uses and developments are able to co-exist in the rural areas without conflict and make efficient use of natural and physical resources. Utilities such as transmission lines are an example of important land uses other than primary production that occur in rural areas.

- 3.3. In this regard, Issue 2.3.6 and 2.3.7 support the NPSET overarching Objective which seeks to ensure that the operation, maintenance and upgrade of the existing and proposed transmission network, while *“managing the adverse environmental effects of the network; and managing the adverse effects of other activities on the network”*.
- 3.4. They are consistent with Policy 10 of the NPSET which notes that *“decision-makers must to the extent reasonably possible manage activities to avoid reverse sensitivity effects on the electricity transmission network and to ensure that operation, maintenance, upgrading, and development of the electricity transmission network is not compromised.”*

3. SECTION 2.3 SIGNIFICANT RESOURCE MANAGEMENT ISSUES

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Retain** Issue 2.3.6 as notified.
2. **Retain** Issue 2.3.7 as notified.
3. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

4.0 SECTION 2.4.6 SUSTAINABLE MANAGEMENT STRATEGY – INTEGRATING LANDUSE AND INFRASTRUCTURE

- 4.1. Section 2.4.6 sets out objectives, policies, methods and explanations for a “Sustainable Management Strategy”. This section identifies that the integration of land use and infrastructure will help ensure sustainable use of land.
- 4.2. Transpower seek the inclusion of the word “subdivision” in Objective 1. This will better support the second bullet point in the objective which references “infrastructure and subdivision, land-use and development”.

- 4.3. In this regard, Policy 11 of the NPSET requires that a buffer corridor be identified where it can be expected that sensitive activities will generally not be provided for. The design and layout of a subdivision are often key stages of giving effect to this provision. If subdivision is inadequately considered and controlled it could lead to subdivision patterns that inappropriately limit where buildings can be sited on sections, and it has the potential to generate amenity and reverse sensitivity issues due to the relationship between the lines, and subsequent development / land use. In extreme circumstances, poorly controlled subdivision has given rise to circumstances where unbuildable lots have been created and/or maintenance and access to the lines is compromised. In other circumstances, it has given rise to situations where lines aerially bisect lots, thus inappropriately limiting their development potential.
- 4.4. Transpower supports policy 2 and 4 as they are consistent with Policies 10 and 11 of the NPSET, which requires RMA decision makers to manage activities to avoid reverse sensitivity effects on the National Grid and ensure sensitive activities are avoided within National Grid Yard.

4. SECTION 2.4.6 SUSTAINABLE MANAGEMENT STRATEGY – INTEGRATING LANDUSE AND INFRASTRUCTURE

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Amend** Objective 1 as follows:

Objective 1

Land-use , subdivision and infrastructure are planned in an integrated manner that:

- *Does not compromise the function, operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure;*
- *Recognises the need for the provision of infrastructure and subdivision, land-use and development to be co-ordinated; and*

Ensures the sustainable management of natural and physical resources while enabling people and communities to provide for their economic, social, and cultural wellbeing.

2. **Retain** policy 2 as notified.
3. **Retain** policy 4 as notified.
4. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

5.0 SECTION 2.4.7 SUSTAINABLE MANAGEMENT STRATEGY – REGIONALLY SIGNIFICANT INFRASTRUCTURE

- 5.1. Section 2.4.7 sets out objectives, policies, methods and explanations for a “Sustainable Management Strategy”. Regionally significant infrastructure such as the National Grid is critical to the economic and social wellbeing of the local community and the whole country, and therefore they must be protected appropriately.
- 5.2. Transpower support Objective 1 which seeks to ensure that national, regional and local benefits of the National Grid are recognised and protected.
- 5.3. Transpower generally supports the intent of Objective 2 which seeks to ensure that operation, maintenance, upgrading and development of the National Grid is enabled. Transpower seeks that Objective 2 be amended to delete the word “greatest” before “extent practicable”. The inclusion of “greatest” could result in an expectation that Transpower undertake onerous mitigation; i.e. undergrounding sections of the National Grid.
- 5.4. Transpower has suggested an additional policy. Policy 10 of NPSET notes that activities must be managed to avoid reverse sensitivity effects on the electricity transmission network. The existing Objective 3 which encompass all regionally significant infrastructure seeks adverse reverse sensitivity effects to be avoided, remedied, or mitigated. Transpower suggested an additional policy which relates specifically to the National Grid.
- 5.5. Transpower generally supports Policy 2, but seeks to insert the word “major” into Policy 2. This signals that minor upgrades are permitted activities as signalled in Activity table 8.2.1. This will ensure that only the adverse effects arising from major upgrades of regionally significant infrastructure should be avoided, remedied or mitigated. The test of avoiding, remedying or mitigating all adverse effects from all infrastructure upgrades (be they major or minor) will not achieve the outcome sought by objective.
- 5.6. Transpower supports Policy 1, 4, 5 and 6 and the Anticipated Environmental Effects because they are consistent with the NPSET as they seek to recognise and protect the National Grid.

5. SECTION 2.4.7 SUSTAINABLE MANAGEMENT STRATEGY – REGIONALLY SIGNIFICANT INFRASTRUCTURE

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Retain** Objective 1 as notified.

2. **Amend** Objective 2 as follows:

Objective 2

Operation, maintenance, upgrading, and development of regionally significant infrastructure is enabled, efficiency is promoted, and the asset is protected to promote the economic, social, and cultural wellbeing of national, regional and local communities, while avoiding, remedying or mitigating adverse effects on the environment to the ~~greatest~~ extent practicable.

3. **Include** a new Policy as follows:

Policy 7

Adverse effects including reverse-sensitivity effects on the National Grid are avoided.

4. **Retain** Policy 1 as notified.

5. **Amend** Policy 2 as follows:

Policy 2

Require the development and major upgrading of regionally significant infrastructure to avoid, remedy or mitigate adverse effects to the extent practicable on the:

- Health, safety, and wellbeing of people;*
- Visual and amenity values;*
- Natural and physical environment;*
- Intrinsic values of scheduled sites; and*
- Existing sensitive activities.*

6. **Retain** Policy 4 as notified.

7. **Retain** Policy 5 as notified.

8. **Retain** Policy 6 as notified.

9. **Retain** the Anticipated Environmental Results as notified.

10. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

PART B – RULES

6.0 SECTION 1 – GENERAL PROVISIONS

1.1 Information requirements for resource consent applications

- 6.1. Transpower seeks to be included in section 1.1.1(vi) which lists potential consultation parties for resource consent applications. This is to ensure that the National Grid is considered by applicants when preparing resource consent applications (where relevant).

6. SECTION 1 – GENERAL PROVISIONS

(all amendments shown in **italics & underline** and deletions shown in **strikethrough**)

1. **Amend** 1.1(vi) - Information requirements for resource consent applications:

As part of an assessment of effects, the applicant may be required, unless it is unreasonable in the circumstances, to consult as part of the assessment with the following persons as appropriate:

- The owner(s) and occupier(s) of the subject land;
- Persons likely to be directly affected by the proposed activity;
- The District and Regional Council;
- New Zealand Transport Agency;
- New Zealand Railways Corporation (KiwiRail);
- The Department of Conservation;
- The New Zealand Historic Places Trust;
- Iwi authorities;
- Community Health;
- Fish & Game Council;
- Environmental Futures;
- Federated Farmers;
- Royal Forest & Bird Society;
- Te Aroha Earthwatch;
- *Transpower NZ Limited*;
- Other authorities or organisations as relevant.

2. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

7.0 SECTION 3.5 ACTIVITIES ADJACENT TO TRANSMISSION LINES (ALL DISTRICT PLAN ZONES)

- 7.1. Transpower seeks to amend the rules relating to activities adjacent to transmission lines and also the name of the rule. To be consistent with other wording changes proposed throughout this submission, Transpower seeks to name section 3.5, "Activities Adjacent to the National Grid".
- 7.2. Transpower seeks to delete rule 3.5.1 "Activities within the red zone", in its entirety. A new rule is proposed to be inserted for activities within the National Grid Yard. This rule covers all zones.
- 7.3. However, there is one parcel of land within the National Grid Yard which is already developed and occupied and the provisions proposed below recognise this. Transpower propose a separate set of provisions for that site located between Bolton Road and Morrinsville- Walton Road identified as Lot 1 DPS18429.

7. SECTION 3.5 ACTIVITIES ADJACENT TO TRANSMISSION LINES (ALL DISTRICT PLAN ZONES)

(all amendments shown in *italics* & underline and deletions shown in ~~strikethrough~~)

1. **Amend** title of section 3.5 as follows:

Section 3.5 Activities Adjacent to ~~Transmission Line~~ *The National Grid*.

2. **Delete** Rule 3.5.1 – Activities within the Red Zone:

3.5.1 Activities within the Red Zone

(i) Permitted activities

~~The following activities are permitted within the Red Zone:~~

- ~~(a) Earthworks;~~
- ~~(b) Buildings or structures with a maximum height of 2.5m and a gross floor area not exceeding 10m²;~~
- ~~(c) Alterations to an existing building where the existing floor area and building envelope are not exceeded;~~
- ~~(d) Alterations and new buildings or structures for non-sensitive activities where it has been demonstrated that the building or structure complies with NZECP 34:2001.~~

(ii) Restricted discretionary activities

~~The following activities are restricted discretionary activities in the Red Zone:~~

- ~~(a) A new building or structure for a sensitive activity that does not comply with the permitted activity standards in (i)(b) or (i)(c) above, provided it has been demonstrated that the building or structure complies with NZECP 34:2001; and:~~
- ~~(b) Conversion of an existing building or structure that does not comply~~

with the permitted activity standards in (i)(b) or (i)(c) above, to a sensitive activity, provided it has been demonstrated

(iii) Matters of discretion

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

- (a) The ability for upgrading, maintenance and inspection of lines, including ensuring access;
- (b) The risk to people and property posed by the operation of the line;
- (c) The risk to people and property posed, should the line fail;
- (d) The extent to which the adverse effects from the line, and of the new activity can be avoided, remedied, or mitigated;
- (e) The outcome of any consultation with the affected line owner/operator.

(iv) Non-notification

Applications utilising Rule 3.5.1(ii) that do not simultaneously trigger other consent requirements shall not be publicly notified and shall not be served on any party other than the electrical line owner and/or operator.

(v) Non-complying activities

Alterations and new buildings/structures that fail to demonstrate compliance with NZECP 34:2001 are a non-complying activity.

3. Include a new rule 3.5.1 for all zones as follows:

3.5.1 National Grid Yard

(i) Permitted Activities

1. Under the National Grid Conductors (wires):

- (a) On all sites within any part of the National Grid Yard any buildings and structures must:
 - (i) If they are for a sensitive activity, not involve an increase in the building height or footprint where alterations and additions to existing buildings occur; or
 - (ii) Be a fence; or
 - (iii) Be network utilities within a transport corridor or any part of electricity infrastructure that connects to the National Grid; or
 - (iv) Be an uninhabitable farm building or structure for farming activities (but not a milking/dairy shed, commercial greenhouse or intensive farming building (excluding ancillary structures)); or
 - (v) Be an uninhabited horticultural building (but not a commercial greenhouse) or structure; or
 - (vi) Be any public sign required by law or provided by any statutory body in accordance with its powers under any law.
- (b) All buildings or structures permitted by a) must comply with at least one of the following conditions:
 - (i) A minimum vertical clearance of 10m below the lowest point of the conductor associated with National Grid lines; or

- (ii) Demonstrate that safe electrical clearance distances required by NZECP34 are maintained under all National Grid line operating conditions.

2. Around National Grid support structures:

Buildings and structures shall be at least 12m from a National Grid support structure unless it is a:

- (a) Network Utility within a transport corridor or any part of electricity infrastructure that connects to the National Grid.
- (b) Fence less than 2.5m in height and more than 5m from the nearest support structure.
- (c) Horticultural structure between 8m and 12m from a pole support structure that:
- (i) Meets the requirements of the NZECP34 for separation distances from the conductor;
 - (ii) Is no more than 2.5m high;
 - (iii) Is removable or temporary, to allow a clear working space 12 metres from the pole when necessary for maintenance and emergency repair purposes; and
 - (iv) Allow all weather access to the pole and a sufficient area for maintenance equipment, including a crane.

3. Earthworks; subject to compliance with the following:

- (a) That they be no deeper than 300mm within 12m of any National Grid support structure foundation;
- Except that Vertical holes not exceeding 500mm in diameter beyond 1.5 from the outer edge of pole support structure or stay wire are exempt.
- (b) Not create an unstable batter that will affect a National Grid support structure; and
- (c) Not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34.

Provided that the following are exempt from point (c)(i) above:

- Earthworks undertaken by a Network Utility Operator; or
- Earthworks undertaken as part of agricultural or domestic cultivation, or repair, sealing or resealing of a road, footpath, driveway or farm track.

Note: Vegetation to be planted within the transmission corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34: 2001) contains restrictions on the location of structures and activities in relation to the lines. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice.

(ii) Restricted Discretionary Activities

1. Within the National Grid Yard any earthworks not permitted by 3.5.1(i)3(a).

(iii) Non-Complying Activities

1. Within the National Grid Yard:

- (a) Any building or addition to a building for a sensitive activity.
- (b) Any change of use to a sensitive activity or the establishment of a new sensitive activity.
- (c) Intensive farm buildings and dairy/milking sheds, commercial greenhouses or buildings excluding associated ancillary structures.
- (d) Any earthworks not permitted by 3.5.1(i) 3.(b) or (c).
- (e) Any building or structure that is not permitted under Rule 3.5.1 (i).

For the site located between Bolton Road and Morrinsville – Walton Road legally described as Lot 1 DPS18429 the following exemptions in rule 3.5.2 shall apply:

3.5.2 National Grid Yard

Note: This rule only applies to the site legally described as Lot 1 DPS18429.

(i) Permitted Activities

Any building less than 2.5m high and 10m² in area is permitted.

(ii) Discretionary Activities

Any building or structure not permitted by Rule 3.5.1 or non-complying under Rule 3.5.1(iii)1(a) to (d) above shall be a discretionary activity.

Note: Vegetation to be planted within the transmission corridor should be selected and/or managed to ensure that it will not result in that vegetation breaching the Electricity (Hazards from Trees) Regulations 2003.

Note: The New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) contains restrictions on the location of structures and activities in relation to the lines. Compliance with the permitted activity standards of the Plan does not ensure compliance with the Code of Practice.

4. **Delete** Rule 3.5.2 – Activities within the Green Zone:

3.5.2 Activities within the Green Zone

(i) Permitted activities

~~Any building or structure where compliance with NZECP 34:2001 has been demonstrated is a permitted.~~

(ii) Non-complying activities

~~Any building or structure where compliance with NZECP 34:2001 has not been demonstrated is a non-complying activity.~~

~~**Advice Note: Works in close proximity to all electric lines can be dangerous. Compliance with NZCEP 34:2001 is mandatory for buildings, earthworks and mobile plant within close proximity to all electric lines.**~~

~~**Advice Note: Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines, especially within 20m of those lines, the line operator should be contacted.**~~

5. **Amend** section (iii) Matters for discretion as follows:

(iii) Matters of discretion

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

- (a) The ability for operating, upgrading, maintenance and inspection of lines, including ensuring access;*
- (b) The risk to people and property posed by the operation of the line;*
- (c) The risk to people and property posed, should the line fail;*
- (d) The extent to which the adverse effects from the line, and of the new activity on the line can be avoided, remedied, or mitigated;*
- ~~*(e) The outcome of any consultation with the affected line owner/operator.*~~
- (e) Any technical advice provided by the line owner/operator.*

6. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

8.0 SECTION 6 SUBDIVISION

- 8.1. Inappropriate subdivision can adversely affect the National Grid and therefore it is important that the District Plan provides at a minimum some guidance as to appropriate subdivision in proximity to transmission lines.
- 8.2. Policy 10 requires that reverse sensitivity effects are managed and that the operation and maintenance of the National Grid is not compromised. Policy 11 of the NPSET requires that a buffer corridor be identified where it can be expected that sensitive activities will generally not be provided for. The design and layout of a subdivision are often key stages of giving effect to these provisions. If subdivision is inadequately considered and controlled it could lead to subdivision patterns that inappropriately limit where buildings can be sited on sections, and it has the potential to generate amenity and reverse sensitivity issues due to the relationship between the lines, and subsequent development / land use. In extreme circumstances, poorly controlled subdivision has given rise to circumstances where unbuildable lots have been created and/or maintenance and access to the lines is compromised. In other circumstances, it has given rise to situations where lines aerially bisect lots, thus inappropriately limiting their development potential.
- 8.3. Transpower does not seek to stop all subdivision around the National Grid. Transpower simply seeks that any subdivision around the National Grid is appropriately designed so that it does not result in allotments that cannot safely be developed and ensures that the operation and maintenance of the National Grid is not compromised through the development pattern that is established at the time of subdivision.

8. SECTION 6 SUBDIVISION

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Amend** section 11 of Activity Table 6.1.1 as follows:

11. *Subdivision within one or more new vacant developable lots:*

- *Within a ~~transmission line buffer~~ National Grid subdivision corridor;*
- *Within 20m either side of the centreline of a ~~sub-transmission~~ distribution line.*

2. **Retain** section 6.1.3 (ix) as notified with the exception of the terminology changes sought elsewhere in the submission.

(ix) Subdivision within a transmission line buffer corridor or within a 20m wide corridor either side of the centreline of a ~~sub-transmission~~ distribution line.

(a) Performance standards

For subdivisions utilising Rule 6.1.1.11 the following performance standards shall apply:

- (i) Subdivision within a National Grid subdivision ~~buffer~~ corridor must nominate within each new vacant developable lot a designated building envelope (footprint and height) that is outside the ~~red-zone~~ National Grid Yard and complies with NZECP34 ~~34:2001~~.*
- (ii) Subdivision within 20m either side of the centreline of a ~~sub-transmission-distribution~~ line must nominate within each new vacant developable lot a designated building envelope (footprint and height) that complies with NZECP ~~34:2001~~.*

(b) Matters to which discretion is restricted

For applications utilising Rule 6.1.1.11, the Council has restricted its discretion to the following matters and if consent is granted, may impose conditions relating to these matters:

- (i) The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing ~~transmission~~ National Grid and ~~sub-transmission~~ distribution lines, for example through the location and design of roads, reserves and landscaping under the route of the line;*
- (ii) The ability for maintenance and inspection of National Grid ~~transmission and distribution~~ sub-transmission lines including ensuring access;*
- (iii) The extent to which the design and development will minimise risk, injury or property damage from such lines;*
- (iv) The extent to which potential adverse effects from the line, including risks, reverse-sensitivity, and visual effects, are mitigated, for example through the location of building platforms;*
- (v) The ability to provide a complying building platform;*
- (vi) Compliance with NZECP ~~34:2001~~;*
- (vii) Outcomes of consultation with the affected line owner/operator.*

(c) Non-compliance

Any subdivision proposed which does not comply with (a) above shall be considered a non-complying activity. The matters listed in (b) above shall be used as a guide for considering non-complying activities.

3. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

9.0 SECTION 8.2 ELECTRICITY TRANSMISSION AND DISTRIBUTION ACTIVITIES

- 9.1. Maintenance, repair and upgrade of the National Grid is essential to ensuring that the National Grid continues to provide for the needs of present and future generations.

- 9.2. Transpower seek to make it clear that transmission lines in place prior to 14 January 2010 are not covered by the PPC44 rules as the NES-ET applies in those situations. The NES-ET does not apply to any new lines.

9. SECTION 8.2 ELECTRICITY TRANSMISSION AND DISTRIBUTION ACTIVITIES

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Amend** 8.2.1 Activity Table as follows:

8.2.1 Activity Table

The table below sets out the activity status for electricity transmission and distribution facilities.

In addition to the provisions in the table, the following national environmental standard applies to electricity transmission activities:

- ***The Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NES-ET) apply to the operation, maintenance, upgrading, relocation or removal of transmission lines that were operated or able to be operated, on or prior to 14 January 2010. Any rules of the Matamata Piako District Plan do not apply to these activities.***

2. **Amend** 8.2.1 Activity Table – Section 4 as follows:

8.2.1 Activity Table – Section 4

4. Minor upgrading of electrical lines ~~up to and including 110kV (not being part of the national grid).~~

3. **Retain** section 5 of Activity Table 8.2.1 as notified.
4. **Retain** section 6 of Activity Table 8.2.1 as notified.
5. **Retain** section 10 of Activity Table 8.2.1 as notified.
6. **Retain** section 11 of Activity Table 8.2.1 as notified.
7. **Retain** section 12 of Activity Table 8.2.1 as notified.
8. **Amend** performance standard 8.2.2. (i) as follows:

Minor upgrading – Rule 8.2.1.4

(i) Minor upgrading of electrical lines ~~up to and including 110kV (not being part of the national grid)~~ is a permitted activity when undertaken in accordance with the definition of “minor upgrading” in Section 15 of the District Plan.

9. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

10.0 SECTION 11 NATURAL HAZARDS

- 10.1. Transpower consider that the section detailed below contains a typographical error.

10. SECTION 11 NATURAL HAZARDS

(all amendments shown in italics & underline and deletions shown in strikethrough)

1. **Amend** section 1 of 11.2 Activity Table as follows:

11.2.1 Activity Table

1. Any use, development or subdivision of land within areas identified as Natural Hazard Areas on the planning maps with the exception of upgrading of above and below ground electrical lines listed in 8.2.1 to 8.2-1.7.

2. **Adopt** any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.

11.0 CONCLUSIONS

- 11.1. The National Grid is recognised as a nationally significant physical resource. Particular provisions are required in PPC44 to protect and provide for this resource. Having reviewed PPC44, Transpower is generally satisfied with the provisions, however has set out in this submission a number of amendments to ensure that the NPSET is given effect to, appropriate recognition is given to the provisions of the NES-ET, and as a result of this appropriate provision is made for the ongoing operation, maintenance, upgrading and development of the network. The provisions sought also reflect changes to the buffer corridor management approach agreed with key stakeholders in rural areas.

12.0 TRANSPOWER WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION.

13.0 IF OTHERS MAKE A SIMILAR SUBMISSION, TRANSPOWER WOULD BE PREPARED TO PRESENT A JOINT CASE AT ANY HEARING.

14.0 TRANSPOWER COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.

DATED 27 November 2013

Signature for and on behalf of
Transpower New Zealand Limited:



Peter Hall
Associate Director/Planner

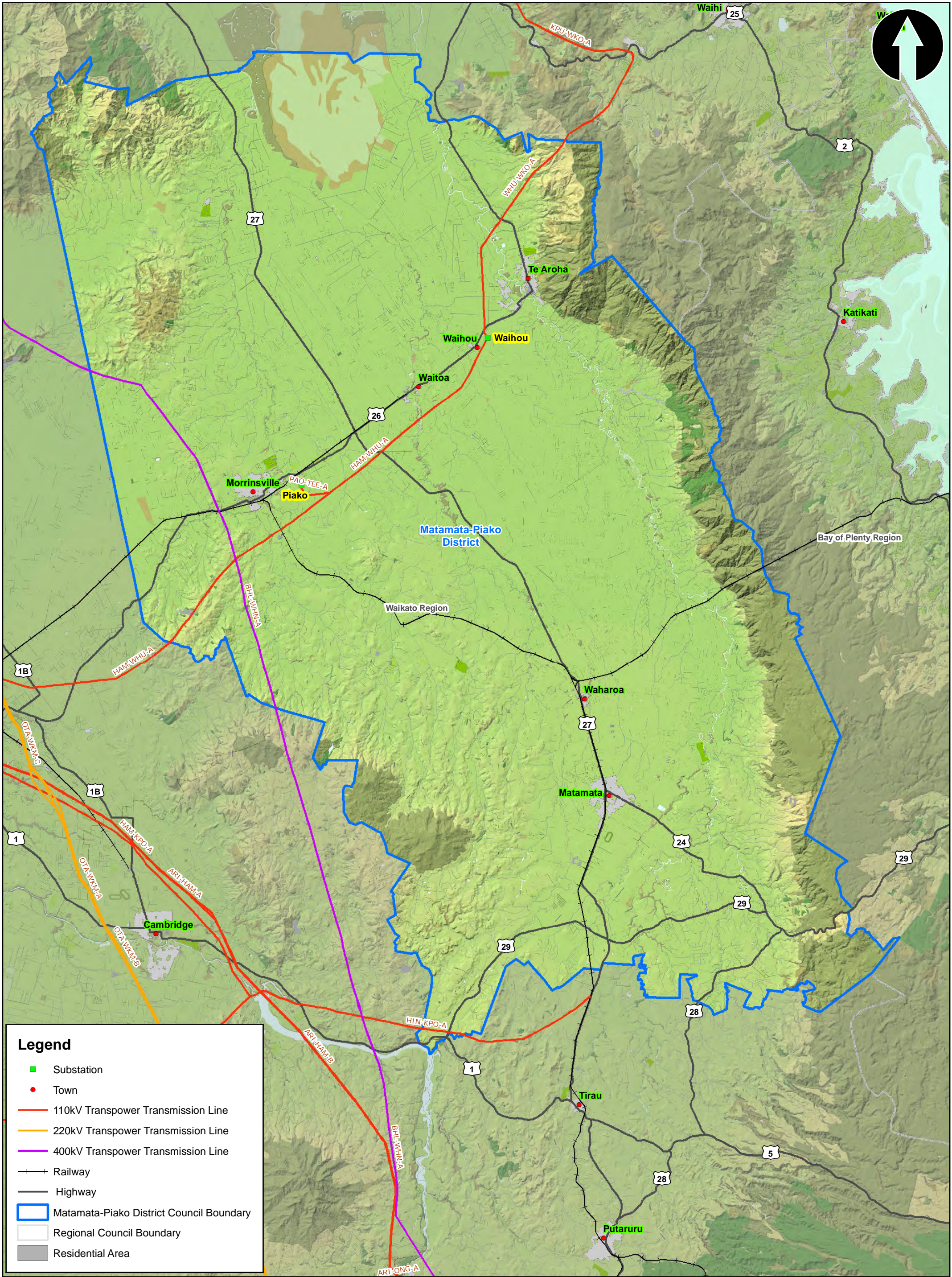
Address for Service: Boffa Miskell Limited
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Attn: Peter Hall / Jo Young

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Email: peter.hall@boffamiskell.co.nz
jo.young@boffamiskell.co.nz

Attachment A: Matamata Piako National Grid Transmission Assets



TRANSPOWER

Transpower Transmission Lines within
Matamata-Piako District

Projection: NZTM 2000 Scale: 1:200,000 Plan Size: A3P

0 5 10 Kilometers

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Kelly Moulder

From: Lynette Wharfe [lynette@agribusinessgroup.com]
Posted At: Wednesday, 27 November 2013 16:53
Conversation: PC 44 Submission
Posted To: Submissions (Corporate Planning)

Subject: PC 44 Submission

Categories: Green Category

Please find attached a submission on behalf of Horticulture NZ on PC 44.

Many thanks

Lynette Wharfe
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SUBMISSION ON PROPOSED PLAN CHANGE 44 TO THE MATAMATA PIAKO DISTRICT PLAN

TO: Matamata Piako District Council

SUBMISSION ON: Proposed Plan Change 44

NAME: Horticulture New Zealand

ADDRESS: PO Box 10 232
WELLINGTON

1. Horticulture New Zealand's submission, and the decisions sought, are detailed in the attached schedules:

Schedule One: Plan Change 44 Works and Network Utilities

2. Horticulture New Zealand wishes to be heard in support of this submission.

3. Background to Horticulture New Zealand and its RMA involvement:

3.1 Horticulture New Zealand was established on 1 December 2005, combining the New Zealand Vegetable and Potato Growers' and New Zealand Fruitgrowers' and New Zealand Berryfruit Growers Federations.

3.2 On behalf of its 7,000 active grower members Horticulture New Zealand takes a detailed involvement in resource management planning processes as part of its National Environmental Policies. Horticulture New Zealand works to raise growers' awareness of the RMA to ensure effective grower involvement under the Act, whether in the planning process or through resource consent applications. The principles that Horticulture New Zealand considers in assessing the implementation of the Resource Management Act 1991 (RMA) include:

- The effects based purpose of the Resource Management Act,
- Non-regulatory methods should be employed by councils;
- Regulation should impact fairly on the whole community, make sense in practice, and be developed in full consultation with those affected by it;
- Early consultation of land users in plan preparation;
- Ensuring that RMA plans work in the growers interests both in an environmental and sustainable economic production sense.

Thank you for the opportunity to submit on the Proposed Plan Change 44.



Chris Keenan

**Manager – Natural Resources and Environment
Horticulture New Zealand**

Dated: 27 November 2013

Address for service:

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SCHEDULE ONE: Plan Change 44 Works and Network Utilities

1.1 Definitions

1.1.2 Buffer corridor

Plan Change 44 seeks to add a definition for 'buffer corridor' that establishes a red zone and a green zone. The corridors are from the centreline of the transmission line and do not distinguish between the line and the tower or pole. NZECP 34:2001 distinguishes between the area under the line from the tower and poles and PC 44 should also provide the differentiation.

Decision sought:

Delete the definition of Buffer corridor and the definitions for "Red Zone and Green Zone and amend provisions for permitted activities to a setback around towers consistent with NZECP34:2001.

1.2. Horticultural structures

Horticulture NZ seeks to ensure that growers can establish crop protection structures and crop support structures consistent with NZECP34:2001.

Decision sought:

Add provision in 3.5.1 i) Permitted activities as follows

Any artificial crop protection structure or crop support structure is setback at least 12m from the outer visible edge of a transmission tower support structure unless Transpower has given written approval in accordance with clause 2.4.1 of NZECP34:2001 to a lesser setback.

Amend 3.6.1) as follows: New buildings or addition to existing buildings (excluding artificial crop protection structures and crop support structures) within 20 m....

Kelly Moulder

From: Martin Wallace [martin.wallace@clear.net.nz]
Sent: Wednesday, 27 November 2013 16:58
To: Patrick Clearwater
Subject: Submission to MPDC Plan changes 43 and 44
Attachments: Submission to MPDC on Plan Changes 43 and 44.pdf

Dear Patrick,

Please find attached a submission to the plan changes 43 and 44 from Environmental Futures Inc.

Martin Wallace

Submission to MPDC on Plan Changes 43 and 44

By Environmental Futures Inc., RD2, Morrinsville 3372

27 Nov 2013

1. **2.3.7 Regionally significant infrastructure networks**

Lack of clarity of the description of the balance required between the recognition of the public benefits of infrastructure and the adverse effects it may have on individuals.

It is not a given that reverse sensitivity effects need to be managed and the paragraph referring to them should be modified to indicate that these need only be managed in the case of existing infrastructure that is constrained to the extent that the adverse effects of infrastructure on the receiving environment can not be reasonably avoided or mitigated.

2. **2.3.8 Renewable electricity generation - Energy efficiency**

In the list of bullet points the word “less” in sub-bullets one and four should be replaced by “fewer”

Better grammar helps make the plan easier to read and understand without ambiguity and distraction.

3. **Sustainable management strategy - 6. Integrating land-use and infrastructure.**

The reference in the objective to non-compromise of infrastructure is too sweeping and unbalanced. It is also circular in stating that infrastructure should be planned so as to not compromise infrastructure.

This should refer only to land use as infrastructure in this case is a land use, and the non-compromise should relate only to regionally significant infrastructure, not all. The requirement to not compromise should be changed to not unreasonably compromise. Corresponding changes should be made to the Policy and Explanation and to proposed 3.8.1.

The third bullet point of the objective is unnecessary and should be deleted.

4. **Sustainable management strategy - 7. Regionally significant infrastructure – O3**

The requirement in O3 that reverse sensitivity effects on regionally significant infrastructure must be avoided, remedied or mitigated is too broad.

The Objective should be qualified by adding the words “where necessary” after the word “including”. Amend Explanation accordingly.

5. Sustainable management strategy – Anticipated Environmental Results.

The above submissions should be reflected in deletion or corresponding amendment of AERs 7, 11, and 14.

6. 3.1.2 Natural environment and heritage

It is not clear why this section is modified in changes related to Transportation and works and Network Utilities. They are not all inappropriate changes but should not be made until the plan change relating to Natural Environment and Heritage is undertaken.

7. 3.2.2 Natural hazards – Flooding -Policies, Explanations and AER 6

P5 and its explanation is a risky approach given climate change and costs of such works. Deletion of SP1 is not supported as, if thought out well, this may well be a more cost effective tool.

Delete the proposed changes.

8. 3.2.2 Natural hazards – Land Movement - Policies

Oppose the deletions as these are useful policies and have worked well in the past.

Retain the status quo.

9. 3.5.2 Amenity Nuisance Effects – O6

Oppose inclusion of “planned infrastructure networks” . This is too broad for an adequate understanding by users of the plan and means that proposed infrastructure is unfairly favoured over other development or protection and circumvents adequate debate.

Restrict change to existing only.

10. 3.7.1 Significant resource management issues

4th new paragraph: Reverse sensitivity protection of infrastructure should not be introduced as a certainty when it should be the primary effect, the odour or noise for example, that should be avoided or mitigated rather than simply restrict the uses of land by those nearby.

This paragraph should be reworded to provide for “consideration” of such RS protection for existing infrastructure only, and only in cases where the primary source of the primary effect cannot be avoided.

11. 3.7.2 Works and network utilities – Provision and benefits

The modifications here are radical and the change to for example P5 is incomplete in showing the changes struck out. The new wording of P5 reverses the intent of the original policy, which was to be precautionary where doubt exists over the potential impact of the utility development. This could be doubts about effects of power cable radiation or that of cell phone sites.

The original should be retained and the new wordings deleted.

12. 5.2.9 Internal noise limits – railway lines and state highways

The new rules proposed should only apply where the locations are proposed to be less than the existing yards so that peoples’ development rights are not compromised.

If suitable noise limits for sensitive activities would be breached at or further from the highway or railway line, then the limits should not apply, and if a new or upgrade of the highway or railway line is proposed then it should be the responsibility of the road or railway line owner to ensure compliance with the noise limits, not the receiver of the noise.

Delete 5.2.9 or modify accordingly and make consequential amendments.

We wish to be heard in support of our submission

Martin Wallace

Coordinator

Kelly Moulder

From: Mary Barton [Mary.Barton@chorus.co.nz]
Posted At: Wednesday, 27 November 2013 16:59
Conversation: Telecom submission - Plan Change 44
Posted To: Submissions (Corporate Planning)

Subject: Telecom submission - Plan Change 44

Categories: Green Category

Please find attached a copy of the submission made on behalf of **Telecom New Zealand** to proposed Plan Change 44. This is an electronic, and therefore non-signed copy of the submission. A signed copy is available on request, as is a Word copy.

If you have any questions with respect to this submission please give me a call on the number(s) below.

Regards

Mary Barton
Senior Environmental Planner

T 04 382 5465 (extn 46465)
M 027 702 8650
E Mary.Barton@chorus.co.nz



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P O Box 632, Wellington
www.chorus.co.nz

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Form 5

**Submission on Plan Change 44 to the Matamata-Piako District Plan
Under Clause 6 of the First Schedule to the Resource Management Act 1991**

To: Matamata-Piako District Council
PO Box 266
Te Aroha 3342

Submission on: Plan Change 44 – Works and Network Utilities to the Matamata-Piako District Plan

Name: Telecom New Zealand Limited

Address: PO Box 920028
AUCKLAND
(Please note different address for service below)

1. Trade Competition

Telecom New Zealand Limited could not gain any advantage in trade competition through this submission.

Telecom New Zealand Limited is directly affected by the subject matter to which this submission relates. The subject matter relates to environmental affects and not trade competition or the effects of trade competition.

2. Telecom New Zealand Limited (Telecom) makes the following general submission:

At midnight on 30 November 2011, Telecom de-merged into two separate publicly listed companies, with Telecom becoming a retail service provider and Chorus a network services operator. As part of its business, Telecom has retained a number of network assets that may be affected by district plans including:

- A 3G mobile network, with a 4G mobile network currently in development which will provide a higher speed network with increased data capacity;
- Aspects of the Public Switched Telecom Network (PSTN) for fixed line calling including a number of major exchanges;
- International Satellite Station and cable terminal assets; and
- Telecom payphones.

The purpose of the Resource Management Act 1991, as embodied in section 5, is promotion of the sustainable management of natural and physical resources. Telecommunications infrastructure is a significant physical resource, and the safe, reliable and efficient functioning of the network is vital for the regional economy and is in the public interest.

Telecom is a major telecommunication network provider within Matamata-Piako District. The network is utilised for a wide range of purposes that are essential to modern society. This includes personal and commercial communications, wireless data transfer, linking financial institutions to convey critical financial transaction data, fire and burglary monitoring and control

facilities, and other emergency services communications. The provision of resilient telecommunication networks during emergencies is critical, as has been highlighted in the case of the Canterbury earthquakes. The Telecom network is subject to constant maintenance, modification and upgrading as the number of customers and services increase, and changes in technology occur.

Within any District Plan there is a need to provide a balance between the policy and rules framework that provides for the efficient maintenance and rollout of network utility infrastructure, with appropriately managing the effects on the environment from this infrastructure. There has been in recent years a shift in how these two issues are balanced with the provision for infrastructure historically playing a passive background role. The recent shift places significantly greater importance on the need to allow for critical infrastructure and network utilities. The *Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008* (NESTF) which deals with the provision for telecommunications in roads is an example of a measure put in place by Government to better provide for deployment of critical infrastructure. The NESTF is a permissive instrument, and overrides all District Plans that are more restrictive.

The purpose of this submission is to ensure that the Works and Network Utilities provisions of the Matamata-Piako District Plan proposed through Plan Change 44 adequately recognise and provide for telecommunication and radio-communication utility infrastructure, and do not unnecessarily impede the efficient and effective operation, maintenance and upgrading of the network.

3. Telecom makes the following submissions on Plan Change 44, and seeks:

The particular parts of the Plan Change 44 to which Telecom's submissions relate, and the relief sought are outlined in the attached table. Telecom's submissions seek:

EITHER

- (i) The relief as set out in the specific submissions within the attached table;

OR

- (ii) Such other relief to like effect to remedy the concerns outlined in the submissions;

AND in relation to both (i) and (ii) above

- (iii) Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

4. Telecom New Zealand Limited does wish to be heard in support of its submission.

5. If others make a similar submission Telecom would be prepared to consider presenting a joint case with them at any hearing.

Submission authorised by: Paul Hallowes, Telecom New Zealand Ltd

Dated at Auckland this 27 day of November 2013

Address for Service:

Telecom New Zealand Limited
C/- Chorus New Zealand Limited
PO Box 632
Wellington

Contact Details:

Attention: Mary Barton
Telephone: 04 382 5465
E-mail: mary.barton@chorus.co.nz

Telecom New Zealand Limited

Submission on the Matamata-Piako District Plan, Plan Change 44: Works and Network Utilities

Specific provision this submission point relates to	Telecom opposes / supports the specific provision	Telecom's submission is that	Telecom seeks the following decision from the Council
Part B: Rules, Section 3 Development controls			
3.8 Activities (other than flood control works – see Section 8.8) adjacent to the main channel and tributaries and the WRC's flood control and erosion protection assets ...	Oppose in part	The rule does not provide any consideration of network utilities in flood hazard areas – therefore resource consent as a restricted discretionary activity is required in all instances for network utility infrastructure. Given that it can often be necessary and appropriate for utilities to be located in such areas (and in most instances they do not involve habitable structures), their installation should be provided for in instances where the Regional Council has been consulted with and has provided their consent.	That permitted status be provided for network utilities in Waikato Regional Council's (WRC) flood control and erosion protection assets in the Waihou Valley and Piako River Flood Protection Schemes, where WRC has given their authorization to the installation of the infrastructure.
Part B: Rules, Section 8 Works and network utilities			
8.1 Telecommunication, 8.1.1 Activity table, 11. Telecommunication buildings and structures and associated equipment outside of the reserve of a formed road.	Oppose in part	This rule would capture all minor equipment such as equipment cabinets in the Residential, Rural Residential, Kaitiaki (Conservation), Identified Significant Features and Public Reserves zones, as well as in Unformed Roads. This is not considered appropriate given the minor effects associated with such equipment, and in particular the need to service residential areas with telecommunications infrastructure. As such, an automatic discretionary activity status is overly onerous for such equipment. Resource consent should only be required for such equipment in all instances where the appropriate underlying zone standards are not complied with (as is required by the linkage provide via Performance Standard 8.1.2(iii)).	Amend Rule 8.1.1.11 to update the activity status from discretionary to permitted in all zones (with the exception of Formed Roads, which is N/A).

Telecom New Zealand Limited

Submission on the Matamata-Piako District Plan, Plan Change 44: Works and Network Utilities

Specific provision this submission point relates to	Telecom opposes / supports the specific provision	Telecom's submission is that	Telecom seeks the following decision from the Council
8.1 Telecommunication, 8.1.1 Activity table, 13.1. A maximum of two antennas attached to any building or structure ... [permitted in all zones, discretionary in roads]	Oppose in part	<p>The maximum of two antennas is unduly restrictive in terms of the number of antennas attached to a building or structure, where in most circumstances more than two antennas are required to meet coverage objectives. The rule as drafted would therefore result in resource consent being required in most instances where antennas are proposed to be installed, even though the associated effects are generally less than minor.</p> <p>Antennas for mobile networks are typically installed to cover an area comprising a full 360° range (where directional antennas are used). Two antennas are unable to fully service this range, as at the very least three antennas are necessary to meet a 360° coverage requirement. As such, a maximum of three antennas is sought instead of two.</p> <p>The 1.2m² area and 1.2m diameter restrictions in the rule are otherwise acceptable.</p>	Amend Rule 8.1.1.13.1 to change the maximum antenna number restriction from two to three.
8.1 Telecommunication, 8.1.1 Activity table, 13.2 More than two antennas attached to any building of structure ... [permitted in Business, Industrial]	Oppose in part	The rule is considered acceptable provided the antenna number restriction is updated as outlined in the submission point for rule 8.1.1.13.1.	Amend Rule 8.1.1.13.2 to change the maximum antenna number restriction from two to three.

Telecom New Zealand Limited

Submission on the Matamata-Piako District Plan, Plan Change 44: Works and Network Utilities

Specific provision this submission point relates to	Telecom opposes / supports the specific provision	Telecom's submission is that	Telecom seeks the following decision from the Council
and Rural zones, discretionary elsewhere]			
8.1 Telecommunication, 8.1.1 Activity table, [proposed new provision]	Support	Exclusions for telecommunications infrastructure from earthworks and vegetation trimming requirements are not specifically provided for in the Plan. These exclusions are sought on the basis that essential telecommunications-related activities that would otherwise be permitted activities should not be 'caught' by ancillary rules elsewhere in the Plan. An example of this is the installation of underground lines, which is a permitted activity, but without provision of a specific exclusion for earthworks, could otherwise require resource consent.	Insertion of a rule providing exclusions for telecommunications infrastructure from earthworks and vegetation trimming requirements elsewhere in the Plan. It is suggested that this rule be inserted within Activity Table 8.1.1.
8.1 Telecommunication, 8.1.2 Performance standards, (iii) Additional performance standards applicable to activities permitted under Table 8.1.1.11 and 8.1.1.12: ...	Oppose in part	1. Equipment cabinets are required throughout residential areas to support the telecommunications network. It is not considered appropriate that yard setback requirements within the Residential and Rural Residential zones apply to equipment cabinets in such areas, as these are minor structures that are often best located close to a property boundary to ensure that it is out of the way of other substantive activities on the subject site. Equipment cabinets are sometimes required to be located on private property in residential areas where an appropriate location in road reserve cannot be acquired. As such, locating a cabinet within a front yard or a side yard (possibly behind a fence or landscape planting) can be a low impact and tidy	1. Amend Performance Standard 8.1.2 to provide an exclusion for equipment cabinets from having to comply with the yard setback standards within the Residential and Rural Residential Zones under 8.1.2(iii)(a)(ii). 2. Amend Performance Standard 8.1.2 to remove the reference to the 3.5m antenna height dispensation under 8.1.2(iii)(a)(iii) and reinsert this requirement within Rules 8.1.1.13.1 and 8.1.1.13.2.

Telecom New Zealand Limited

Submission on the Matamata-Piako District Plan, Plan Change 44: Works and Network Utilities

Specific provision this submission point relates to	Telecom opposes / supports the specific provision	Telecom's submission is that	Telecom seeks the following decision from the Council
		<p>solution in such instances.</p> <p>2. Rules 8.1.1.11 and 8.1.1.12 do not include activities relating specifically to antennas. Standard 8.1.2(iii)(a)(iii) requires that <i>antennas attached to buildings and structures shall not exceed the height of the building or structure to which it is attached, plus 3.5m (irrespective of the maximum height for the zone)</i>, which is supported as this provides sufficient height necessary for the installation of antennas. However, for the purposes of clarity, it is considered that 3.5m height dispensation for antennas should be removed from within the performance standard and be applied directly to the antenna-specific rules.</p>	

Kelly Moulder

From: Georgina McPherson [GMcPherson@burtonconsultants.co.nz]
Posted At: Wednesday, 27 November 2013 17:00
Conversation: Powerco submission to PC44
Posted To: Submissions (Corporate Planning)

Subject: Powerco submission to PC44

Categories: Green Category

Dear Sir / Madam

Please find attached a submission lodged on behalf of our client Powerco Limited to proposed Plan Change 44 – Works and Network Utilities.

Please don't hesitate to contact me should you have any questions relating to the matters set out in the submission.

Kind regards

Georgina



Georgina McPherson | Senior Planner

**PO Box 33-817 | Level 1, 2-8 Northcroft Street | Takapuna |
Auckland 0740
DDI: 09 917 4301 | tel: 09 917 4300 | fax: 09 917 4311
Email: gmcpherson@burtonconsultants.co.nz**

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**SUBMISSION BY POWERCO LIMITED ON PROPOSED PLAN
CHANGE 44 (WORKS AND NETWORK UTILITIES) TO THE
MATAMATA PIAKO DISTRICT PLAN**

27th November 2013

TO: Matamata-Piako District Council
PO Box 266
Te Aroha 3342

BY EMAIL: submissions@mpdc.govt.nz

FROM: Powerco Limited ("Powerco")
Private Bag 2061
NEW PLYMOUTH 4342

ADDRESS FOR SERVICE: BURTON PLANNING CONSULTANTS LIMITED
Level 1, 2-8 Northcroft Street
PO Box 33-817, Takapuna
AUCKLAND 0740

Attention: Georgina McPherson

Phone: (09) 917 4301

Fax: (09) 917 4311

gmcpherson@burtonconsultants.co.nz

1. INTRODUCTION

- 1.1 Powerco is New Zealand's second largest gas and electricity Distribution Company and has experience with energy distribution in New Zealand spanning more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 400,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand
- 1.2 Powerco's electricity networks are in Tauranga, Thames, Coromandel, Eastern and Southern Waikato (including a small area within the Waipa District), Taranaki, Wanganui, Rangitikei, Manawatu and the Wairarapa. It has gas pipeline networks in Taranaki, Hutt Valley, Porirua, Wellington, Horowhenua, Manawatu and the Hawkes Bay. Powerco's customers are served through over 27,000 kilometres of electricity lines (including overhead lines and underground cables) and 5,800 kilometres of gas pipelines.
- 1.3 The Matamata sub transmission network is based within the Valley region (refer Attachment A for Map). The Valley region covers the eastern area of the Waikato as far south as Kinleith, plus Waihi and the Coromandel Peninsula. Several small towns have some industrial load, and the rural area is predominantly dairy farming load. The region has six grid exit points owned and operated by Transpower supplying Powerco's network at 66, 33 and 11kV.
- 1.4 Powerco is also proposing to install a new grid exit point at Putaruru to increase security of supply and address capacity issues in the area. Powerco is also undertaking assessments to address capacity issues at existing Powerco zone substations. This is likely to result in an additional five zone substations requiring construction in the Valley region over the next 10 year planning period.

The Resource Management Act 1991

- 1.5 Under the Resource Management Act 1991 (RMA), Powerco's electricity infrastructure is a significant physical resource that must be sustainably managed, and any adverse effects on that infrastructure must be avoided, remedied or mitigated.

Waikato Regional Energy Strategy.

1.6 On 19th August 2009 Environment Waikato launched the Waikato Regional Energy Strategy. The overall purpose of the strategy is to:

- encourage and enable energy conservation and efficiency;
- promote the Waikato region's role in maintaining security of energy supply;
- facilitate the development and use of renewable energy sources and innovative energy technologies; and
- acknowledge and promote the crucial role of energy in the regional and national economy.

1.7 The Strategy makes a number of relevant recommendations including:

- *The Regional Energy Strategy advocates for policies and actions that promote the generation of electricity from renewable sources and innovative energy technologies within the region, that recognise the importance of security of supply.*
- *The Regional Energy Strategy advocates for policies and actions that recognise transmission of electricity as an important part of maintaining security of supply.*
- *That the Waikato is an important conduit for meeting the transmission of electricity around New Zealand to meet national demand.*
- *Grid and network investment and maintenance is an important component in the development of renewable sources of electricity generation (due to its role in facilitating connection to the National Grid).*

What action is required

- *Acknowledge the importance of the Waikato region's role in transmission and distribution both for local and national business and community energy needs.*
- *Recognise the importance of all transmission and distribution, in national, regional and local policy documents.*
- *Improve information and education available to local authorities and policy makers to support understanding of the importance of transmission and distribution and to recognise its critical role for wellbeing and economic growth.*
- *Advocate for policy to support and enable planned maintenance and upgrading of existing transmission lines.*
- *Support the development of new lines to meet local and national needs.*

Operative Waikato Regional Policy Statement

- 1.8 The Operative Waikato Regional Policy Statement includes the following relevant provisions:

Issue 13.12.1 *Inefficient energy production and use uses natural resources at a greater rate than is needed and results in unnecessary adverse effects on natural and physical resources.*

Objective 3.12.2 *Efficient use of energy within the Waikato Region*

Policy One. *To promote efficiency and conservation in the production, transmission and consumption of energy.*

Implementation Methods:

1. *Advocate, through community information and education, for the promotion of energy efficiency, conservation and the adoption of appropriate energy forms and technologies.*
2. *Encourage the use of alternative and renewable energy sources through community education.*
3. *Encourage inter-agency co-operation in undertaking research into the Region's available energy sources and appropriate energy technologies, through regional and annual plans and reviewing of research proposals (e.g. public good science funding input).*
4. *Advocate energy efficiency in the design, location and operation of buildings and other structures through community information, regional plans and resource consents.*
5. *Encourage Central Government to prepare a National Energy Strategy.*
6. *Encourage the efficient use of energy in the transport sector through the Regional Land Transport Strategy.*

Issue 3.13.2: *Infrastructure (including network utilities) enable people and communities to meet their social, economic and cultural needs and is therefore important to the Region. Inappropriate subdivision, use and development of land can result in conflicts and incompatibilities between activities which may significantly compromise the operation of regionally significant infrastructure.*

Objective: *The continued operation of regionally significant infrastructure (including network utilities) maintained or enhanced.*

Policy One: Maintenance of Infrastructure

Avoidance of significant adverse effects (including cumulative effects) on the safe and efficient operation of regionally significant infrastructure. Where significant adverse effects on regionally significant infrastructure cannot be avoided they shall be remedied or mitigated.

Proposed Waikato RPS

- 1.9 The Regional Council is currently reviewing its RPS. Decisions on the proposed RPS were notified in November 2012 and a number of provisions were appealed. The Proposed Waikato RPS contains a number of relevant provisions as follows. Those provisions marked with an asterisk (*) below are subject to appeal:

***3.11** *Development of the built environment (including transport and other infrastructure) and associated land use occurs in an integrated, sustainable and planned manner which provides for positive environmental, social, cultural and economic outcomes, including by:*

- (i) promoting positive indigenous biodiversity outcomes;*
- (ii) integrating land use and infrastructure planning, including by ensuring that development of the built environment does not compromise the safe, efficient and effective operation of infrastructure corridors;*
- (iii) recognising and protecting the value and long-term benefits of regionally significant infrastructure;*
- (iv) protecting access to identified significant mineral resources;*
- (v) minimising land use conflicts, including minimising potential for reverse sensitivity;*
- (vi) anticipating and responding to changing land use pressures outside the Waikato region which may impact on the built environment within the region;*
- (vii) providing for the development, operation, maintenance and upgrading of new and existing renewable electricity generation activities including small and community scale generation; and*
- (viii) recognising the value and benefits of a viable and vibrant central business district in Hamilton city, with a supporting complementary network of sub-regional and town centres.*

***Policy 6.6 Significant infrastructure and energy resources**

- a) Management of the built environment ensures that the effectiveness and efficiency of existing and planned regionally significant infrastructure is protected.*
- b) Regard is given to the benefits that can be gained from the development and use of regionally significant infrastructure and energy resources, recognising and providing for the particular benefits of renewable electricity generation*

Implementation methods

***6.6.1 Plan provisions**

Regional and district plans shall include provisions that give effect to Policy 6.6, and in particular, that management of the built environment:

- a) *does not result in adverse effects on significant transport corridors as defined in Maps 6.1 and 6.1A (section 6B) through avoiding ribbon development and avoiding as far as practicable additional access points and exacerbation of community severance*
- ba) *provides for renewable energy by having particular regard to:*
 - i) *the increasing requirement for electricity generation from renewable sources such as geothermal, fresh water, wind, solar, biomass and marine, and the need to maintain generation from existing renewable electricity generation activities;*
 - ii) *the need for electricity generation to locate where energy sources exist, and transmission infrastructure to connect these generation sites to the national grid or local distribution network;*
 - iii) *the logistical or technical practicalities associated with developing, upgrading, operating or maintaining renewable electricity generation, or electricity transmission activities;*
 - iv) *any residual environmental effects of renewable electricity generation activities which cannot be avoided, remedied or mitigated can be offset or compensated to benefit the affected community or the region; and*
 - v) *the benefits of renewable electricity generation activities including maintaining or increasing security of electricity supply.*
- ca) *provides for infrastructure in a manner that:*
 - i) *recognises that infrastructure development can adversely affect people and communities; and*
 - ii) *does not result in land uses that adversely affect the effective and efficient operation of existing and planned regionally significant infrastructure.*

***6.6.2 Transmission corridor management approach**

Waikato Regional Council will work with territorial authorities and energy companies to develop a transmission corridor management approach which:

- a) *recognises the benefits of the national electricity grid;*
- b) *identifies key transmission corridors and provides for their protection from inappropriate subdivision, use and development, including through identification of corridors in district plans as appropriate;*
- c) *identifies and addresses potential effects on people and communities and natural and physical resources from new transmission infrastructure;*
- d) *seeks opportunities for alignment with other infrastructure corridors;*
- e) *recognises that energy companies may be affected parties with respect to land use change, including subdivision and development; and*
- f) *seeks to manage the effects of third parties on the safe and efficient operation of the transmission network.*

***6.6.5 Measures to avoid adverse effects**

Local authorities should ensure that appropriate measures are implemented to avoid adverse effects of development of the built environment on the safe, efficient and effective operation of regionally significant infrastructure. With

respect to electricity transmission corridors, development should be in general accordance with Transpower's Transmission Corridor Management Guidelines.

***6.6.6 Resilience of regionally significant infrastructure**

Local authorities should work with other infrastructure providers to encourage ways to maintain and improve the resilience of regionally significant infrastructure, such as through back-up systems and protection from the risk of natural hazards.

- 1.10 Both the Operative and Proposed RPS's detail how activities involving regionally significant infrastructure and renewable energy will be addressed. They recognise that some infrastructure is regionally and nationally important and that there can be logistical or technical constraints on where infrastructure must be located to serve communities and operate efficiently and also that adverse effects upon infrastructure from growth and development need to be addressed appropriately. Furthermore the provisions identify that the benefits of electricity infrastructure need to be recognised and appropriately weighed along with other matters in the decision making process. Powerco's electricity network is as regionally significant infrastructure in the Proposed RPS. It is therefore appropriate, given the local and regional significance of Powerco's network, that its management is comprehensively addressed in the Matamata Piako District Plan.

2. GENERAL COMMENTS ON PROPOSED PLAN CHANGE 44

- 2.1 Reliable and constant energy supply is critical to sustaining our regional economy, population and way of life and demand for energy is constantly increasing. Powerco faces an increasing number of constraints, in terms of providing a secure and reliable supply of electricity to meet the increasing demand and population growth.
- 2.2 Powerco has provided feedback to the Council at various stages of its network utilities review and acknowledges the extent to which its comments have been reflected in Proposed Plan Change 44 (PC44). Powerco is generally in support of PC44. However, a number of minor changes are sought in order to clarify the intent of certain provisions.
- 2.3 Overall, Powerco seeks to ensure that PC44 appropriately recognises and provides for Powerco's assets throughout the district and seeks to protect those assets from the adverse effects of inappropriate subdivision, use and development. It also seeks to

ensure that growth is appropriately co-ordinated with the availability and provision of network utilities in order to maintain security of energy supply to the Matamata Piako community and to enable service providers, including itself, to better plan and provide a more rational and timely sequencing of infrastructure needs.

3. PART A – 2. SUSTAINABLE MANAGEMENT STRATEGY

- 3.1 Section 2 of Part A of the Operative District Plan sets out the sustainable management strategy for the district. Objectives and policies relating to the sustainable management strategy are contained in section 2.4.
- 3.2 Part 6 of section 2.4 sets out objectives and policies relating to the integration of land-use and infrastructure. Powerco supports Objective O1 and policies P1, P2 and P4 to P6 under this heading.
- 3.3 Part 7 of section 2.4 sets out objectives and policies relating to regionally significant infrastructure. Powerco supports Objectives O1 and O3. It supports the intent of O2, but considers that it could be simplified by removing wording that essentially repeats O1, namely the reference to the national, regional and local benefits of regionally significant infrastructure.
- 3.4 Powerco supports Policies P1, P2, P4, P5 and P6 under the heading 2.4.7 *Regionally significant infrastructure*.
- 3.5 Powerco supports the intent of Policy P3. However, it does not consider it is appropriate to include the example of co-siting of infrastructure in the context of this policy. This could be referred to in the explanation to the policy. However, co-siting is, in any case, adequately addressed in P1 of section 3.7.2 Works and network utilities, 1. Community infrastructure.

Relief Sought – Part A 2. Sustainable Management Strategy

(additions underlined; deletions in strikethrough)

- 1. Retain objective O1 and policies P1, P2 and P4 to P6 in section 2.4.6. Integrating land-use and infrastructure without modification, as follows.**

O1

Land-use and infrastructure are planned in an integrated manner that:

- *Does not compromise the function, operation, maintenance, upgrading or development of infrastructure, including regionally significant infrastructure;*
- *Recognises the need for the provision of infrastructure and subdivision, land-use and development to be co-ordinated; and*
- *Ensures the sustainable management of natural and physical resources while enabling people and communities to provide for their economic, social, and cultural wellbeing.*

P1

Rezoning, new development, and expansion/ intensification of existing development shall take place where:

- *The operation, maintenance, upgrading, or development of infrastructure, including regionally significant infrastructure, is not compromised;*
- *There is sufficient capacity in the infrastructure networks to cope with the additional demand, or where the existing networks can be upgraded cost effectively to meet that demand; and*
- *The networks have been designed to carry the type of service including the type and volume of traffic required to support the development.*

P2

Land use and infrastructure must be coordinated so that:

- *Development can be appropriately serviced by infrastructure in a cost-effective manner;*
- *Land use change does not result in adverse effects on the functioning of infrastructure networks; and*
- *Development does not adversely affect the efficiency and effectiveness of infrastructure networks*

P4

Subdivision and development which result in the uneconomic expansion of existing infrastructure shall be avoided.

P5

The increased demand on infrastructure is managed by requiring subdivision and development to be co-ordinated with the provision of infrastructure and integrated with the transport network and the District's road hierarchy.

P6

The role of sustainable design technologies such as rainwater harvesting, rain gardens and grey water recycling in reducing pressures on, and the cost of providing, maintaining, and upgrading infrastructure networks, is recognised.

2. Retain objective O1 in section 2.4.7. Regionally significant infrastructure without modification, as follows:

O1

The national, regional, and local benefits of regionally significant infrastructure are recognised and protected.

3. Amend objective O2 in section 2.4.7. Regionally significant infrastructure to simplify interpretation of the objective and avoid repetition of objective O1, as follows:

O2

Operation, maintenance, upgrading, and development of regionally significant infrastructure is enabled, efficiency is promoted, and the asset is protected ~~to promote the economic, social, and cultural wellbeing of national, regional and local communities,~~ while avoiding, remedying or mitigating adverse effects on the environment to the greatest extent practicable.

4. Retain policies P1, P2, P4, P5 and P6 in section 2.4.7. Regionally significant infrastructure, without modification.

P1

Enable the safe and efficient operation, maintenance, upgrading, and development of regionally significant infrastructure by recognising:

- *Operational requirements and technical constraints;*
- *Location, route, and design constraints;*
- *The complexity of infrastructure services and that infrastructure is generally managed as a connected network; and*
- *The benefits of regionally significant infrastructure to the wider community.*

P2

Require the development and upgrading of regionally significant infrastructure to avoid, remedy or mitigate adverse effects to the extent practicable on the:

- *Health, safety, and wellbeing of people;*
- *Visual and amenity values;*
- *Natural and physical environment;*
- *Intrinsic values of scheduled sites; and*
- *Existing sensitive activities.*

P4

Ensure that the provision of works and network utilities that cross jurisdictional boundaries can be managed in an integrated manner.

P5

Prevent inappropriate subdivision, use and development that may compromise the efficient, affordable, secure, and reliable operation and capacity of regionally significant infrastructure.

P6

As far as practicable, the location of regionally significant infrastructure is identified on the Planning Maps.

5. Amend policy P3 in section 2.4.7. Regionally significant infrastructure to remove the reference to co-siting of infrastructure, as follows:

Substantial upgrades of regionally significant infrastructure should, where practicable, be used as an opportunity to reduce existing significant adverse effects ~~such as by promoting co-siting of infrastructure.~~

4. PART A – 3.7 WORKS AND NETWORK UTILITIES

- 4.1 Section 3.7 of Part A of the operative District Plan sets out issues, objectives and policies relating to works and network utilities in the Matamata Piako District.
- 4.2 Part 1 of Section 3.7.2 deals with Community Infrastructure. Powerco supports objective O1, which seek to enable and protect network utilities, while managing adverse effects and objective O2, which seeks to ensure that development and utilities are provided in an integrated and coordinated manner.
- 4.3 Powerco supports policies P1, P3, P4 and P5. The intent of policy P2 is supported. However, Powerco seeks the deletion of the words 'of adjacent lands'. It is not clear what 'adjacent lands' means or how it might apply in the context of electricity lines, where development directly below the lines may need to be managed to avoid or mitigate adverse effects.

- 4.4 The intent of policy P6 to ensure timely provision of the network utilities required to serve new development is supported. However, Powerco seeks a number of changes to the wording of the policy. Bullet points 3, 4 and 6 relate to the protection of network utilities from inappropriate development, use or subdivision and should be deleted. These matters are dealt with in objective O1 and its supporting policies P1 to P4. Policy P6 should also be amended to require the development of identified growth areas and areas with existing infrastructure capacity in the first instance. This will encourage the efficient use of existing available infrastructure capacity prior to developing new areas of infrastructure.

Relief Sought – Part A – 3.7 Works and Network Utilities

(additions underlined; deletions in strikethrough)

- 6. Retain objectives O1 and O2 in section 3.7.2. Community Infrastructure, without modification.**

O1

The safe, efficient, and reliable provision of works and network utilities essential for the wellbeing of the community is enabled and protected, while the associated adverse effects are appropriately managed.

O2

Development is planned, and works and network utilities are provided, in an integrated and coordinated manner

- 7. Amend policy P2 in section 3.7.1. Community infrastructure to remove the reference to ‘adjacent lands’ to avoid the need to define the extent of such ‘adjacent lands’, as follows:**

To protect works and network utilities from incompatible development, use or subdivision ~~of adjacent lands~~.

- 8. Amend Policy P6 to remove those clauses which relate to the protection of network utilities from inappropriate development, use or subdivision, as these matters are dealt with in objective O1 and its supporting policies P1 to P4 and include a requirement to prioritise the development of planned growth areas, as follows:**

The nature, timing, and sequencing of landuse, development and subdivision must:

- *Prioritise the development of identified growth areas and areas with existing infrastructure capacity in order to achieve the efficient use of existing network utilities;*
- *Be co-ordinated with the funding, implementation, and operation of the associated requirements for works and network utilities;*
- *Optimise the efficient and affordable provision of works and network utilities;*
- ~~*Maintain and enhance the operational efficiency, effectiveness, viability and safety of works and network utilities;*~~
- ~~*Protect investment in existing works and network utilities;*~~
- *Ensure new development does not occur until appropriate infrastructure services are in place or alternative infrastructure has been provided by the development; and:*
- ~~*Retain the ability to maintain and upgrade works and network utilities.*~~

5. PART B – 3.6 DEVELOPMENT ADJACENT TO SUB-TRANSMISSION LINES (ALL DISTRICT PLAN ZONES)

- 5.1 Rule 3.6(i) specifies that new buildings or additions to existing buildings within 20m of the centreline of a sub-transmission line will be a permitted activity provided compliance with New Zealand Code of Practice for Electrical Safe Distances 34:2001 (NZECP 34:2001) is achieved. Under Rule 3.6(ii), new buildings or additions to existing buildings within 20m of the centreline of a sub-transmission line, which cannot demonstrate compliance with NZECP34:2001 will require non-complying activity consent.
- 5.2 Powerco can support this approach as it draws attention to the need for compliance with the safe setback distances required in NZECP 34:2001. NZECP 34:2001 sets out the minimum safe separation distances to control the interface between overhead electric lines and the wider public environment, to ensure public safety, and to preserve the reliability of the electrical supply system for all consumers. NZECP 34:2001 contains minimum safe distances from towers, poles and conductors for a number of activities that are specifically regulated through district plans for other reasons, in particular buildings/structures and earthworks. It also provides safe distances for the operation of mobile plant and machinery under and near conductors.

- 5.3 Compliance with NZECP34:2001 is mandatory. However, this is not widely recognised.
- 5.4 Powerco supports the inclusion of the two advice notes relating to compliance with NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations and seeks that these be retained.

Relief Sought – Part B – 3.6 Development Adjacent to Sub-Transmission Lines (All District Plan Zones)

- 9. Retain Rules 3.6(i) and (ii), which seek to ensure that new buildings or additions to existing buildings within 20m of the centreline of a sub-transmission line will achieve compliance with NZECP34:2001, as follows:**

3.6 Development adjacent to sub-transmission lines (all District Plan zones)

(i) Permitted activities

New buildings or additions to existing buildings within 20m of the centreline of a subtransmission line (identified on the Planning Maps) that have demonstrated compliance with NZECP 34:2001 are a permitted activity.

(ii) Non-complying activities

New buildings or additions to existing buildings within 20m of the centreline of a subtransmission line (identified on the Planning Maps) that have not demonstrated compliance with NZECP 34:2001 are a non-complying activity.

- 10. Retain the two advice notes associated with Rule 3.6 without modification, as follows:**

Advice Note: Works in close proximity to all electric lines can be dangerous. Compliance with NZCEP 34:2001 is mandatory for buildings, earthworks and mobile plant within close proximity to all electric lines.

Advice Note: Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines, especially within 20m of those lines, the line operator should be contacted.

6. PART B – 5.9 INFRASTRUCTURE AND SERVICING

- 6.1 Section 5.9 sets out district wide performance standards and performance outcomes for the provision of infrastructure and servicing to new subdivision or development.
- 6.2 Performance standard '5.9.1(v) *Other Reticulation*' requires that electricity reticulation be provided at the time of subdivision in accordance with the requirements of the relevant network utility operator and in compliance with the MPDC development manual. This clause is supported.
- 6.3 The two advice notes associated with Rule 3.6, relating to compliance with NZECP 34:2001 and the Electricity (Hazards from Trees) Regulations, are also included in relation to the performance standards in section 5.9.1. These advice notes are supported.
- 6.4 Section 5.9.2 sets out the performance outcomes for infrastructure and servicing. Clauses (vi)(a), (b) and (d) require, respectively, that electricity services are provided underground in urban locations; in accordance with the relevant Acts and to the boundary of any new lot. These provisions are supported.
- 6.5 Rule 5.9.3(v) specifies that non-compliance with the performance standards and outcomes in 5.9.1 and 5.9.2 will be considered a restricted discretionary activity. The intent of the rule is supported. However, further clarification is required in relation to clause (ii)(a) '*Electricity*' of the rule. The clause currently reads '*whether there are exceptional circumstances for not requiring electricity connections*'. The wording should provide for the Council to consider what the nature of any exceptional circumstances may be, not just the fact that they exist, in determining whether to grant consent to a proposal that does not provide reticulated electricity connections. Appropriate changes are set out in the relief sought below. nature

Relief Sought – Part B – 5.9 Infrastructure and Servicing

11. **Retain performance standard 5.9.1(v), which requires the provision of electricity reticulation at the time of subdivision without modification, as follows:**

5.9.1 Performance standards

(v) Other reticulation

Telecommunication and electricity reticulation shall be provided at the time of

subdivision and in accordance with the requirements of the relevant network utility operator in compliance with the Development Manual to achieve the performance outcomes set out in Section 5.9.2. Refer also to Section 8: Works and Network Utilities.

12. Retain the two advice notes to the performance standards in 5.9.1 without modification, as follows:

5.9.1 Performance standards

Advice Note: Works in close proximity to all electric lines can be dangerous. Compliance with NZCEP 34:2001 is mandatory for buildings, earthworks and mobile plant within close proximity to all electric lines.

Advice Note: Compliance with the Electricity (Hazards from Trees) Regulations 2003 is also mandatory for tree trimming and planting. To discuss works, including tree planting, near electrical lines, especially within 20m of those lines, the line operator should be contacted.

13. Retain performance outcome 5.9.2(vi) without modification, as follows:

5.9.2 Performance outcomes

vi) Other Reticulation

- (a) In urban locations, such reticulation should be placed underground within the road berms.*
- (b) Electricity should be installed in accordance with the relevant Acts.*
- (d) Landline telephone and electricity connections shall be provided to the boundary of any new lot.*

14. Amend clause 5.9.3(v)(ii)(a) to without modification, as follows:

5.9.3 Non-compliance with performance standards and outcomes

(v) Other Reticulation

Provision of telecommunication and/or electricity that fails to meet the performance standards and/or achieve the performance outcomes in Sections 5.9.1 and 5.9.2 above shall be considered a restricted-discretionary activity. The Council has restricted its discretion to the following matters:

(i) Telecommunication

- (a) Whether the cost of providing reticulated services is prohibitive;*

(b) Whether there are any other unique site circumstances that justify reticulated services not being provided;

(c) Whether alternative options for telecommunication exist, such as wireless services.

(ii) Electricity

(a) ~~Whether there are~~ The nature and extent of any exceptional circumstances for not requiring reticulated electricity connections;

(b) Whether the site is supplied by small or community-scale renewable electricity.

Where consent is granted not to require reticulated telecommunication and/or electricity connections, consent notices may be registered on the relevant certificates of title to ensure potential purchasers are made aware of the lack of reticulated services.

7. PART B – 6. SUBDIVISION

7.1 Section 6 in Part B of the District Plan sets out district wide provisions for subdivision. Rule 11 in activity table 6.1.1 specifies that restricted discretionary activity consent will be required for subdivision within 20m either side of the centerline of a sub-transmission line in all zones in the district. Performance standard 6.1.3 (ix)(a)(ii) requires that each new lot must be able to provide a designated building envelope (including both height and footprint) that is able to achieve compliance with NZECP34:2001. Powerco supports this approach.

7.2 Clause 6.1.3 (ix)(c) specifies that where a complying building envelope cannot be provided, non-complying activity consent will be required.

7.3 Powerco can support this approach. The subdivision stage of development is the most appropriate time to have regard to potential adverse effects on sub-transmission lines as the layout and design of subdivision establishes the framework for which subsequent building and land use will be undertaken.

7.4 Clause 6.1.3(ix)(b) sets out the matters to which the council will restrict its discretion when considering applications for subdivision within 20m of a sub-transmission line.

7.5 Rule 10 in activity table 6.1.1 provides for the subdivision of lots for works and network utilities as a controlled activity. This is supported. Performance standards, matters of

control and notification provisions for this type of subdivision are set out in clause 6.1.3(vii). Performance standard 6.1.3(vii)(a) specifies that the subdivision must be required for the purpose of a work or network utility and clause 6.1.3(vii)(c) specifies that such subdivisions will not be subject to public or limited notification. Powerco supports these provisions along with the matters of control set out in 6.1.3(vii)(b).

Relief Sought – Part B – 6 Subdivision

- 15. Retain Rule 11 in activity table 6.1.1, which specifies that restricted discretionary activity consent will be required for subdivision within 20m either side of the centerline of a sub-transmission line in all zones in the district, as follows:**

Type of Subdivision	Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)
11. Subdivision with one or more new vacant developable lots: • Within a transmission line buffer corridor; • Within 20m either side of the centreline of a sub-transmission line.	RD	RD	RD	RD	RD	RD

- 16. Retain Performance Standard 6.1.3 (ix)(a)(ii), which requires the provision of a designated building envelope capable of achieving compliance with NZECP34:2001, when subdividing land within 20m of a sub-transmission line.**

(ix) Subdivision within a transmission line buffer corridor or within a 20m wide corridor either side of the centreline of a sub-transmission line.

(a) Performance standards

For subdivisions utilising Rule 6.1.1.11 the following performance standards shall apply:

...

(ii) Subdivision within 20m either side of the centreline of a subtransmission line must nominate within each new vacant developable lot a designated building envelope (footprint and height) that complies with NZECP 34:2001.

- 17. Retain clause 6.1.3 (ix)(c), which specifies that subdivisions that cannot comply with performance standard 6.1.3 (ix)(a) will default to non-complying activity status, as follows:**

(ix) Subdivision within a transmission line buffer corridor or within a 20m wide corridor either side of the centreline of a sub-transmission line.

(c) Non-compliance

Any subdivision proposed which does not comply with (a) above shall be considered a non-complying activity. The matters listed in (b) above shall be used as a guide for considering non-complying activities.

18. Retain clause 6.1.3 (ix)(b), which sets out the matters to which the council will restrict its discretion when considering applications for subdivision within 20m of a sub-transmission line, as follows:

(ix) Subdivision within a transmission line buffer corridor or within a 20m wide corridor either side of the centreline of a sub-transmission line.

(b) Matters to which discretion is restricted

For applications utilising Rule 6.1.1.11, the Council has restricted its discretion to the following matters and if consent is granted, may impose conditions relating to these matters:

- (i) The extent to which the subdivision design avoids, remedies or mitigates conflicts with existing transmission and sub-transmission lines, for example through the location and design of roads, reserves and landscaping under the route of the line;
- (ii) The ability for maintenance and inspection of transmission and sub-transmission lines including ensuring access;
- (iii) The extent to which the design and development will minimise risk, injury or property damage from such lines;
- (iv) The extent to which potential adverse effects from the line, including risks, reverse-sensitivity, and visual effects, are mitigated, for example through the location of building platforms;
- (v) The ability to provide a complying building platform;
- (vi) Compliance with NZECP 34:2001;
- (vii) Outcomes of consultation with the affected line owner/operator.

19. Retain Rule 10 in activity table 6.1.1, which provides for subdivision for works and network utilities as a controlled activity, as follows:

Type of Subdivision	Rural	Rural-Res	Residential	Industrial	Business	Kaitiaki (Conservation)
10. Works and Network Utilities.	C	C	C	C	C	C

20. Retain clauses 6.1.3(vii)(a), (b) and (c), which set out the performance standards, matters for control and notification requirements associated with the subdivision of land for works and network utility purposes.

(vii) Works and network utilities (controlled activity)

In any zone the minimum size and frontage standards for subdivision shall not apply

where a subdivision is required for the purposes of a network utility or public work.

(a) General performance standards

For subdivisions utilising the works and network utilities rule (Rule 6.1.1.10) the following performance standard shall apply:

The subdivision must be required for the purpose of a work or network utility as defined in Section 15.

(b) Matters of control

The Council retains control over the following matters and may impose conditions relating to these matters:

- (i) The need for the proposed lot to have legal and/or physical access;*
- (ii) The adequacy of the vehicle crossing serving the proposed lot and the need to create additional access;*
- (iii) The adequacy of infrastructure serving the proposed lot and the need to provide additional infrastructure;*
- (iv) The extent to which any subsequent use that is likely to be made of the proposed lot is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source;*
- (v) The effects of the subdivision on the legal and/or physical access to the balance lot and the need to provide additional access and/or create right of way easements to protect the access;*
- (vi) The effects of the subdivision on infrastructure serving the balance lot and the need to provide additional infrastructure and/or create easements to protect the infrastructure;*

(c) Notification

A subdivision for a work or network utility utilising this rule shall not be subject to public or limited notification.

8. PART B – 8.2 ELECTRICITY TRANSMISSION AND DISTRIBUTION ACTIVITIES

- 8.1 Activity Table 8.2.1 of PC44 sets out the activity status for electricity transmission and distribution facilities. Powerco is in general support of the provisions. However, some minor changes are sought.
- 8.2 Rule 8 applies to transformers, substations and switching stations conveying electricity at a voltage up to and including 11kV. Rule 9 applies to the same activities conveying electricity at a voltage up to and including 66kV. There is no exception in Rule 9 for transformers, substations and switching stations operating at up to 11kV and, as such, these activities are effectively subject to both Rule 8 and Rule 9. This is potentially confusing as the provisions of Rule 9 are generally more restrictive than those of Rule 8 and does not appear to be the intention. Rule 9 should be amended to clarify that it does not apply to transformers, substations and switching stations that are otherwise provided for under Rule 8.
- 8.3 Transformers, substations and switching stations conveying electricity at a voltage up to and including 66kV are generally small in scale and Powerco considers that these activities should be permitted in the Rural zone as well as in the Business and Industrial zones. Powerco also considers that the same activity status should apply in roads as in the adjoining zone. This will provide a consistent approach between the zone provisions and the adjoining road reserve.
- 8.4 Powerco supports the remainder of the rules in Activity Table 8.2.1 as they relate to the electricity distribution network.
- 8.5 Performance standard 8.2.2(i) specifies that minor upgrading must be undertaken in accordance with the definition of minor upgrading in section 15 of the District Plan. Powerco can support this provision, but does not consider it to be strictly necessary as 'minor upgrading' is identified as a permitted activity in Rule 4 of Activity Table 8.2.1 and is defined in the plan.
- 8.6 Performance standard 8.2.2(ii) specifies that buildings and structures must comply with the district wide and zone specific development controls, with the exception of electrical line support structures and single transformers and associated switching gear not exceeding a gross floor area of 4m² and a height of 2m. Powerco supports this approach. The development controls of the underlying zones will generally be applicable to buildings and structures on a single site and it will not be appropriate to

apply many of these provisions to a lineal network such as Powerco's electricity sub-transmission and distribution network.

- 8.7 A minor change is sought to also exempt pole-mounted transformers and switching gear from the requirement to comply with the zone development controls. Such equipment may be affected by height controls. However, pole-mounted switching gear is generally smaller in scale than ground-mounted gear and has little visual impact beyond the appearance of the overhead network as a whole.
- 8.8 Performance standard 8.2.2(iii) sets out noise standards for substations and is supported. Clause 5.2.8 clarifies that in the event of a conflict between the noise standards specific to substations (in Section 8) and the district wide noise standards set out in 5.2.1-5.2.7, the standards in Section 8 shall prevail. This approach is supported.
- 8.9 PC44 includes the following advice note in Activity Table 8.6.1 and at the end of section 8.10:

Advice Note: The Council authorises works in the road reserve, outside of the District Plan. Works in the road reserve should be undertaken in accordance with the Council's Infrastructure Code of Practice, any applicable Corridor Access Permit and the National Code of Practice for Utility Operators' Access to Transport Corridors. Please contact the Council's Roading Officer directly to discuss any works in the road reserve.

- 8.10 Powerco supports the intent of the advice note to alert plan users to the need for works in the road reserve to be undertaken in accordance with the Council's Infrastructure Code of Practice, any applicable Corridor Access Permit and the National Code of Practice for Utility Operators' Access to Transport Corridors (*the National Code of Practice*). The first sentence could, however, be interpreted to infer that works in the road reserve will be controlled by these mechanisms only and not by the district plan. This conflicts with the inclusion of an activity status for works and network utilities in the road reserve in the activity tables in section 8 of the plan and is potentially confusing. The first sentence of the advice note should be amended to clarify that the Council's Infrastructure Code of Practice, Corridor Access Permits and the National Code of Practice will apply to any works in the road reserve in addition to any district plan standards.

Relief Sought – Part B – 8.2 Electricity Transmission And Distribution Activities

(additions underlined; deletions in strikethrough)

21. Retain Rules 1-5, 7, 8 and 10 - 12 in Activity Table 8.2.1, as they provide for the electricity distribution network, without modification.

22. Amend Rule 9:

- a) to clarify that it doesn't apply to transformers, substations and switching stations, which are otherwise provided for by Rule 8;
- b) so that it provides for new and existing transformers, substations and switching stations in the Rural zone as a permitted activity; and
- c) to apply the same activity status in the road reserve as in the adjoining zone.

Refer to the specific wording sought in the track-changed version of Activity Table 8.2.1 below.

23. Reconsider the need for performance standard 8.2.2(i) relating to minor upgrading, as this is already effectively achieved by Rule 8.2.1.4.

24. Amend performance standard 8.2.2(ii) to exempt pole mounted transformers and switching gear from the requirement to comply with the district wide and zone specific development controls, as follows:

(ii) Development controls

Buildings and structures (excluding electrical line support structures, ~~and~~ single transformers and associated switching gear not exceeding a gross floor area of 4m² and a height of 2m and pole mounted transformers and switching gear) must comply with the following:

- (d) The development controls for the relevant zone within which the facility is located. The Rural zone development controls shall apply to sites in the Kaitiaki (Conservation) zone.*
- (e) The district-wide development controls in Sections 3.5–3.9.*

25. Retain the noise standards for substations set out in performance standard 8.2.2(iii).
26. Retain clause 5.2.8(i), which clarifies that where there is a conflict between the district wide noise standards in 5.2.1-5.2.7 and the specific network utility noise standards in Section 8, the provisions of section 8 will prevail.
27. Amend the advice note to activity table 8.6.1 and Rule 8.10 to clarify that activities in the road reserve will be controlled by way of the Council's Infrastructure Code of Practice, any applicable Corridor Access Permit and the National Code of Practice for Utility Operators' Access to Transport Corridors in addition to any relevant district plan provisions.

Advice Note: In addition to any District Plan requirements, ~~The~~ Council authorises works in the road reserve, outside of the District Plan. Works in the road reserve should be undertaken in accordance with the Council's Infrastructure Code of Practice, any applicable Corridor Access Permit and the National Code of Practice for Utility Operators' Access to Transport Corridors. Please contact the Council's Roading Officer directly to discuss any works in the road reserve.

Summary of changes sought in relief points 21 and 22 above, in relation to Activity Table 8.2.1:

Key									
P	Permitted activity	C	Controlled activity						
D	Discretionary activity	RD	Restricted Discretionary activity						
N/C	Non Complying activity								
All activities not listed in the Activity Table are deemed to be discretionary.									
Activity	Zones								
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential.	Business	Industrial	Rural	Public Reserves	Reserve of formed roads	Reserve of unformed roads	
1. Underground electrical cables and ancillary electrical equipment	P	P	P	P	P	P	P	P	
2. Connections from buildings, structures, or sites to electrical lines	P	P	P	P	P	P	P	P	
3. Temporary overhead electrical lines to	P	P	P	P	P	P	P	P	

Key								
P	Permitted activity				C	Controlled activity		
D	Discretionary activity				RD	Restricted Discretionary activity		
N/C	Non Complying activity							
All activities not listed in the Activity Table are deemed to be discretionary.								
Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential.	Business	Industrial	Rural	Public Reserves	Reserve of formed roads	Reserve of unformed roads
construction sites or short term recreational venues subject to Council being formally notified of the route, and date by which it will be removed.								
4. Minor upgrading of electrical lines up to and including 110kV, not being part of the national grid.	P	P	P	P	P	P	P	P
5. Overhead electrical lines up to and including 110kV and associated support structures.	D	D	RD	RD	P	D	Same activity status as in the adjacent zone.	Same activity status as in the adjacent zone.
7. Pole mounted transformers and switching gear	D	P	P	P	P	P	P	P
8. Single transformers and associated switching gear and ancillary electrical equipment conveying electricity at a voltage of up to and including 11kV not exceeding a gross floor area of 4 m² and a height of 2 meters.	D	P	P	P	P	P	P	P
9. New and extensions to existing transformers, substations, and switching stations conveying electricity at a voltage up to and including 66kV and ancillary buildings (not otherwise provided for in Activity Table 8.2.1)	D	D	P	P	D P	D	D Same activity status as in the adjacent zone.	D Same activity status as in the adjacent zone.
11. Electrical depots for maintenance, upgrading, alteration, construction, or security of lines or	RD	RD	P	P	RD	RD	RD	RD

Key								
P	Permitted activity				C	Controlled activity		
D	Discretionary activity				RD	Restricted Discretionary activity		
N/C	Non Complying activity							
All activities not listed in the Activity Table are deemed to be discretionary.								
Activity	Zones							
	Kaitiaki (Conservation), Identified Significant Features	Residential & Rural Residential.	Business	Industrial	Rural	Public Reserves	Reserve of formed roads	Reserve of unformed roads
pylons provided they are situated within a substation property.								
12. Electricity transmission and distribution activities that emit electromagnetic field emissions not complying with ICNIRP guidelines as recognised by the NZ Ministry of Health.	N/C	N/C	N/C	N/C	N/C	N/C	N/C	N/C
Advice notes: (i) Formed roads in all locations are able to accommodate certain utilities as specified above. (ii) Council has received designations which are listed in Schedule 4 (iii) Where the use of any public reserve is proposed the applicant shall be responsible for gaining approval from the administery agency.								

9. PART B – 11 NATURAL HAZARDS

9.1 Activity table 11.2 sets out the status of activities in the Natural Hazard Areas identified on the planning maps. Rule 1 specifies that any use, development or subdivision of land within Natural Hazard Areas will be a discretionary activity with the exception of above and below ground electrical lines listed in 8.2.1 to 8.2.1.7. It will not always be possible to avoid areas at risk of natural hazards due to the lineal nature of the electricity distribution network and Powerco supports this approach. A minor correction is needed to refer to Rule 8.2.1.1 rather than 8.2.1, which is the entire Activity Table for electricity transmission and distribution activities.

Relief Sought – Part B – 11 Natural Hazards

(additions underlined; deletions in strikethrough)

28. Amend Rule 11.2.1 to reference Rule 8.2.1.1 rather than 8.2.1, as follows:

1. Any use, development or subdivision of land within areas identified as Natural Hazard Areas on the planning maps with the exception of above and below ground electrical lines listed in 8.2.1.1 to 8.2.1.7.

10. PART B – 12 SURFACE OF WATER

10.1 Activity table 12.2 sets out the status of activities on the surface of water. Rule 4 specifies that the erection or placement of new structures, addition, alteration or replacement of existing authorised structures on or over the surface of water will be a discretionary activity with the exception of overhead electricity infrastructure. Powerco does not support the approach taken by the Council in seeking to control activities that occur over the surface of water. This is considered to be outside the scope of the council's functions under section 31 of the RMA, which provide for territorial authorities to control activities in relation to the surface of water. Should the council choose to retain Rule 12.2.4, Powerco seeks to ensure that the exemption for overhead electricity infrastructure is retained.

Relief Sought – Part B – 12 Surface of Water

29. Delete Rule 12.2.4 so as to ensure the council is not seeking to control activities that are outside of its statutory function, or, if Rule 12.2.4 is not deleted, retain the exemption for overhead electricity infrastructure from compliance with Rule 12.2.4.

11. SECTION 15 - DEFINITIONS

11.1 No change is proposed to the existing definition of 'building' in the operative District Plan. This definition is supported, as follows:

"Building" shall have the same meaning as that defined in Section 3 of the Building Act 1991 and means any building or structure or part of a building or structure requiring a Building Consent as defined by that Act. For the avoidance of doubt, in addition to its ordinary and usual meaning, the term "building" shall include the following:

- (i) Any retaining wall or breastwork exceeding 1.5m in height;*
- (ii) Any fence or wall exceeding 2.0m in height;*
- (iii) Any pool or tank more than 1.0m in height above ground level or immediately below, (including a detention tank, swimming pool, spa pool, swirl pool, plunge pool and hot tub);*
- (iv) Any vehicle, caravan or structure whether movable or immovable used as a place of permanent residence or business or for assembly or storage purposes;*
- (v) Any mast, pole or radio or television aerial which exceeds 7m in height above the point of attachment or its base support;*
- (vi) Any permanent tent or marquee or air supported canopy;*
- (vii) Any part of a deck, or terrace, platform or bridge which is more than 1m above ground level; but does not include any fence or wall.*

The Third Schedule of the Building Act 1991 defines Exempt Buildings and Building Work. For the avoidance of doubt, excluded from the definition of "Building" shall be any detached building or structure 10m² or less in area which does not exceed one storey, and does not contain sleeping accommodation or sanitary facilities for the storage of potable water located closer than its own height to any legal boundary or any residential accommodation. For requirements regarding buildings not requiring building consent see Section 4.6.

11.2 The proposed new definition of 'community infrastructure services' is supported, as follows:

"Community infrastructure services" mean the essential infrastructure that supports the functioning of the local community. These services can comprise public, Council, quasipublic and/or privately owned infrastructure and include:

- (i) Local roads;*
- (ii) Water treatment, storage and reticulation;*
- (iii) Sewerage reticulation and treatment;*
- (iv) Stormwater reticulation, management, and disposal;*
- (v) Collection and disposal of solid waste;*
- (vi) Electricity and telecommunication distribution lines and connections.*

11.3 A definition of 'infrastructure' is included in PC44, to clarify that for the purposes of the plan, infrastructure will have the same meaning as 'network utility'. This approach is supported.

11.4 PC 44 proposes a new definition of 'minor upgrading' as follows. The new definition is supported.

"Minor upgrading", for the purposes of Section 8.2 – Electricity Transmission and Distribution Activities, means the modification of electricity and telecommunication lines, utilising the existing support structures or structures of a similar scale and character, and includes:

- (i) The addition of circuits and conductors;*
- (ii) The reconductoring of the line with higher capacity conductors;*
- (iii) The resagging of conductors;*
- (iv) The bonding of conductors;*
- (v) The addition of longer or more efficient insulators;*
- (vi) The addition of earthwires which may contain telecommunication lines, earthpeaks and lightning rods;*
- (vii) The addition of electrical fittings;*
- (viii) The replacement of support structures within the existing alignment of the electricity line;*
- (ix) The replacement of existing cross arms with cross arms of an alternative design;*
- (x) An increase in support structure height required to comply with NZECP 34:2001.*

"Minor upgrading" shall not include an increase in the voltage of the line over 33kV unless the line has been constructed to operate at the higher voltage but has been operating at a reduced voltage.

11.5 PC44 proposes a new definition of 'network utility' as follows. The new definition is supported:

"Network utility" means any activity or structure relating to:

- (i) Distribution or transmission by pipeline of natural or manufactured gas, petroleum, or geothermal energy;*
- (ii) Telecommunication or radiocommunication;*
- (iii) Transformation, transmission, or distribution of electricity;*
- (iv) The holding, transmission and distribution of water for supply;*
- (v) Flood protection systems;*
- (vi) Stormwater drainage or sewerage reticulation systems;*
- (vii) Construction, operation, and maintenance of structures for transport on land by cycleways, rail, roads, walkways, or any other means;*
- (viii) Beacons and natural hazard emergency warning devices;*
- (ix) Meteorological services;*
- (x) Construction, operation and maintenance of power-generation schemes;*

(xi) *A project or work described as a “network utility operation” by regulations made under the Resource Management Act 1991;*

And includes the operation and maintenance of the network utility service.

11.6 PC44 also proposes to delete the existing definition of ‘network utilities’ contained in the operative District Plan. However, the track changes version of the plan shows this definition both as being struck-out and as being retained. This appears to be a drafting error, which should be rectified.

11.7 PC44 includes a definition of Regionally Significant Infrastructure, which is essentially the same as that in the decisions version of the Waikato RPS, excluding the references to the Hamilton airport, bus and train terminals. Powerco is aware that parts of that definition are subject to appeal and queries what ability the Council will have to reflect any changes to the definition as a result of those appeals. One option might be a cross-reference to the definition of Regionally Significant Infrastructure in the Waikato RPS. While the Hamilton based infrastructure won’t be relevant in the MPDC context of this district that could be acknowledged if such an approach was to be taken.

11.8 PC44 includes a definition for sub-transmission line, as follows, and this is supported:

“Sub-transmission line” means any power line carrying a voltage of 33,000V and above, which does not form part of the National Grid.

Relief Sought – Section 15. Definitions

(additions underlined; deletions in strikethrough)

30. Retain the existing definition of ‘building’ without modification.

31. Retain the proposed definition of ‘community infrastructure services’ without modification.

32. Retain the proposed definition of ‘infrastructure’ without modification.

33. Retain the proposed definition of ‘minor upgrading’ without modification.

34. Retain the proposed new definition of ‘network utility’ and delete the definition of

‘network utilities’ contained in the operative District Plan.

- 35. Amend the definition of Regionally Significant Infrastructure to provide a cross-reference to the Waikato RPS in order to enable the district plan to reflect any changes to the definition as a result of the Waikato RPS appeals process. This could be achieved as follows or with words to the same effect:**

“Regionally significant infrastructure” shall have the same meaning as set out in the Waikato Regional Policy Statement, with the exception of any specifically identified infrastructure located outside the boundaries of the Matamata Piako District. means:

- ~~(i) Pipelines for the distribution or transmission of natural or manufactured gas or petroleum;~~*
- ~~(ii) Infrastructure required to permit telecommunication as defined in the Telecommunications Act 2001;~~*
- ~~(iii) Radio apparatus as defined in section 2(1) of the Radio Communications Act 1989;~~*
- ~~(iv) The national electricity grid, as defined by the Electricity Industry Act 2010;~~*
- ~~(v) Facilities for the generation of electricity that is fed into the national grid or a network (as defined in the Electricity Industry Act 2010);~~*
- ~~(vi) Significant transport corridors as defined in Map 6.1 of the Waikato Regional Policy Statement, Decisions Version, November 2012;~~*
- ~~(vii) Lifeline utilities, as defined in the Civil Defence and Emergency Management Act 2002, and their associated essential infrastructure and services;~~*
- ~~(viii) Flood and drainage infrastructure managed by Waikato Regional Council.~~*

- 36. Retain the proposed new definition of ‘sub-transmission line’ without modification.**

12. PART C: MAPS AND PLANS

- 12.1 PC44 includes a revised set of district plan maps, which identify the location of Powerco’s sub-transmission network. This is supported. The line data has been provided by Powerco and the maps contain a link to a disclaimer in Part C of the district plan, which clarifies that the maps are provided as an indicative guide only and the exact location of sub-transmission lines should be confirmed in consultation with Powerco prior to undertaking works in close proximity to those lines. Powerco supports this approach.

Relief Sought – Part C: Maps and Plans

(additions underlined; deletions in strikethrough)

- 37. Retain the illustration of Powerco's sub-transmission network on the district plan maps and the associated disclaimer in Part C: Maps and Plans, which specifies that the location of assets as shown on the plans may not be exact and should be confirmed in consultation with Powerco prior to undertaking any works in close proximity to sub-transmission lines.**
- 38. Adopt any other such relief, including additions, deletions or consequential amendments necessary as a result of the matters raised in these submissions, as necessary to give effect to this submission.**

- 13. POWERCO WISHES TO BE HEARD IN SUPPORT OF THIS SUBMISSION.**
- 14. IF OTHERS MAKE A SIMILAR SUBMISSION, POWERCO WOULD NOT BE PREPARED TO CONSIDER PRESENTING A JOINT CASE AT ANY HEARING.**
- 15. POWERCO COULD NOT GAIN AN ADVANTAGE IN TRADE COMPETITION THROUGH THIS SUBMISSION.**
- 16. POWERCO IS DIRECTLY AFFECTED BY AN EFFECT OF THE SUBJECT MATTER OF THE SUBMISSION THAT—**
 - (A) ADVERSELY AFFECTS THE ENVIRONMENT; AND**
 - (B) DOES NOT RELATE TO TRADE COMPETITION OR THE EFFECTS OF TRADE COMPETITION.**

Dated at TAKAPUNA this 27th day of November 2013

Signature of person authorised to sign on behalf of Powerco Limited:



Georgina McPherson
Senior Planner

Address for service: (as per cover sheet)

BURTON PLANNING CONSULTANTS LIMITED
PO Box 33-817
Takapuna, 0740
Auckland

Attention: Georgina McPherson

Phone: (09) 917-4301
Fax: (09) 917-4311
E-Mail: gmcpherson@burtonconsultants.co.nz
Our file ref: 09j063

Kelly Moulder

From: Mary Barton [Mary.Barton@chorus.co.nz]
Posted At: Wednesday, 27 November 2013 14:30
Conversation: Chorus Submission - Plan Change 44
Posted To: Submissions (Corporate Planning)

Subject: Chorus Submission - Plan Change 44

Categories: Green Category

Please find attached the submission of **Chorus New Zealand** to proposed Plan Change 44 to the Matamata-Piako District Plan. A Word copy can be emailed through on request.

If you have any questions with respect to this submission please do not hesitate to contact me.

Regards

Mary Barton
Senior Environmental Planner

T 04 382 5465 (extn 46465)
M 027 702 8650
E Mary.Barton@chorus.co.nz

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www.chorus.co.nz



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Form 5

**Submission on Plan Change 44 to the Matamata-Piako District Plan
Under Clause 6 of the First Schedule to the Resource Management Act 1991**

To: Matamata-Piako District Council
PO Box 266
Te Aroha 3342

Submission on: Plan Change 44 – Works and Network Utilities to the Matamata-Piako District Plan

Name: Chorus New Zealand Limited

Address: PO Box 632
WELLINGTON

1. Trade Competition

Chorus New Zealand Limited could not gain any advantage in trade competition through this submission.

Chorus New Zealand Limited is directly affected by the subject matter to which this submission relates. The subject matter relates to environmental affects and not trade competition or the effects of trade competition.

2. Chorus New Zealand Limited (Chorus) makes the following general submission:

Chorus 'demerged' from Telecom as a separate company at midnight on 30 November 2011. As part of its business activities, Chorus maintains and builds a world class network made up of local telephone exchanges, radio communications infrastructure, cabinets and copper and fibre cables. Chorus' telecommunication and radio communication facilities and networks are essential services because of the critical role they play, both in terms of allowing people and communities to provide for their "wellbeing", and also for assisting to ensure their "health and safety". Chorus' fixed line network connects homes and businesses through an extensive network made up of fibre optic and copper cable. The Ultra Fast Broadband (UFB) and Rural Broadband Initiative (RBI) projects currently underway will lay additional fibre cable. This network is also supported by a number of radio communication sites ranging from small repeater sites to large microwave stations.

Chorus works with many different retail service providers to give access to our network and develop innovative new products and services. Our customers include Actrix, Airnet, CallPlus, Compass, Digital Island, Gen-I, Orcon, TelstraClear, Telecom, Trustpower, Vodafone and WorldxChange to name a few. Chorus helps these providers connect their customers to the world.

In addition to supporting our customers to deliver fixed line services, Chorus' fibre network also underpins an extensive mobile phone network, which provides a wide range of mobile services to residents and visitors nationally. In order to satisfy customer demands, Chorus is constantly

altering and developing both the fixed line and mobile network support infrastructure to ensure services meet the needs of our customers and the local community.

Reliance on telecommunications has never been so high and this will continue to grow as an ever expanding range of applications are developed that require access to an ultra fast broadband network. Chorus is partnering with the Crown Fibre Holdings to undertake one of the largest infrastructure upgrades the country has ever seen.

Within any District Plan there is a need to provide a balance between the policy and rules framework that provide for the efficient maintenance and rollout of network utility infrastructure, with appropriately managing the effects on the environment from this infrastructure. There has been in recent years a shift in how these two issues are balanced with the provision for infrastructure historically playing a passive background role. The recent shift places significantly greater importance on the need to allow for critical infrastructure and network utilities. *The Resource Management (National Environmental Standards for Telecommunication Facilities) Regulations 2008* (NESTF) is an example of a measure put in place by Government to better provide for deployment of critical infrastructure.

It is considered that the objectives and policies proposed through Plan Change 44 strike a good balance between recognising the benefits associated with network utility infrastructure, while appropriately provisioning for the management of the environmental effects where necessary.

Improved internet speed is important from a Government perspective because broadband improvements can increase economic activity and productivity. Prime Minister John Key, in a Press Release dated 5 March 2012, announced the next 693 schools to be connected by Chorus for the ultra-fast broadband initiative. The Prime Minister confirmed in the announcement that, *"Building a more competitive and productive economy is one of the Government's four key priorities for its second term and the rollout of UFB is an important part of this"*.

The Ministry of Economic Development (MED), who advise the Minister for Communications and Information Technology and manage the Telecommunications Act 2001, has a clear policy direction to develop a sound regulatory environment for the information and communications technology (ICT) sector. The MED states on their website that:

"The Internet has become part of the way New Zealanders live, learn and do business. We're [Public] hungry for faster Internet speed and the ability to exchange large amounts of information. There is also a desire to find faster and better ways to search, process and use information. New technologies put increasing demands on the capacity on the broadband network infrastructure."

Further to these policy objectives around the provision of efficient infrastructure, there is a critical need for the provision of resilient telecommunications networks during emergencies as has been highlighted in the case of the Canterbury earthquakes. Functioning communications networks that support emergency services during such events are crucial, and can be the difference between life and death in some circumstances.

Building provisions into District Plans that allow for equipment upgrades to be undertaken in a relatively straightforward manner is pertinent in the telecommunications industry given that technological advancements tend to occur rapidly in the industry. This is evidenced by the recent emergence of mobile devices which rely on the mobile network for connection to the internet. Currently Chorus provides network infrastructure support for the 3G network which is supplied to the public by our customers. However, the 4G network is currently under

development which will provide a higher speed network with increased data capacity. The equipment being deployed as part of the 4G network rollout involves additional antennas on existing sites as well as additional new sites. Other technological advances during the life of the District Plan, along with more instances of telecommunications providers seeking to co-locate on each other's assets, are also likely to occur requiring existing assets to be upgraded. Therefore any new District Plan provisions should be created with such technological advancements and/or provision for co-location of equipment being kept in mind.

The purpose of this submission is to ensure that the Works and Network Utilities provisions of the Matamata-Piako District Plan proposed through Plan Change 44 adequately recognise and provide for telecommunication and radio-communication utility infrastructure, and do not unnecessarily impede the efficient and effective operation, maintenance and upgrading of the network. The rules as drafted are considered to be generally satisfactory. However, in some instances the rules are considered to be unnecessarily restrictive, unclear or unworkable.

3. Chorus makes the following submissions on Plan Change 44, and seeks:

The particular parts of Plan Change 44 to which Chorus' submissions relate, and the relief sought are outlined in the attached table. Chorus' submissions seek:

EITHER

(i) The relief as set out in the specific submissions within the attached table;

OR

(ii) Such other relief to like effect to remedy the concerns outlined in the submissions;

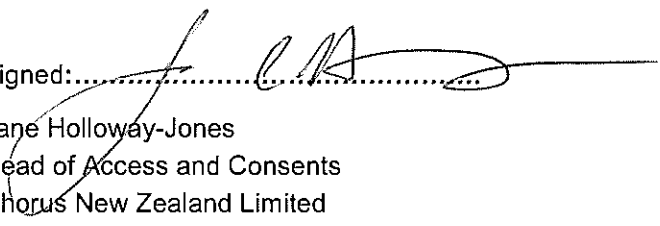
AND in relation to both (i) and (ii) above

(iii) Any consequential amendments necessary as a result of the amendments to grant the relief sought above.

4. Chorus New Zealand Limited does wish to be heard in support of its submission.

5. If others make a similar submission Chorus would be prepared to consider presenting a joint case with them at any hearing.

Signed:.....


Jane Holloway-Jones
Head of Access and Consents
Chorus New Zealand Limited

Dated at Wellington this 26 day of November 2013

Address for Service:

Chorus New Zealand Limited
PO Box 632
Wellington

Contact Details:

Attention: Mary Barton
Telephone: 04 382 5465
E-mail: mary.barton@chorus.co.nz

Chorus New Zealand Limited

Submission on the Matamata-Piako District Plan, Plan Change 44: Works and Network Utilities

Specific provision this submission point relates to	Chorus opposes / supports the specific provision	Chorus's submission is that	Chorus seeks the following decision from the Council
Part B: Rules, Section 3 Development controls			
<i>3.8 Activities (other than flood control works – see Section 8.8) adjacent to the main channel and tributaries and the WRC's flood control and erosion protection assets ...</i>	Oppose in part	The rule does not provide any consideration of network utilities in flood hazard areas – therefore resource consent as a restricted discretionary activity is required in all instances for network utility infrastructure. Given that it can often be necessary and appropriate for utilities to be located in such areas (and in most instances they do not involve habitable structures), their installation should be provided for in instances where the Regional Council has been consulted with and has provided their consent.	That permitted status be provided for network utilities in Waikato Regional Council's (WRC) flood control and erosion protection assets in the Waihou Valley and Piako River Flood Protection Schemes, where WRC has given their authorization to the installation of the infrastructure.
Part B: Rules, Section 8 Works and network utilities			
<i>8.1 Telecommunication, 8.1.1 Activity table, 4. Extension, addition, and upgrading of overhead telecommunication lines ...</i>	Oppose in part	Allowing for extensions, additions and upgrading of overhead telecommunications lines and associated utility structures on the grounds that there will be no increase to the number of utility structures nor an increase in the height of the supporting utility structures limits the degree to which telecommunication providers will be able to effectively maintain the overhead telecommunication network. Height increases of up to 1m should be provided for as a permitted activity as this will allow for support structures to be increased in height so that lines crossing roads are able to be raised where necessary to meet the necessary road clearance distances.	Amend Rule 8.1.1.4 to provide for the replacement of support structures for overhead lines of up to 1m higher as a permitted activity across all zones.
<i>8.1 Telecommuni-</i>	Oppose in	1. As identified in the submission point above, height	1. Amend Rule 8.1.1.7 to reflect the proposed additional

Chorus New Zealand Limited

Submission on the Matamata-Piako District Plan, Plan Change 44: Works and Network Utilities

Specific provision this submission point relates to	Chorus opposes / supports the specific provision	Chorus's submission is that	Chorus seeks the following decision from the Council
<p>cation, 8.1.1 Activity table, 7. Extension, addition, and upgrading of overhead telecommunication lines ...</p>	part	<p>increases of up to 1m are sought as a permitted activity; therefore the rule will need to be updated to reflect this. A discretionary activity status for lines that do not meet the requirements of the rule applies in all zones, except for the Rural Zone where it is permitted, and road reserve adjacent these zones.</p> <p>2. Discretionary activity status is considered to be overly onerous for the extension, addition and upgrading of structures associated with overhead lines as the effects are limited primarily to visual effects. On this basis, restricted discretionary status is considered to be the appropriate status to apply to such works (where they are not otherwise permitted), with Council's discretion being limited to the visual effects and effects on amenity.</p>	<p>1m permitted height allowance (as outlined in the submission point for Rule 8.1.1.4), and change the activity status to restricted discretionary in the zones that it is currently discretionary.</p> <p>2. Insert the matters to which Council's discretion is limited in an assessment of for an application under Rule 8.1.1.7 as follows:</p> <ul style="list-style-type: none"> • Visual effects
<p>8.1 Telecommunication, 8.1.1 Activity table, 11. Telecommunication buildings and structures and associated equipment outside of the reserve of a formed road.</p>	Oppose in part	<p>This rule would capture all minor equipment such as equipment cabinets in the Residential, Rural Residential, Kaitiaki (Conservation), Identified Significant Features and Public Reserves zones, as well as in Unformed Roads. This is not considered appropriate given the minor effects associated with such equipment, and in particular the need to service residential areas with telecommunications infrastructure. As such, an automatic discretionary activity status is overly onerous for such equipment. Resource consent should only be required for such equipment in all instances where the appropriate underlying zone standards</p>	<p>Amend Rule 8.1.1.11 to update the activity status from discretionary to permitted in all zones (with the exception of Formed Roads, which is N/A).</p>

Chorus New Zealand Limited

Submission on the Matamata-Piako District Plan, Plan Change 44: Works and Network Utilities

Specific provision this submission point relates to	Chorus opposes / supports the specific provision	Chorus's submission is that	Chorus seeks the following decision from the Council
		are not complied with (as is required by the linkage provide via Performance Standard 8.1.2(iii)).	
8.1 Telecommunication, 8.1.1 Activity table, 13.1. A maximum of two antennas attached to any building or structure ... [permitted in all zones, discretionary in roads]	Oppose in part	<p>The maximum of two antennas is unduly restrictive in terms of the number of antennas attached to a building or structure, where in most circumstances more than two antennas are required to meet coverage objectives. The rule as drafted would therefore result in resource consent being required in most instances where antennas are proposed to be installed, even though the associated effects are generally less than minor.</p> <p>Antennas for mobile networks are typically installed to cover an area comprising a full 360° range (where directional antennas are used). Two antennas are unable to fully service this range, as at the very least three antennas are necessary to meet a 360° coverage requirement. As such, a maximum of three antennas is sought instead of two.</p> <p>The 1.2m² area and 1.2m diameter restrictions in the rule are otherwise acceptable.</p>	Amend Rule 8.1.1.13.1 to change the maximum antenna number restriction from two to three.
8.1 Telecommunication, 8.1.1 Activity table, 13.2 More than two antennas attached to any building of structure ...	Oppose in part	The rule is considered acceptable provided the antenna number restriction is updated as outlined in the submission point for rule 8.1.1.13.1.	Amend Rule 8.1.1.13.2 to change the maximum antenna number restriction from two to three.

Chorus New Zealand Limited

Submission on the Matamata-Piako District Plan, Plan Change 44: Works and Network Utilities

Specific provision this submission point relates to	Chorus opposes / supports the specific provision	Chorus's submission is that	Chorus seeks the following decision from the Council
[permitted in Business, Industrial and Rural zones, discretionary elsewhere]			
8.1 Telecommunication, 8.1.1 Activity table, [proposed new provision]	Support	Exclusions for telecommunications infrastructure from earthworks and vegetation trimming requirements are not specifically provided for in the Plan. These exclusions are sought on the basis that essential telecommunications-related activities that would otherwise be permitted activities should not be 'caught' by ancillary rules elsewhere in the Plan. An example of this is the installation of underground lines, which is a permitted activity, but without provision of a specific exclusion for earthworks, could otherwise require resource consent.	Insertion of a rule providing exclusions for telecommunications infrastructure from earthworks and vegetation trimming requirements elsewhere in the Plan. It is suggested that this rule be inserted within Activity Table 8.1.1.
8.1 Telecommunication, 8.1.2 Performance standards, (iii) Additional performance standards applicable to activities permitted under Table 8.1.1.11 and 8.1.1.12: ...	Oppose in part	1. Equipment cabinets are required throughout residential areas to support the telecommunications network. It is not considered appropriate that yard setback requirements within the Residential and Rural Residential zones apply to equipment cabinets in such areas, as these are minor structures that are often best located close to a property boundary to ensure that it is out of the way of other substantive activities on the subject site. Equipment cabinets are sometimes required to be located on private property in residential areas where an appropriate location in road reserve cannot be acquired. As such, locating a cabinet within a	1. Amend Performance Standard 8.1.2 to provide an exclusion for equipment cabinets from having to comply with the yard setback standards within the Residential and Rural Residential Zones under 8.1.2(iii)(a)(ii). 2. Amend Performance Standard 8.1.2 to remove the reference to the 3.5m antenna height dispensation under 8.1.2(iii)(a)(iii) and reinsert this requirement within Rules 8.1.1.13.1 and 8.1.1.13.2.

Chorus New Zealand Limited

Submission on the Matamata-Piako District Plan, Plan Change 44: Works and Network Utilities

Specific provision this submission point relates to	Chorus opposes / supports the specific provision	Chorus's submission is that	Chorus seeks the following decision from the Council
		<p>front yard or a side yard (possibly behind a fence or landscape planting) can be a low impact and tidy solution in such instances.</p> <p>2. Rules 8.1.1.11 and 8.1.1.12 do not include activities relating specifically to antennas. Standard 8.1.2(iii)(a)(iii) requires that <i>antennas attached to buildings and structures shall not exceed the height of the building or structure to which it is attached, plus 3.5m (irrespective of the maximum height for the zone)</i>, which is supported as this provides sufficient height necessary for the installation of antennas. However, for the purposes of clarity, it is considered that 3.5m height dispensation for antennas should be removed from within the performance standard and be applied directly to the antenna-specific rules.</p>	
Part B: Rules, Section 15 Definitions			
[Proposed definition for 'telecommunication line']	Support	The telecommunications rules section refers to activities associated with 'telecommunication lines', however there is no definition of such within Section 15. It is therefore appropriate that this be defined, and that the Plan adopts the definition from the Telecommunications Act 2001.	<p>Insertion of the following definition:</p> <p>"Telecommunication line" has the same meaning as that for 'line' within the Telecommunications Act 2001.</p>

Helen & Kerry Cranston
2558 Hamilton Road
MORRINSVILLE
ph 078890125 wk
078897492 hrm
27 November 2013



MATAMATA PIAKO DISTRICT COUNCIL
MORRINSVILLE

DISTRICT PLAN OBJECTION

PLAN change 43 Transportation Plan 43 and Plan Change 44 Works and Network Utilities.

We wish to make a submission opposing the above changes.

We oppose the above changes on the following grounds

- 1) The speed zone rating should be reduced to 50 km/h to cater for the early school facility
- 2) It will place unnecessary costs of renovating the properties to comply to the new Standards
- 3) The properties will lose value and appeal because of the standards
- 4) Facilities are sub-standard and we on this road are being victimised
- 5) School buses also operate on this road and they deserve safety standards
- 6) When deciding on the road seal has the quietest noise level option been considered
- 7) The growth of businesses on the road means that a review of the speed zone should have been undertaken especially when the early school facility opened approximately eight years ago
- 8) Lack of consultation time re the changes
- 9) Total lack of information supplied to the affected residents

We would appreciate the council responding to this objection and arrange a meeting of ALL affected ratepayers

A handwritten signature in black ink, appearing to read "K P Cranston".

K P CRANSTON

A handwritten signature in black ink, appearing to read "H P Cranston".

H P CRANSTON

Kelly Moulder

From: Ventus NZ [glenn@ventusenergy.co.nz]
Posted At: Thursday, 28 November 2013 08:59
Conversation: Submission on Plan Change 44
Posted To: Submissions (Corporate Planning)

Subject: Submission on Plan Change 44

Categories: Green Category

Dear Patrick, Please find attached the Ventus Energy submission on the proposed plan change 44.

Regards,

Glenn Starr

Ventus Energy
+6421416305



Ventus Energy (NZ) Ltd
10/215 Rosedale Rd,
M338 Private Bag 300987
Albany, Auckland

Matamata Piako District Council
PO Box 266
Te Aroha 3342

Attn: Patrick Clearwater

Dear Mr Clearwater,

Please accept the Ventus Energy (NZ) Ltd submission on the proposed plan change – 44.

Part A - Issues, Objectives and Policies

2.3.6 - Integrating land use and infrastructure

2.3.7 - Regionally significant infrastructure Networks

2.3.8 - Renewable Electricity Generation

Ventus supports the proposed amendments in 2.3.6 to 2.3.8

3.1.2 -1. Landscape Character - Solutions

We suggest changing to this wording in blue:

Protect the elements from inappropriate use or development.

Not inappropriately detract from the amenity values of the landscape.

Which is consistent with the intent of S6 (b) of the RMA

Part B: Rules

1.4.12 - Kaitiaki Zone

We suggest to update the Planning Drawing No. 3 which shows the extent of the Kaitiaki Zone. Ideally this should be completed by some on-site inspection to show the extent of intact native vegetation worthy of inclusion in the Kaitiaki Zone. However, as a first pass, Ventus provides an aerial photograph of the northern end of the Kaimai Ranges which shows the location of the DoC legal boundary (which defines the Kaitiaki Zone currently) against the extent of pasture and degrading scrub land. Note that the bush lines on the ridgeline tend to recede over time due to extreme wind effects and action by feral and stock animals.

VENTUS ENERGY (NZ) Ltd

Registered No. 1488775

8.3.1 - Activity Table

Ventus Energy supports the proposed activity status of Large Scale Wind Farms.

8.3.2 (i) (c) - Wind Research and Exploration.

We suggest that height to boundary rules should not apply as these are developed in part to limit shadow and shade effects. There is negligible shadow and shade effect from monitoring masts. Such a rule will make it difficult to monitor wind on ridgeline projects with adjacent properties (which are the most common projects in New Zealand).

We suggest the following new section:

8.3.2 (v) - Large Scale Wind Farms

A turbine or turbines in a proposed large scale wind farms may overhang a Kaitiaki Zone, but the foundations not physically be located inside the Kaitiaki Zone and remain as a Restricted Discretionary Activity. Discretionary Activity shall only apply if the foundations are located within the Kaitiaki Zone.

Schedule 3 - 213: We submit that the land zoned Kaitiaki does not truly represent the forest extent (is based upon DoC boundary). Request revised mapping to accurately reflect intact forestry. Note also exclude the Transpower grid corridor where appropriate.

Yours sincerely

Glenn Starr,
Director
Ventus Energy (NZ) Ltd.

Attached: Aerial photograph of the northern Kaimai Range

VENTUS ENERGY (NZ) Ltd

Registered No. 1488775

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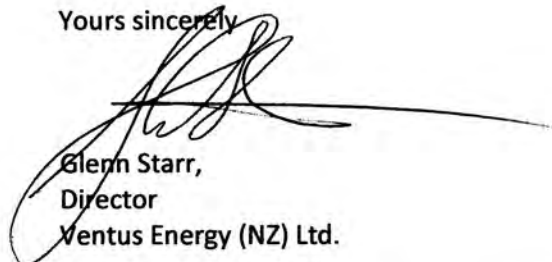
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Yours sincerely



Glenn Starr,
Director
Ventus Energy (NZ) Ltd.

Attached: Aerial photograph of the northern Kaimai Range

VENTUS ENERGY (NZ) Ltd

Registered No. 1488775



Kelly Moulder

From: Pam Froger [Pam@barrharris.co.nz]
Sent: Friday, 29 November 2013 14:59
To: Kelly Moulder
Subject: Submission Plan Change 43 and Plan Change 44
Attachments: MPDCSUB PC43&44.pdf

Categories: Green Category

Hi Kelly,

Please find attached a submission from Gavin and Andy.

Regards

Pam Froger

Barr & Harris Surveyors Limited

124 Broadway

PO Box 112

Matamata

E-mail: pam@barrharris.co.nz

Ph: 07 888 8777

Fax: 07 888 8484

26 November 2013

The District Planner
Matamata Piako District Council
P.O. Box 266
TE AROHA

Re: Submission to Matamata Piako District Council Plan Change 43 and Plan Change 44

1. Specific Objections to MPDC Development Manual

3.2

WHAP 20, WHAP 40 and WHAP 65 material should be defined with grading curves in this section. WHAP is not a nationally recognised terminology. WHAP, I believe, is an acronym for Winstone Hamilton all passing. M4 and GSP materials are defined in Transit New Zealand specifications, now called New Zealand Transport Agency.

Table 3.1 pages 3 – 3 and 3 – 4

Design Speed

The design speed for Private Access R.O.W's should either be left blank, or be 10 to 20 km/hr for an urban R.O.W, and possibly 20 km/hr for a rural or rural residential right of way, depending on the length.

Standards for Table 3.1

Part 3 Road works page 3 – 5

a) Private access or right of way subgrade level is at 150mm – 200mm below the finished level generally. The natural CBR of soils in MPDC is generally between 2 and 5 and a CBR of 10 is excessive. Currently private access or right of ways are formed to the specified thickness on natural ground (with a CBR of 3 or 4). This issue was specifically addressed during the recent MPDC Development manual notification process.

e) The 90 percentile car should be allowed to manoeuvre within the lot to allow exit from the right of way in a forward direction.

3.5.6

The off street parking criteria should be related to the road pavement design.

3.7.2 e) page 3 – 18

Integrated transport assessment.

Local road intersections with local roads should not require an integrated transport assessment. Object to extent of requirements for ITA assessments.

3.8.6 a) page 3 – 23

Application of a two coat chip seal applied together is preferable over two separate coats. Maintenance of the single coat chip seal is not always practicable.

The use of the term *“to the satisfaction of the Asset Manager”* should be replaced with a defined standard.

3.9.4

The CBR value of 10 will mean that all kerbing will require undercutting to obtain a CBR of 10. The ideal depth of GAP 20 or WHAP 20 would be 50mm thick, not the minimum of 75mm as stated in the text. Change the minimum value to 40mm of GAP 20 or WHAP 20.

3.19.1

Remove the terminology *“to the satisfaction of the Asset Manager”*. This should be replaced with a defined standard.

3.21

Object to A Stage 4 (post construction) Safety Audit shall be undertaken.

Drawing DG 302

Note that the boundary drain should be optional.

Drawing DG 308

Remove the 125mm WHAP 20 or similar granular material. Replace with refer below for depths of WHAP 20 or similar granular material.

Remove the minimum CBR strength of 10. This is not achievable in MPDC without significant sub grade improvement to obtain a CBR of 10. A 300mm sand sub grade improvement layer would often be required. There are probably no footpaths or vehicular crossings in MPDC that have been formed to this standard. Generally the CBR below the footpath and vehicle crossing sub grade formation is between 3 and 5.

4.14.1

Minimum cover over cess pit leads is often less than 600mm and the class of pipe is increased if the concrete pipe Association design calculator allows for less cover this should be considered acceptable. Generally all pipes would have 600mm cover. Rural road side crossings with a piped culvert rarely have 600mm cover.

(f) “In the new developments the stormwater disposal design shall adopt stormwater control measures that retain the secondary overland flow run-off for the particular development to pre-development conditions.

5.11.1 Manholes General

Paragraph 2. Object to the maximum number of manhole risers to be used. The use of 2.4m long risers with a base requires the use of a 20 Tonne excavator. It is often more viable to use shorter risers with additional joints to allow flexibility in the final height of the cover slab.

5.17

Object to CCTV requirement, or MPDC should pay for the CCTV footage.

Drawing DG 701

Is in conflict with drawing of the services and footpath location DG 302. These two drawings should relate to each other with the position of the water main constant at 1.5m from the kerb.

4.8 Design Requirements

(j) "Stormwater secondary flow paths, including peak flow depths, velocities and flow rates, shall be shown on design plans for pre and post development of the site for a once in 100 year return period."

MPDC should be actively developing a system of secondary overland flow paths to cater for the run off from development that exceeds the piped reticulation capacity and aids in minimising flooding or ponding in the road reserve. The secondary flow path should be for flows greater than the intended design storm for the subdivision allowing ponding or flooding in the road reserve.

j) Object to providing the pre-development overland flow rates where the site is subject to or possibly subject to flows from the existing urban area. This information should be provided by MPDC and is part of the MPDC existing infrastructure.

m) Object to ARC TP40. This should read ARC TP10.

2. Objections to Proposed District Plan Change

2.3.1 Residential Growth – urban settlements

Population estimates/projections. Values out of date. Update with new released statistics.

2.4 Sustainable Management Strategy

Support the assessment of land use and subdivision in terms of coordination with exiting infrastructure and practical/economic expansion. Add to "recognise the potential benefits of cooperation between new development and upgrading of existing infrastructure".

3.7.2 1. Community Infrastructure

Support proposals. Coordination of infrastructure add to "cooperation between new development and upgrading of existing infrastructure".

Policy 9 - *Stormwater is managed having regard to a total catchment management approach and low impact design methods.*

Support total catchment management approach. Need planning on that basis to provide for coordinated improvement of existing stormwater servicing in particular. Improved planning in the overall management required.

3.8.2 Transportation

Add objectives/policies noting on a local road basis that transportation design criteria needs to be balanced with urban design principles and goals. Urban design requirements have differing focus of significant importance on a neighbourhood scale and should be recognised, as should transport objectives on a wider urban environment basis.

Part B

1.3.4 Subdivision

Reference to Transportation (Section 9) balanced against urban design criteria.

Section 1.4 Assessment Criteria for restricted discretionary, discretionary and non-complying resource consent applications.

“For discretionary activities, these matters do not restrict Council’s discretionary power”.

Clarification sought in terms of the discretionary activity assessment requirements. Are these matters intended to identify the environmental impact assessment criteria?

Section 5.9.1

(v) “Other Reticulation”

- Provide for alternative servicing options. Anti – competitive current arrangements.

Section 5.9.2

(ii)(f)

- WRC consents need to be addressed as previously identified.

(iv) Water Supply

(i) Alter to read:

“... provided with a reliable supply of water sufficient to meet the needs of the proposed development of the site.”

(vi) “Other Reticulation”

(d) “Landline telephone and electricity connections shall be provided to the boundary of any new lot.”

Provide exception in terms of telecommunications and computer media otherwise anti competitive and superseded by technology. Recognise options for alternative energy sources. As provided in 5.9.3 (v).

Rule 6.1.3 (i) (iii) Haig Road

Clarify that the additional 10 lots relates to Lot 1 DPS 62506 at the end of Haig Road, and does not include infill on the existing residential sites (as confirmed at the Precinct F plan change stage).

Rule 6.1.3 (vi) Boundary Adjustment

At Plan Change 42 the concept of boundary adjustments of a minor nature being assessed on the effects of the boundary movement only. Section 9 criteria should only be addressed in that context.

Section 9 Transportation

Object to changes in entirety subject to issues identified in the Development Manual changes and references to Urban Design standards and outcomes.

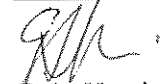
Section 9.1.4 On-site Parking

Criteria for parking including financial contributions should consider the criteria in terms of subject sites and existing public parking or shared private parking. Based on the existing parking provision restrictions on development proposals should consider optimum use of the land considering servicing and effects on town development.

The above objections relate to the clauses shown and any related or affected sections in the District Plan or Development Manual changes.

Yours faithfully

BARR + HARRIS SURVEYORS LTD



G.A. Harris

Registered Professional Surveyor
(Bachelor of Surveying, MCSNZ, MNZIS)
MIPENZ)

A.V. Holroyd

Chartered Professional Engineer
(BSc Civil Engineering Hons,

Kelly Moulder

From: Shaun [shaun@geomatrix.co.nz]
Sent: Monday, 02 December 2013 13:29
To: Patrick Clearwater
Subject: Late submission PC 43&44
Attachments: submission plan change 43 2013.pdf; GeoMetrix Submission to MPDC PC 43 2013.pdf

Hi Patrick sorry for the delay in getting this to you hope you can still consider. Please confirm its receipt

Cheers

Shaun O'Neill
Director

☎ 07 884 4184
📠 07 884 4180
📞 027 415 3574

💻 Shaun@GeoMetrix.co.nz
📮 PO Box 152, Te Aroha 3342



SUBMISSION BY GEOMETRIX LIMITED
ON
PROPOSED PLAN CHANGE 43 & 44
TO THE MATAMATA-PIAKO DISTRICT PLAN

To: Matamata-Piako District Council
PO Box 266
Te Aroha 3342

Submission on: Proposed Plan Change 43 & 44 to the Matamata-Piako District Plan

Name: **GEOMETRIX LIMITED**

Address for Service: GeoMetrix Limited
PO Box 152
Te Aroha 3342

Mobile: 027 415 3574
e-mail: shaun@GeoMetrix.co.nz

SUBMISSION

1. **GEOMETRIX LIMITED** requests that Council exercises its discretion under section 37 of the RMA to accept this submission as a late submission.
2. The Waiver is sought on the following grounds:
 - a) No party will be prejudiced by granting the waiver.
 - b) The granting of this extension will not have the effect of doubling any time frame within the Act
3. **GEOMETRIX LIMITED** opposes Plan Change 43 & 44 in part. In particular: the attached submission on the objectives and policies and the following items;
4. **GEOMETRIX LIMITED** is a land development consultancy established by the director Shaun O'Neill Registered Professional Surveyor who has over 15 years' experience working in the Matamata Piako District. GeoMetrix was established in Te Aroha in 2003. Our field of expertise includes land surveying, planning, urban design, subdivisional engineering, Architectural drafting and project management. We have extensive experience regarding transport issues in this district. We have a healthy working relationship with Council and the submissions that follow are to be taken as opportunities to enhance our district and trust that council will consider our recommendations and suggestions to ensure the best possible outcome for our district.

5. **GEOMETRIX LIMITED** considers that the proposed change 1.1.1 (x) Applications that have the potential to result in adverse traffic effects shall be accompanied by an ITA prepared in accordance with the "Integrated Transport Assessment Guidelines", November 2010, NZTA Research Report 422.
GEOMETRIX LIMITED believes that this is too open and should be deleted or alternatively specific requirements where a ITA would be necessary. Council staff have always had and still do have the ability to request Traffic reports where appropriate however we are concerned that this will result in staff insisting on simple subdivision activities and the like requiring unnecessary and expensive reports as any development has the "potential" for adverse traffic effects.
6. **GEOMETRIX LIMITED** 5.9.2 (e) be amended as follows, That there is sufficient capacity in the infrastructure networks to cope with the additional demand, or that the existing networks can be increased cost effectively. ~~In the case of stormwater, the adequacy of the network will be assessed taking into account the requirement for on-site soakage or detention/disposal and provision for secondary flow paths and ability to set minimum floor levels as set out in the Development Manual;~~
7. **GEOMETRIX LIMITED** believes that rule 5.9.4 should be deleted in its entirety. This rule makes any residential subdivision greater than 12 lots, any business or industrial subdivision restricted discretionary, a single business's generate more than 100 vehicle movements per day. My advice is to encourage business and development in this district. The existing rules give council sufficient powers to restrict development where necessary. Our roads are designed for traffic. Other than site access roading should not restrict development of a site.
8. **GEOMETRIX LIMITED** believes that 8.5.1 Activity table item 12, secondary flow paths is ultra vires and Council should delete it in its entirety. A secondary flow path is the path that water will take when piped networks are inundated. Council could attempt to control the creation of additional water to the secondary flow path however the instances that secondary flow paths are generally utilized in this district are high intensity bursts during extended periods of rain. This generally limits the viability for retention devices and soakage to assist in the reduction of peak flows.
9. **GEOMETRIX LIMITED** opposes 8.6.1(2) At present it is permitted activity to establish cycleways and footpaths within road reserves. We are unsure of Councils motivation to change this status, changing to full discretionary activity will only delay positive community initiatives and cost the public unnecessary. We believe that this rule should be deleted in its entirety. It is expected that if you own land adjacent to a formed or un formed road that it is entirely feasible that Council will place services and or roading footpaths.. within the corridor and advice would be given of any proposal not request for approval as is status quo.
10. **GEOMETRIX LIMITED** The Activity table 9.1.2 vehicle crossings, we believe that these rules should be independently reviewed / tested by an experienced local consultant to ensure the applicability to our district. We have had a quick desk top analysis and believe that there may be situations that the proposed rules may stifle owner's ability to use their land.
11. 9.1.3 Onsite loading and 9.1.4 Onsite Parking . **GEOMETRIX LIMITED** believes that the proposed rules are likely to deter development and/or be overly onerous for startup businesses. These rule need to be reconsidered if we are to be encouraging development in our towns.
12. **GEOMETRIX LIMITED** seeks: that the proposed change be amended to support development in our towns

13. **GEOMETRIX LIMITED** wishes to be heard in support of this submission.
14. **GEOMETRIX LIMITED** would be prepared to present a joint case with similar submitters at the hearing.
15. **GEOMETRIX LIMITED** would be available to attend a pre-hearing meeting.



Shaun O'Neill
2/December/2013
Director GEOMETRIX Limited

GeoMetrix Submission Matamata Piako District Plan Proposed Plan Change 43
Objectives and Policies

Specific provision submitting on	Support	Support in Part	Oppose	Our Submission is	We seek the following decision from Council on this provision
2.4.6 Intergrated land-use and infracture		✓		It appears that this section is written too heavily on restricting industrial development. This district is blessed with significant infracture and networks and is idealy suited for industrial development. We belive that this should be promoted not just restricted.	We request that this also promote Industry especially around primary produce (dairy, meat, pork chicken, horticulture) and equine industries
2.4.7 Regionally significant infrastructure		✓		Similar as above we should recognise the ability to increase use of existing infracture and promote the development of industry that enhances the vialibility of such infracture	We suggest an additional policy or re-writing of proposed to encorage additional use of existing infracture.
2.4.8 Energy efficiency and renewable energy generation	✓			good initiative	GeoMetrix submits that 2.4.8 remain unchanged
3.1.2 Natural enviroment and heritage				Unsure why so much is being replaced. We belive that the enviromental and heritage is important to the district	Re-consider the stance in regard to enviroment and heritage
3.2.2 Natural hazards	✓				
3.4.2 Subdivision	✓				
3.4.5 Amenity	✓				
3.7.2 Woprks and Network utilities	✓				
3.8.2 Transportation		✓			