



Matamata-Piako District Plan Review

Plan Change 47 – Plan Your Town

Hearing Decisions

13 September 2017



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1.0 Introduction

1.1 Overview of Plan Change

1. This Plan Change covers a town-by-town review of the Residential, Rural-Residential, Industrial and Business Zones for Matamata, Morrinsville and Te Aroha. The Plan Change also responds to the new population projections and establishes land budgets to support future urbanisation and growth.
2. It also assesses the need for new plan mechanisms such as Future Residential Policy Areas, Residential Infill areas and introduction of a new Rural-Residential 2 Zone.
3. Along with a review of zoning and new policy areas, the existing objectives and policies within the District Plan have been reviewed to assess whether they are still appropriate to achieve the purpose and principles of the Resource Management Act 1991 (RMA). Overall, there has been limited need to modify the existing objectives as the existing objectives largely capture and reflect the appropriate objectives for the sustainable management of our communities.
4. Some of the existing policies within the District Plan have been deleted or modified to reflect the changes proposed to the rule mechanisms.
5. This Plan Change reviews the relevant urban zoning provisions, in particular the development controls within Section 3 and Section 4 of the District Plan which relate to development within each of the zones. A major component of the Plan Change affects the subdivision provisions and a number of changes and modifications to the existing rule mechanisms have been proposed.

1.2 Submissions and Hearing

6. The Plan Change was notified in November 2016 with the submission period closing on 16 December 2016. Sixty submissions were received to the Plan Change and eight submissions were received to the Horrell Road Notice of Requirement which was notified alongside the Plan Change. The hearing of submissions to the plan changes affecting Horrell Road and Kuranui Road have been deferred and do not form part of this decision.
7. The Summary of Submissions was notified in February 2017 with the period for receiving further submission closing on 1 March 2017.
8. A hearing to hear the evidence and submission was held in Te Aroha on the 20th and 21st of June 2017. A number of submitters took the opportunity to present further material in support of their submissions including in some cases additional technical and expert assessment.

9. The Council received a hearings report from Council staff and a further supplementary statement at the end of the hearing.
10. Council also received tabled evidence from a number of parties who could not attend the hearing. It is noted that a statement of evidence was received from Powerco after the hearing had concluded and therefore was not able to be received or considered by Council. Council has made decisions based on the original content of the Powerco submissions.

1.3 Statutory Provisions.

11. The Section 32 report prepared for the Plan Change contains a comprehensive review of the relevant statutory matters. In summary, this Plan Change must give effect to the over-arching purpose and principles of the RMA. Section 31, 32, 74 and 75 of the RMA contain specific provisions relating to the preparation of district plans.
12. In preparing this decision, Council has prepared a Section 32AA report to reflect the additional information and assessment which has been completed as part of the submissions and hearings process. The Section 32AA is provided as **Appendix 1** and should be read in conjunction with the decisions on the individual submissions and the full Section 32 report.

1.4 Population Projections.

13. Population projections are a key source of information which have been used to inform and guide the development of the Plan Change. The Town Strategies process used earlier projections which were subsequently updated for the Section 32 report and the notified provisions of the Plan Change.
14. As Council has considered and adopted new projections based on the 2017 *Rationale* medium growth scenario for its long term planning process, it is reasonable to also adopt these projections for the District Plan review process.

| TABLE 1. COMPARISON POPULATION PROJECTIONS | | | | | | |
|--|------------|-------------|--------------|-------------|------------|-------------|
| | Matamata | | Morrinsville | | Te Aroha | |
| | Projection | Growth Rate | Projection | Growth Rate | Projection | Growth Rate |
| Matamata-Piako 2014 Projections (to year 2045) | 9,211 | 0.7% | 8,744 | 0.5% | 4,671 | 0.4% |
| Matamata-Piako 2017 Projections (to year 2048) | 8,790 | 0.5% | 8,750 | 0.5% | 4,340 | 0.2% |

15. While other population projections exist, Council is satisfied that the figures adopted are reliable and appropriate for its infrastructure and statutory planning functions. Further details on the population projections are provided in the Section 32 report.

1.5 Land Budgets and Rezoning

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

2 Decisions on Submissions

2.1 Policies

20. Waikato Regional Council (Sub: 51.4) supports the proposed Policy (3.3.2.1 P4) in relation to the provision of Future Residential Policy Areas. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

Submission Decision Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|--|
| Sub: 51.3 | | Waikato Regional Council | Accept | The policy is appropriate in terms of given effect to the objectives of the District Plan and provides an appropriate direction for the introduction of the Future Residential Policy Area and rule mechanism. The policy is confirmed however its placement within the objectives and policies framework needs to be corrected to Policy 4 in 2.4.1 <i>Residential and rural-residential growth</i> . |
| | FS: 10 | Fonterra | Accept in part | |

2.2 Subdivision – Performance Standards and Rules

21. The Plan Change proposes a number of changes to the subdivision section of the District Plan. To a large extent, these are necessary to reformat the subdivision sections to align with the ‘rolling review’ of the District Plan. As such, while a substantive number of changes are proposed to the formatting and structure of the subdivision provisions, these do not all equate to a change in the content of the plan provisions.
22. In summary, the changes included in the Plan Change are:
- Reformatting of the Activity Status table and the assessment criteria sections,

- Revision of the 'net site' rules and minimum lot size to align with land use provisions,
 - Linkage rules to new rule sections for Residential Infill subdivision,
 - Refinement of rule mechanisms for Structure Plans and linkage rules,
 - Revision of urban design criteria assessments, and
 - Deletion of rule provisions for Precinct F Structure Plan and replacement provisions for new Eldonwood South Structure Plan.
23. A number of submitters have requested additional zoning and these submissions are addressed in the following sections of the report. There were relatively few submissions on the subdivision sections, however a number of specific points have been made on specific plan rules.
24. A Holroyd (Sub: 39) has made a submission in relation to rezoning and to the subdivision rules. He supports the infill provisions, however, the submission states that there is a pinch point in the sewer reticulation between Vosper Street and Hohaia Crescent in Matamata that should be addressed. In addition, the submitter contends that Council should provide a schedule of infrastructure items for each serviced area to assist with the understanding of implementation of the Development Contributions. Details of maintenance requirements are also sought.
25. Kiwirail (Sub: 40) supports all the changes to the subdivision provisions and seeks that Council retains the changes as notified. This submission is supported by Fonterra (FS: 10)
26. Harris and Holroyd (Sub:43) make a number of submission points on the subdivision provisions:
- 325m² net site area for infill development should be replaced with provision for assessment of yield based on an average yield of 325m² for the whole site area of the parent title (Rule 4.13.4(i)),
 - Provision should be made for a reduction in lot size down to 250m² in the Business Zone in or outside the shop frontage area (6.1.2(d),
 - Support changes to General Performance Standards (Rule 6.2.1)
 - Seek clarification around onsite stormwater requirements for rural and rural-residential areas (Rule 6.2.3 & 6.5.6)
 - More flexibility in the building shape factor (10x15m) and outdoor living circle (6m) in Rule 6.2.4,
 - Seek some modification to the boundary adjustment rule and activity status to make the rule more practical (Rule 6.3.6).
 - Supports amendments to only require urban design assessment on larger scale subdivision (Rule 6.5.3).

27. Waikato Regional Council (Sub: 51) submits that the proposed changes to reduce the residential lots size (Rule 6.1.2(b) are supported; however, amendments are sought to the rule provisions to ensure that any stormwater effects from more intensive landuse can be managed. The Waikato Regional Council also presented evidence to the hearing which largely supported the recommendations outlined in the S.42 hearings report.
28. Powerco (Sub: 52) submitted in support of the subdivision provisions for network utilities, however amendments are sought to:
- Include an advice note regarding the NZ Code of Practice for Electrical Safe Distances (NZECP 34:2001) and the Electricity (Hazards from Trees) Regulations 2003 within the subdivision provisions,
 - Establish reverse sensitivity criteria for all subdivision, and not just for rural and rural-residential subdivision.
 - Include new provision for integration of infrastructure with growth and subdivision.
29. The NZ Fire Service Commission (Sub: 54) submitted that the plan provisions should include performance standards for firefighting water supply in accordance with NZS 4509:2008. This includes new lots in both reticulated and non-reticulated areas.

Submission Decision Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|--|
| Sub: 39.4-6 | | A Holroyd | Accept in part | While infrastructure and capacity is closely tied to the development of land, existing 'pinchpoints' and funding mechanisms are not part of the District Plan rule framework. No specific changes are therefore made to the District Plan. |
| Sub: 40 | | Kiwirail | Accept in part | The submission generally supports the plan change provisions. There have been some changes to the notified version of the plan change such that the Kiwirail submission is not accepted in full. |
| | FS: 10 | Fonterra | Accept in part | The further submission is accepted in part as it supports the original submission and support for the plan change. |
| Sub: 43.3, | | Harris and | Accept in part | A number of technical points are made in relation to the rule |

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| .5,.6,.7,.11, .12, | | Holroyd | | mechanisms including support for some of the various changes proposed by the plan change. The submission is accepted in part with the final rule provisions and change as determined by Council set out in Appendix 2 . |
| Sub: 51.4 | | Waikato Regional Council | Accept in part | The submission is supported in part as it generally supports the proposed changes. Some additional changes to the rule provisions have been made in response to other submissions. |
| | FS: 10 | Fonterra | Accept in part | The further submission is accepted in part as it supports the original submission and support for the plan change. |
| Sub: 52.1 | | Powerco | Accept in part | Council considers that the addition of an advice note in Section 6 is appropriate. With respect to the reverse sensitivity criteria, 'complying' residential subdivision for residential activities will not generally have reverse sensitivity issues that need to be considered. Any Discretionary Activity will also be able to consider all effects of the proposed subdivision. Therefore, a reverse sensitivity criteria is not supported. Given the cross linkage of the subdivision section to Section 5.9, no additional infrastructure criteria are necessary in Section 6 of the District Plan. |
| Sub: 54 | | NZFSC | Accept in part | The additional performance standards and reference to the NZS 4509:2008 is appropriate. Variations on the wording proposed by the NZFSC have been included to more align with the existing formatting and provisions within the District Plan. The submission is accepted in part with the final rule provisions and change as determined by Council set out in Appendix 2 . |

2.3 Land Use - Performance Standards and Rules

Residential and Rural-Residential Yards

30. Harris and Holroyd (Sub: 43.2) support the proposed amendments to the yard setbacks which seek to provide greater flexibility and more appropriate setback standards. They also seek additional performance standards for permitted activity provision for situations where the adjoining neighbours have given written approval, and for internal yards on subdivision.

Submission Decision Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|-----------------|---|
| Sub: 43.2 | | Harris and Holroyd | Accept in part. | Removing the need for resource consent for side and rear boundaries when the adjoining neighbour has given written approval is appropriate and will avoid unnecessary costs. This change will also be consistent with the Resource Legislation Amendment Act 2017 (RLAA). While it would be possible to adopt some changes into the District Plan to give effect to the submission, these would effectively be superseded once the RLAA comes into effect on 18 October 2017. It is therefore determined that no changes will be made to the District Plan at this stage and the changes will be introduced through the RLAA. |

Tahuna/Waiti Performance Standards

31. R Kett (Sub: 57) submits that the zoning and boundary requirements for small settlements should follow the residential provisions and standards and not the Rural Zone standards. This submission is opposed by Fonterra (FS: 10) based on concerns about additional development around their industrial and processing sites.

Submission Decision Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------|--|
| Sub: 57 | | R Kett | Reject | This submission has merit and Council does intend to review the planning provisions for all its small settlements as a separate plan change process. This may require a new zone mechanism to recognise that some of these settlements do have a residential nature however they also in some cases are not serviced and will not have a fully urbanised character. These settlements will therefore need specific and new plan provision developed to ensure the best outcomes for the local residents. |
| | FS: 10 | Fonterra | Accept | The further submission is accepted and any specific issues associated with any new standards can be assessed as part of any future plan change. |

Rule 5.10¹ Future Residential Policy Areas.

32. Waikato Regional Council (Sub: 51.4) supports the intent of the proposed Rule 5.10 however they consider that it may need some clarity. No suggestions on how this clarification may be provided are suggested. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

¹ Note. This Rule was originally notified as Rule 5.9.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|---|
| Sub: 51.3 | | Waikato Regional Council | Accept | The rule as notified seeks to ensure that any new activities proposed on a site which is subject to a Future Residential Policy Area do not compromise the opportunity for future roading links. Taking into account the submissions and S.42A report, changes to the rule mechanism are considered appropriate. The changes are provided in Appendix 2. |
| | FS: 10 | Fonterra | Accept in part | The further submission is accepted in part as it supports the original submission and support for the plan change. |

Heritage Provisions and Network Utilities

33. Powerco (Sub: 52.4) submitted that Section 10 of the District Plan (Natural Environment and Heritage) should be amended to include a permitted activity rule for the operation, maintenance, replacement and minor upgrading of existing network utilities.
34. Heritage NZ (FS: 14) has made a further submission requesting further assessment and information on the scope of the changes requested in the Powerco submission such that there can be an informed assessment of the proposed changes. Heritage NZ note that the protection of heritage is a matter of national importance.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------|--|
| Sub: 52.4 | | Powerco | Reject | The only changes which have been proposed to Section 10 as part of the current Plan Change relate to the Te Aroha Character area and the deletion of a generic rule (10.1) which was not implementable. It |
| | FS: 14 | Heritage NZ | Accept | |

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| | | | | appears that the Powerco submission is seeking a new Permitted Activity status for all network utilities within any scheduled area and this raises a question of scope and whether or not the submission can be accepted as a submission on the Plan Change. Section 8 of the District Plan also sets out provisions for upgrading and maintenance of network utilities and therefore it is considered that no additional provisions are required in Section 10. |
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Performance standards for multi house hold units and infill development

- 35. Harris and Holroyd (Sub: 43) oppose the Plan Change proposal to delete the specific requirements for multi household units (Rule 3.1.4(ii)).
- 36. Harris and Holroyd (Sub: 43.4) submit that the performance standard for yard setbacks (Rule 4.13.4(iii)f) on internal boundaries for infill development should be clarified.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|--|
| Sub: 43 | | Harris and Holroyd | Accept in part | The Plan Change as notified proposed a deletion of specific rules in relation to multi household units given that new provisions for infill housing are proposed. The existing rule is designed to apply to developments such as retirement or lifestyle villages which would generally be subject to a comprehensive urban design layout and unit typology plan and be considered as a Discretionary Activity. Council is satisfied that it is appropriate to retain the rule with a minor amendment to explicitly apply the rule to retirement/lifestyle village proposals rather than infill development. These changes are provided in Appendix 2 . |

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| Sub: 43.4 | | Harris and Holroyd | Accept | In considering the matters raised in the submission and the proposed amendments recommended in the S.42A report, it is considered that clarification of Rule 4.13.4(iii)f) is appropriate as any effects of the non-compliance will essentially be internalised to the site. The changes resolved by Council are provided in Appendix 2 . |
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Site Coverage Definition

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

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------|--|
| Sub: 53.2 | | Z Energy | Accept | The submission is accepted. 'Below ground' structures do not need to be considered as part of the site coverage assessment as this should only take into account structures that exist above ground. |

2.4 Rural-Residential - Subdivision, Performance Standards and Rules

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

39. Harris and Holroyd (Sub: 53.10 & 11) consider that the new proposal for subdivision of 5,000m² should be applied through the Rural-Residential Zone unless there are specific development restrictions. This is opposed by Fonterra (FS: 10) as there are no details of the areas that may be considered for Rural Residential 2 subdivision and new house sites may lead to reverse sensitivity effects around their industrial and processing sites.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | |
|-----------------|------------------|-----------------------------|----------------|--|
| Sub: 04 | | J Bowen | Reject | Council has previously reviewed the subdivision provisions for rural areas. The current Plan Change has adopted a new regime for Rural-Residential subdivision including some new Rural-Residential areas to provide for choice and flexibility. The Plan Change has assessed our population projections and has aligned land supply to ensure that there is no housing shortage. It is considered that the new subdivision provisions are appropriate and that they will serve the objectives for achieving appropriate land use and subdivision around our urban areas. |
| | FS: 04 | Waikato Regional Council | Accept | |
| | FS: 09 | NZTA | Accept | |
| | FS: 10 | Fonterra | Accept in part | |
| Sub: 43.10 & 11 | | Harris and Holroyd | Reject | It is accepted that a smaller Rural-Residential lot size will provide more flexibility and generally a higher concentration of lots which may reinforce a specific type of Rural-Residential living. However, it is considered that a variety of lifestyle and Rural-Residential areas should be provided and that having a dedicated and distinct set of standards for the Rural-Residential 1 and 2 areas will enable current and future owners to choose the type of area they would like to purchase and live in. |
| | FS: 10 | Fonterra | Accept in part | The issues raised by Fonterra will be satisfied by the rejection of the submission |

2.5 Business/Industrial Performance Standards and Rules

Landscape Provisions

40. The Plan Change reviewed the rules for landscaping in the Industrial and Business Zones which currently require landscaping on all sites. The Plan Change proposes to remove this general requirement, to require landscaping along ‘principal’ roads and to refine the type of development that will trigger the landscaping requirements.
41. Progressive Enterprises Ltd (Sub: 17) supports the changes. Z Energy (Sub: 53) supports the proposed changes to the landscape provisions. Lowe Corporation Ltd (Sub: 56) submitted in support of removing the landscaping provisions from all industrial sites and oppose their property on Waihou Road from being included as a “Principal” road and, consequently, still being subject to landscaping for site redevelopment.
42. Harris and Holroyd (Sub: 43.13) opposed the landscaping requirement on Broadway without further clarification of the rule, however, this matter was not pursued with the evidence presented at the hearing.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|-----------------|---|
| Sub: 17 | | Progressive Enterprises Ltd | Accept | The Plan Change proposes a reduced standard for landscaping and new threshold of development (50m ²) before any landscaping is required. It is considered that this is a balanced response between not imposing unnecessary constraints on industrial and business operators, but also maintaining some amenity for the main roads coming into our towns. After taking into account the submissions received and the recommendations of the S.42A report, it is determined that the provisions as notified are appropriate and no further changes are considered necessary or appropriate. |
| Sub:43. 13 | | Harris and Holroyd | Reject | |
| Sub: 53.1 | | Z Energy | Accept | |
| Sub: 56.5&6 | | Lowe Corporation | Accept in part. | |

Shop Frontage Areas

43. The Plan Change reviewed the extent and provisions for Shop Frontage Areas (SFA's). Business properties within the SFA are required to provide a pedestrian verandah as these areas are viewed as being part of the inner town pedestrian area. The District Plan also does not require onsite car parking for sites which are in the SFA.
44. Progressive Enterprises Ltd (Sub: 17.1-3) has submitted on parts of the SFA in each of our towns.
- Matamata: Progressives submit that the SFA should be removed from both sides of Arawa Street, north of Rewa Street.
 - Morrinsville: The submission contends that the SFA along Studholme Street, north of Thames Street should be removed.
 - Te Aroha: Progressive Enterprises submit that the SFA should be removed from Whitaker Street east of Boundary Road.
45. Z Energy (Sub: 53.03) supports the provisions for SFA's, specifically the exemption provided to service stations from the need to provide a verandah.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------|---|
| Sub: 17.1 | | Progressive Enterprises Ltd | Accept | The Plan Change re-evaluated the extent of shop frontage areas (SFA's) within each of our towns. Overall there were limited changes that were proposed as part of the Plan Change. Progressive Enterprises as a commercial landowner has made submissions on the SFA in each town. The S.42A report has recommended that the submissions to the SFA in Matamata and Morrinsville are broadly accepted however the S.42A report does not support the Progressive's submission to uplift part of the SFA along Whitaker Street in Te Aroha. Council accepts that the extent of the SFA in Matamata and Morrinsville can be reduced on the basis that the areas in question are unlikely to be connected with the main shopping streets and the opportunity for continuous vehandahs is limited. With respect to |
| Sub: 17.2 | | Progressive Enterprises Ltd | Accept | |
| Sub: 17.3 | | Progressive Enterprises Ltd | Reject | |

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| | | | | <p>Morrinsville, it has been decided that the SFA should still be retained partially along Studhome St to the pedestrian crossing which is located at the southern boundary of the public car park.</p> <p>With respect to Whitaker Street, Te Aroha, Council does not accept that the Progressive submission has merit and the opportunity to maintain and establish vehandahs along Whitaker Street up to the corner of Rolleston Street and the Grand Hotel is appropriate. This will support the pedestrian experience for both community and visitors to Te Aroha.</p> |
| Sub: 53.3 | | Z Energy | Accept | The exemption is part of the current District Plan and this has not been changed by the Plan Change. The submission is accepted on the basis that it is consistent with the District Plan. |

Accommodation Facilities

46. Harris and Holroyd (Sub:43.1) submit that accommodation facilities should be provided for as Controlled Activities in the Business Zone. This submission is opposed by Fonterra (FS: 10). The Fonterra further submission raises issues over reverse sensitivity and its existing Morrinsville processing site. It recommends that the Discretionary Activity status is retained or alternatively that specific controls are exercised over the area around the processing site.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|--|
| Sub: 43.1 | | Harris and Holroyd | Reject | It is considered that the assessment of accommodation facilities would be dependent on the scale and location of a particular proposal and therefore a broader assessment of effects may be required in some cases. In addition, the Plan Change has not specifically assessed the make-up of activities within the Business Zone and therefore there may be some issues with the submission being within the scope of |
| | FS: 10 | Fonterra | Accept in part | |

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| | | | | changes covered by the Plan Change. It is considered that the Discretionary status will enable an appropriate consideration of reverse sensitivity issues for all areas. |
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2.6 Equine Overlay

- 47. The Plan Change promoted an equine overlay around both the Matamata and Te Aroha racecourses. The proposed equine overlay would provide for limited subdivision opportunities for new equestrian sites which can demonstrate a direct and ongoing association to the equine industry and the respective race courses.
- 48. A number of submissions have been received in opposition to the proposed equine provisions.

Matamata Equine Overlay

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

Te Aroha Equine Overlay

52. Lowe Corporation (Sub: 56) question the need for any additional rule provisions for equine activities and are concerned about potential reverse sensitivity issues. The Waikato Regional Council (Sub: 51) submits that any development within the proposed equine area will need to manage potential flood hazard risk.
53. Silver Fern Farms (Sub: 36) oppose the proposed equine area in Te Aroha on the basis of reverse sensitivity issues and concern over how the rules will be implemented.
54. Waikato Regional Council (Sub: 51.3) supports in part the equine area subject to appropriate mitigation of natural hazard risk. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|--|----------------|---|
| Sub: 12.2-7 | | Inghams Enterprises Ltd | Accept in part | Council promoted the equine provisions as a means of supporting the equine industry. Through the consultation process a concerted effort was made to engage with the equine sector and to gain support for the proposal. This was not forthcoming and the lack of submissions in support of the provisions leaves Council with the view that the equine proposal are lacking community and equine sector support. The submissions in opposition generally raised issues with the merits of the rule provisions and additional concerns were raised with respect to reverse sensitivity issues. Some submitters also considered that the equine provisions should be a vehicle to future residential zoning. |
| Sub: 16 | | Weatherly Bloodstock and R and S Johnson | Accept in part | |
| Sub: 21 | | W O'Hearn | Reject | |
| Sub: 22 | | V O'Hearn | Reject | |
| Sub: 36 | | Silver Fern Farms | Accept | |
| Sub: 37.1 | | NZ Transport Agency | Accept in part | |
| | FS: 03 | Inghams | Accept in part | |

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|-------------|--------|--------------------------|----------------|---|
| Sub: 51.3 | | Waikato Regional Council | Accept in part | Council was also presented evidence in terms of the administrative issues that are inherent with any subdivision rule based on a particular land use activity at any point in time. On balance, Council has determined there is little merit in proceeding with the equine changes and therefore the proposed equine provisions are overturned and the submissions opposing the provisions upheld. |
| | FS: 10 | Fonterra | Accept in part | |
| Sub: 56.1-4 | | Lowe Corporation | Accept | |

2.7 Residential Infill

55. The Residential Zone currently requires a minimum lot size of 500m² for a new residential lot. Additional rules provided for smaller lots with a minimum lot size of 350m² in areas within 200m of existing Business Zones.
56. The District Plan review process has reviewed the location and rule provisions for subdivision and introduced new Residential Infill spatial areas for each of our towns. The Residential Infill areas are largely based around the town centres and cover much of the earlier areas which were identified around the Business Zones. Plan Change 47 also introduced new rule provisions to enable a minimum density of 325m² and special rules to ensure that the scale and type of infill development would be compatible with the surrounding residential areas. In addition, the proposal rules would allow consideration of smaller sections outside the identified areas as a Discretionary Activity and where neighbour approval was likely to be required before consent could be granted.
57. J Maitland-Smith (Sub: 10) has identified an implementation issue with the infill provisions and the qualifying area for density. As notified the plan rule required a net site area of 325m² for each dwelling. The intention of the infill provisions was to enable the opportunity for three dwellings to be developed on the old ¼ acre section, (equivalent to 1012m²). The submitter seeks to change to the rule mechanism such that the density is based on the gross section area.
58. KiwiRail (Sub: 40) has made submission on the various infill areas shown across our three towns and note that in some cases these are adjacent to existing railway corridors. KiwiRail is accepting of the new infill provisions based on the performance standards and mitigation measures included within the District Plan regarding noise, vibration and setbacks.

59. The Ministry of Education (Sub: 49) has made a submission raising potential issues with the infill areas and reverse sensitivity around schools, potential traffic effects and pedestrian linkages and that Council should consult with the Ministry about new growth areas and the provision of education facilities.
60. A and J Gray (Sub: 50) submitted that the infill areas are not of any benefit for current or future generations. Instead they contend that further opportunity should be available for small house site subdivision in the rural areas. This submission is opposed in further submissions by S and M Dalrymple (FS: 02), Waikato Regional Council (FS: 04), NZTA (FS: 09) and in part by Fonterra (FS: 10).
61. Waikato Regional Council (Sub: 51.1) supports the new infill provisions and the intention to enable more compact forms of residential settlement. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.
62. Some submitters have sought changes to the spatial area identified for infill subdivision and these submissions and are discussed as below:

Infill Areas in Matamata

63. S Wooler and M Dalrymple (Sub: 23) generally support the residential infill area along Smith Street; however; the submitter seeks additional flexibility in terms of the assessment criteria and activity status for infill development for sites adjoining Pohlen Park. The submitter seeks a Controlled Activity for infill, a reduction in the density requirement to 300m² gross site area or less, and removal of the recreational space and parking rule mechanisms.

Infill Areas in Morrinsville

64. T Richardson (Sub: 8) has submitted that the residential infill area should be pulled back from the industrial area around Page Street and McPherson Drive. It is also submitted that more infill areas could be considered along Coronation Road.
65. K Semmens (Sub: 05) does not support the higher density provisions around the town centre and cites concerns regarding overcrowding and poor urban design outcomes from more intensive development.

66. Fonterra (Sub: 38) has submitted in opposition to the Residential Infill areas proposed to the north of Allen Street on the basis that this could potential give rise to reverse sensitivity effects for its manufacturing site on the south side of Allen Street. Fonterra also make submissions on the associated noise provisions.

Infill Areas in Te Aroha

67. M Ritchie (Sub: 03) would like to have the properties on Gilchrist Street included in the infill area as they have large sections.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|------------------|--|
| | | | General Decision | <p>Council has received some different points of view in the submissions regarding the infill provisions. Generally speaking, there has been support for the approach of providing appropriate rule provisions for infill subdivision. Various submissions have been received opposing specific locations of some of the proposed infill areas and some submitters have questioned the nature and type of development that may be enabled by the new infill provisions.</p> <p>Overall Council considers that there is merit with enabling infill development to provide choice and the ability of some lots and housing typologies to have a more compact form. Council is satisfied that the performance standards for infill development will ensure that any effects on adjacent landowners and to the amenity values of our residential areas will be less than minor.</p> <p>In response to submission, the provision for net site area or total site areas to calculate the permissible yield has been clarified and some changes to the spatial location of the infill areas have been made.</p> |

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|----------------|--|--------------------------|----------------|--|
| Sub: 03 | | M Ritchie | Reject | The Gilcrest Street area is not considered to warrant inclusion in the infill area however infill subdivision may still be applied for as a Discretionary Activity. |
| Sub: 05 | | K Semmens | Reject | Council considers that the performance standards for infill development and subdivision will protect the amenity values and character of existing residential areas. |
| Sub: 08.1-2 | | T Richardson | Accept in part | It is considered appropriate that the infill area be retracted back from the industrial area. The revised area for infill is shown in Appendix 3 . |
| Sub: 10 | | J Maitland-Smith | Accept | Council considers that the infill yield needs to be based on total site area to achieve the anticipated yield and flexibility of design. |
| Sub: 23.1-4 | | S Wooler and M Dalrymple | Accept in part | <p>Council considers that it is not appropriate to introduce specific rule provisions based on adjacent parks or other areas associated with Pohlen Park. If this approach was adopted, then many other areas would also need to be considered in terms of location or site specific rules. Local conditions are more appropriately considered through an individual resource consent process.</p> <p>With respect to carparking, it is considered that residents will be car dependent and therefore no change to the car parking requirements is proposed.</p> <p>Council has determined that the rule mechanism for density will be calculated on 325m² gross site area and not 325m² net site area. This part of the submission is therefore accepted in part although not down to a density of 300m² which is sought by the submitter.</p> |
| Sub: 38.1 & .3 | | Fonterra | Accept | It is considered appropriate that the infill area be retracted back from the Allen Street area. The revised area for infill is shown in Appendix 3 . |
| Sub: 40 | | KiwiRail | Accept | Council accepts the submission on the basis that it supports the infill provisions. |

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|-------------|--------|--------------------------|----------------|---|
| Sub: 49.1-4 | | Ministry of Education | Accept in part | <p>Council considers that the infill areas will promote development in our towns and that this will benefit and support our local schools. With respect to traffic safety matters, Council will always be proactive in addressing potential issues for pedestrian and traffic safety within and around the school zones.</p> <p>Council is not aware of any existing reverse sensitivity issues affecting school sites and the infill development will be in existing residential areas, thereby limiting the scope or extent of any new reverse sensitivity issues that may arise.</p> |
| Sub: 50 | | A and J Gray | Reject | <p>Council considers that the infill provisions will provide flexibility and housing choice for future residents. A previous plan change on rural subdivision has appropriately determined the nature and type of subdivision which is appropriate in our rural areas.</p> |
| | FS: 02 | S and M Dalymple | Accept in part | |
| | FS: 04 | Waikato Regional Council | Accept | |
| | FS: 09 | NZTA | Accept | |
| | FS: 10 | Fonterra | Accept in part | |
| Sub: 51.1 | | Waikato Regional Council | Accept | <p>Council accepts the submission given that it broadly supports the approach and intent of the new infill provisions.</p> |
| | FS: 10 | Fonterra | Accept in part | |

3 Matamata

3.1 Banks Road Structure Plan and Surrounding Zoning

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

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

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

- Inghams (FS 3) are opposed to the rezoning given their existing hatchery operation and submission for industrial expansion. The Waikato Regional Council (FS: 04) is neutral to the rezoning subject to appropriate analysis of the zoning impacts and assessment against the relevant regional policies for new urbanised areas. Calcutta Farms (FS: 7) supports a Residential Zone or policy area as long as this is consistent with their own submission and rezoning request. NZTA (FS: 09) oppose the rezoning unless further assessment of traffic effects are provided and potential adverse effects are addressed.
- W O'Hearn (Sub: 21) and V O'Hearn (Sub: 22) have made submissions about the Equine overlay and also seek that the area to the south of Banks Road be considered for future residential development.

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

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

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

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

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

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

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

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|--|----------------|--|
| Sub: 12.1 | | Inghams Enterprises Ltd | Reject | <p>Council has received a range of submissions regarding the zoning of land around Banks Road including the area currently identified within the Banks Road Structure Plan. These submission also included presentation of planning evidence and legal submissions to the hearing which the Council found useful in helping shape its decisions.</p> <p>The submissions can broadly be grouped as follows:</p> <ol style="list-style-type: none"> 1. <u>Request for new urban provisions.</u> A number of submitters consider that the Banks Road area should be identified and promoted for new residential development. Various zoning provisions have been put forward including Residential Zone, Future Residential Policy Areas and a Deferred Zone mechanism that would not require a further plan change process to be enacted. The majority of the submissions propose the area north of Banks Road to be urbanised however some submissions have also suggested properties on the south side of Banks Road. Some of these submission also question the merit in promoting urbanisation of the Tower Road area over the Banks Road area. |
| | FS: 07 | Calcutta Farms Ltd | Accept | |
| | FS: 09 | NZTA | Accept | |
| Sub: 16 | | Weatherly Bloodstock Limited and Johnson | Accept in part | |
| | FS: 03 | Inghams Enterprises Ltd | Accept in part | |
| | FS: 04 | Waikato Regional Council | Accept | |
| | FS: 07 | Calcutta Farms Ltd | Accept in part | |
| | FS: 09 | NZTA | Accept | |
| Sub: 20&21 | | W O’Hearn; V O’Hearn | | |
| | FS: 03 | Inghams Enterprises Ltd | Accept | |

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|-----------|--------|--------------------------|----------------|--|
| | FS: 07 | Calcutta Farms Ltd | Accept in part | <p>2. <u>Request for new Industrial Zone.</u> Inghams Enterprises promote an Industrial Zone for their hatchery site on the corner of Banks Road and for additional land that may be utilised to expand their enterprise.</p> <p>3. <u>Request for appropriate assessment and planning process.</u> Some submitters such as the NZ Transport Agency and the Waikato Regional Council consider that any new urbanisation areas require a clear assessment of environmental and infrastructural effects and that any changes must also demonstrate consistency and give effect to the regional planning framework.</p> <p>Council has considered these submissions carefully and overall its decision is that the District Plan should establish a planning framework for further urbanisation within the Banks Road area. This has also led Council to make a decision to retract the Future Residential Policy Area from Tower Road.</p> <p>In terms of the make-up and extent of zoning and policy areas which can be determined as part of the current plan change process, Council is mindful that any changes will be need to be based on submissions to the Plan Change as no changes in this area were notified as part of the Plan Change. This does raise potential issues of scope. Council has determined that it is appropriate at this stage to rezone the remaining part of the Banks Road Structure Plan from Rural Zone to Residential Zone. The area concerned is approx. 8.24ha and the Structure Plan anticipated that this could be rezoned through a plan change process. It is considered that the servicing of this new area can be accommodated by the existing infrastructure network and that any environmental effects will be less than minor. Council has also determined that a approx. 18ha area of Future Residential Policy Area should be introduced. This will signal that</p> |
| | FS: 09 | NZTA | Accept | |
| Sub: 39.1 | | A Holroyd | Accept in part | |
| | FS: 03 | Inghams Enterprises Ltd | Accept in part | |
| | FS: 07 | Calcutta Farms Ltd | Accept in part | |
| | FS: 09 | NZTA | Accept | |
| Sub: 41 | | KR Simpson/Trust | Accept in part | |
| | FS: 04 | Waikato Regional Council | Accept | |

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| | FS: 07 | Calcutta Farms Ltd | Accept in part | <p>this can be considered for future urbanisation with a subsequent plan change process providing a full opportunity to assess all the relevant environmental and infrastructural require and effects.</p> <p>Council considers that there area for urbanisation should be limited to the north side of Banks Road.</p> <p>Council has examined the option of providing a Deferred Zone mechanism which would not require a separate plan change process for future rezoning. It is Council's opinion that any such mechanism is not within the scope of the current plan change process. Council does consider that this type of mechanism has merit however it cannot introduce a new zoning mechanism and policy framework into the District Plan which has not been consulted on or included in any part of the work and material completed as part of current plan change process.</p> <p>In terms of the Industrial Zone proposal, it is considered that this would not be appropriate given the other residential and rural residential land use activities which surround the existing Inghams site. Should any expansion of the existing site or premises be contemplated, then a resource consent process will be available to consider the merits of any such proposal.</p> <p>The zoning changes are shown in Appendix 3.</p> |
| | FS: 09 | NZTA | Accept | |
| Sub: 43.8 | | Harris and Holroyd | Accept in part | |
| | FS: 03 | Inghams Enterprises Ltd | Accept in part | |
| | FS: 07 | Calcutta Farms Ltd | Accept in part | |
| | FS: 09 | NZTA | Accept | |
| Sub: 48.1&2 | | Calcutta Farms | Accept in part | |
| | FS: 03 | Inghams Enterprises Ltd | Accept in part | |
| | FS: 04 | Waikato Regional Council | Accept | |
| | FS: 09 | NZTA | Accept | |

3.2 Eldonwood South Structure Plan

71. A major change proposed in Plan Change 47 is the replacement of the Precinct F Structure Plan and zonings with the Eldonwood South Structure Plan and a new zoning regime. The reason for these changes is the significant costs to provide infrastructure and servicing to the area and concerns over the viability of concentrated residential zoning in this area.

72. Mr N Schick (Sub:20) supports the changes however the submitter does not support the differential Rural-Residential zoning and suggests that all the Rural-Residential Zoning should be based on a single zone with a 1ha average lot size.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|---|
| Sub: 20 | | N Schick | Accept in Part | <p>The split zoning has been introduced to provide some variation and mix in the nature and type of Rural-Residential lots that may be subdivided. An important consideration for the changes in this area was also the baseline of Residential Zoning which was provided within the Precinct F Structure Plan.</p> <p>Council has determined that a mix of Rural-Residential 1 and 2 zoning in the revised Eldonwood South Structure Plan area is appropriate. The submission is accepted in part given that it supports the rezoning within the Structure Plan area</p> |

3.3 Tower Road Structure Plan and Policy Area

73. The Plan Change proposes a new Residential Zone at Tower Road plus an additional area of Future Residential Policy Area.
74. As discussed in Section 3.1 above, it is now apparent that there are infrastructural advantages with promoting new residential areas and a Future Residential Policy Area at Banks Road. This in turn would lead to a change in position with the allocation of land at Tower Road with the recommendation now being that only the Residential Zone is advanced at Tower Road, and not the policy area.
75. One submitter, J McDonald (Sub: 01) supports the new Tower Road zoning; however, the submission also states that a third roading linkage should be made along Findlater Street to alleviate any potential traffic and roading issues.

76. Powerco (Sub: 52.2) submits that the general provisions for servicing and infrastructure for the Tower Road Structure Plan should be retained however they also consider that additional criteria should be added to explicitly refer to the potential need to upgrade the power reticulation network.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|--|
| Sub: 01 | | J McDonald | Accept in Part | <p>As discussed in Section 3.1 above, Council has resolved to make provision for future urbanisation of the Banks Road area. This decision consequently affects the Tower Road area and Council has decided that the Future Residential Policy Area is no longer required at Tower Road. The proposed Residential Zone is considered to have merit and is to be retained.</p> <p>Council has commissioned traffic assessment of the local roading network which would service the new zoning and this has confirmed that the existing roading network with connections through Birdie Ave and Magnolia Drive can accommodate the new zoning without any significant effects in terms of traffic safety or efficiency. The cost of land purchase for a new linkage would also add considerable costs on the Council. As the the policy area is to be retracted, this will also reduce the potential of future traffic movements utilising the existing local network.</p> <p>Council notes that the Waikato Regional Council has supported the rezoning and the policy area in its original submission however it also provided evidence to the hearing that the Section 42A report recommendations that the Future Residential Policy Area be withdrawn from Tower Road was appropriate. The Waikato Regional Council submission is accepted in part on the basis that the policy area adjacent to existing residential areas even though this area is now proposed to be at Banks Road.</p> |
| Sub: 51.1 | | Waikato Regional Council | Accept in Part | |
| | FS: 10 | Fonterra | Accept in part | |

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| Sub: 52.2 | | Powerco | Accept. | The submission point is accepted with the amended wording to the Structure Plan shown in Appendix 2 . |
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3.4 New Residential Zones and Policy Areas

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

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|---|
| Sub: 51.1 | | Waikato Regional Council | Accept in part | <p>The plan change has revaluated the extent and location of land available for urbanisation in Matamata (as well as in our other towns).</p> <p>As discussed in this decision, and in response to the submissions there has been some further reconsideration of the land supply and a shift in providing for new urbanisation only at Tower Road to providing for urbanisation at both Tower Road and Banks Road.</p> <p>The zoning decisions which have now been determined by Council are consistent with the intent of the Plan Change to ensure that an appropriate oversupply of available land for urbanisation is available and that this is held in multiple ownership.</p> |
| | FS: 10 | Fonterra | Accept in part | |

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| | | | | As such, the submission from the Waikato Regional Council and the further submission from Fonterra are accepted in part. The actual area for urbanisation have been amended however the same approach and philosophy to land supply and ensuring appropriate location and infrastructural services have been maintained. |
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3.5 New Rural-Residential Zones

78. Waikato Regional Council (Sub: 51.1) submits a neutral submission on the Eldonwood South Structure Plan and other rural-residential areas and identifies policies in the regional policy statements and plans for Rural-Residential development. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.
79. Harris (Sub: 44) submit that a block of approximately 27ha located between Waharoa Road West and Peria Road should be rezoned from Rural-Residential 1 to Rural-Residential 2 (to allow 5,000m² lots). It is contended that this zone would allow for future infrastructure extensions and that the water table and stormwater disposal options for this area are more suitable for development than the area to the south of Peria Road. NZTA has made a further submission raising concerns over access and the need to that insufficient information has been put forward to support the rezoning request.
80. Harris (Sub: 45) submitted that a block of approximately 5ha located at the end of Cameo Place should be rezoned from Rural-Residential 1 to Rural-Residential 2 (to allow 5,000m² lots). It is contended that this would be in keeping with the existing lots created of Cameo Place and that stormwater disposal options for this area are available to the west of the site.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|---|
| Sub: 44 | | Harris | Accept | <p>The plan change has closely examined the extent and supply of Rural-Residential Zones and has also introduced a new regime for Rural-Residential subdivision to provide distinct areas with a 1ha average density character and new areas of 5,000m² average density.</p> <p>Council has assessed the merits of the submissions for rezoning of the Peria Road and Cameo Place areas to Rural-Residential 2 in terms of the land budgets determined through this plan change process. Council is mindful that the Peria Road area has been granted consent for a residential subdivision in the past and it has locational and connections Waharoa Road West and to the existing Residential Zone to the south.</p> <p>On balance, it is Council's decision that the Peria Road area merits a Rural-Residential 2 Zone while the Cameo Place area should remain as Rural Residential 1. With respect to traffic matters and the NZTA submission, it is considered that these can be addressed at the resource consent stage as a Discretionary resource consent will be required.</p> |
| | FS: 09 | NZTA | Accept in part | |
| Sub: 45 | | Harris | Reject | |
| Sub: 51.1 | | Waikato Regional Council | Accept in part | |
| | FS: 10 | Fonterra | Accept in part | |

3.6 New Industrial Zone

81. The Plan Change proposes an extension of the Industrial Zone along Mangawhero Road/State Highway 24 to the east of the existing Industrial area.
82. NZTA (Sub: 37) has submitted that the frontage is a limited access road and that they would not support the rezoning area unless any new road connections are from the existing local road intersections.

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

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|--|
| Sub: 37 | | NZTA | Accept | Council considers that the proposed Industrial Zone will provide additional land supply which is both necessary and appropriate for the efficient development of industry. The assessment of the roading linkages for the new Industrial area only envisaged assess off Rockford Street and a land parcel has already been purchased by Council to achieve this linkage. Council accepts the need to ensure that no direct access is provided onto SH24 and a new rule performance standard has been included to this effect. This amendment is provided in Appendix 2. |
| Sub: 51.1 | | Waikato Regional Council | Accept | |
| | FS: 10 | Fonterra | Accept in part | |

3.7 Business Zones

84. As part of the land budgets for Matamata a shortage of business land was identified. Plan Change 47 proposed new areas for Business Zones and also promoted a Business/Residential Interface overlay given that the existing land use for the new areas was largely residential.
85. The new areas identified for Business Zoning covered;
- A double row of properties north of Broadway between Vosper Street and Hohaia Crescent
 - A single row of properties on the west side of Meura Street at the southern end
 - Properties on the east side of Smith Street between Broadway and Farmers Road

- Properties on the east side of Waharoa Road East on either side of Rawhiti Avenue
- The block occupied by the commercial precinct comprising the New World supermarket and the Warehouse.

86. Waikato Regional Council (Sub: 51.1) supports the new areas of Business Zone with the Residential Interface provisions to manage the effects of mixed land use within and around these areas. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

Meura Street

87. One submitter, Mr John Lee (Sub: 06) opposed the changes in Meura Street and considers that the changes are not necessary and that development in the area is restricted by stormwater and infrastructure capacity. Mr Lee considers that a residential infill area is a better alternative.

Waharoa Road East and existing commercial precinct

88. Six submissions have been received opposing the proposed Business Zone along Waharoa Road East. The issues raised in the submission relate to loss of residential amenity and character, lack of need for more business land, that Waharoa Road East is not the appropriate location, and that public space on the corner of Rawhiti/Waharoa Road East should be retained. The submitters are also concerned with loss of property values and consider that the area is more suited to infill residential development.

Broadway

89. C Saunders (Sub: 02) supports the zoning changes to the properties on the north side of Broadway from Vosper Street to Hohaia Crescent. The submitter also suggests that the landscaping provisions be amended to enable 100m² of building additions before any new landscaping is required and that a wider range of commercial activities including food retail should be provided for.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|---|
| Sub: 02 | | C Saunders | Accept in part | The changes to Broadway and Smith Street are considered appropriate and no changes are proposed to the new Business Zones as notified. The new areas will extend the Business Zone along Broadway and provide new opportunities for business and office activities. With respect to the landscape provisions the proposed changes provide a threshold of 50m ² of new building footprint before any new landscaping standards apply. This is considered more appropriate than a 100m ² footprint which would represent a more significant scale of redevelopment. |
| Sub: 06.1-3 | | J Lee | Reject | <p>In terms of the proposed changes for Meura Street the Business/Residential Interface provisions proposed for these areas impose significant restrictions on the type and scale of any business uses which may seek to establish. The Residential Interface provisions only encourage business uses which can operate from existing residences and retailing activities are not permitted. Any business use which does not comply with the specified criteria will require land use consent as a Discretionary Activity.</p> <p>Council considers that Meura Street already has a mixed use character given the existing Business Zone along the northern section and the presence of public spaces and community/church buildings on the eastern side of Meura Street. As such, Council has determined that the Business Zone with the Business/Residential Interface is appropriate for Meura Street.</p> |

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| Sub: 07 | | L Hall | Accept in part | <p>In terms of Waharoa Road East, the original proposal for rezoning provided a row of Business Zone properties linking to the existing commercial precinct (Warehouse, New World and other commercial premises). This has been reconsidered taking into account that the commercial precinct is largely a destination shopping precinct to which people will generally drive and park rather than pedestrian access. Given the assessment of land budgets, it is considered that there would be merit in retaining the proposed Business Zone for the properties south of Rawhiti Street (excluding Jim Gardiner Grove) which will provide a complete block of Business Zone. For those properties north of Rawhiti Street, it is considered that the Residential Zoning and Infill overlay would be appropriate given the relatively close proximity to the existing Business Zone areas.</p> <p>Without a Business Zone linking to the existing commercial precinct, it is considered that the existing precinct should retain its existing Residential Zone and the commercial activities can continue to operate under the terms and conditions of their approved resource consent.</p> |
| Sub: 29 | | N and P Barton | Accept in part | |
| Sub: 31 | | G and G Broomhall | Accept in part | |
| Sub: 32 | | S Broomhall | Accept in part | |
| Sub: 33 | | G and J Barton | Accept in part | |
| Sub: 35 | | R Geraghty | Accept in part | |
| Sub: 51.1 | | Waikato Regional Council | Accept in part | <p>The proposed new Business Zones will generally be retained along with the Business/Residential interface standards. The submission from the Waikato Regional Council and the further submission are accepted in part.</p> |
| | FS: 10 | Fonterra | Accept in part | |

4 Morrinsville

4.1 New Residential Zones and Policy Areas

90. A and N Loveridge (Sub: 13) submit that a 5.4ha area of their property located off Snell Street should be rezoned for residential development. The area for rezoning is proposed to run along the eastern boundary of the site which adjoins the existing Residential Zone. Both the Waikato Regional Council (FS: 4) and NZTA (FS: 9) have made further submission raising concerns about the need to have more analysis and assessment of the rezoning to consider it more favourably.
91. L and N Loveridge (Sub: 42) submit that the land on the south side of Eynon Road should be rezoned from Rural to Residential. Both the Waikato Regional Council (FS: 4) and NZTA (FS: 9) have made further submission raising concerns about the need to have more analysis and assessment of the rezoning to consider it more favourably
92. Waikato Regional Council (Sub: 51.1) submits in support of the new residential areas and policy areas as notified. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------|--|
| Sub: 13 | | A and N Loveridge | Reject | There is little technical material to support the rezoning requests at Snell Street or Eynon Road. Council has identified a Future Residential Policy area for future urbanisation along Taukoro Road to provide additional land supply. In addition, new provision for infill development are proposed and it is considered that the Plan Change will enable appropriate rural-residential and residential development opportunities. A potential issue may also arise with extending the |
| | FS: 04 | Waikato Regional Council | Accept | |
| | FS: 09 | NZTA | Accept | |
| Sub: 42 | | A and N Loveridge | Reject | |
| | FS: 04 | Waikato Regional Council | Accept | |
| | FS: 09 | NZTA | Accept | |
| Sub: 51.2 | | Waikato Regional Council | Accept | |

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| | FS: 10 | Fonterra | Accept in part | Residential Zone given potential issues with other non-residential land use and there are also issues with the scope of the submissions in relation to the notified version of the plan change. Council has determined that there is insufficient evidence or merit in the submissions to justify a rezoning. |
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4.2 New Rural-Residential Zones

93. Waikato Regional Council (Sub: 51.2) supports the new rural-residential areas adjacent to the town centre. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission. [Note: this decision has not considered the Horrell Road and Kuranui Road proposed rezoning]

Taukoro Road

94. N Laboyrie (Sub: 18) and S Tunnickliffe (Sub: 19) made an original submission to provide for 2ha of Residential Zone along Taukoro Road. Their submissions were subsequently amended to request a Rural-Residential Zone.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|--|
| Sub: 37 | | NZTA | Accept in part | The Plan Change has reviewed the location and supply of Rural-Residential Zone around Morrinsville including the density and type of Rural-Residential sites that can be subdivided. The Plan Change has also removed an existing Rural-Residential Zone off Taukoro Road and replaced this with a Future Residential Policy Area. |
| Sub: 51.2 | | Waikato Regional Council | Accept | |
| | FS: 10 | Fonterra | Accept in part | |
| Sub: 18 | | N Laboyrie | Reject | |
| Sub: 19 | | S Tunnickliffe | Reject | |

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| | | | | It is considered that there is not sufficient evidence or merit in the submissions to justify a change of zoning further along Taukoro Road to either a Residential Zone or a Rural Residential Zone. |
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State Highway 26

95. The Plan Change proposes to rezone a row of rural properties along the southern boundary of State Highway 26 from Rural to Rural-Residential zoning. This change did not propose or enable any additional subdivision/and or development opportunities and has only been proposed to avoid rural yard requirements being applied to these properties which are essentially rural house sites and which better reflect the character of the area.
96. NZTA (Sub: 37) submits that they are not opposed to the rezoning. Other submitters has sought a rezoning to Business Zone which is addressed in Section 4.3.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|---|
| Sub: 37 | | NZTA | Accept in part | Council has determined that the proposed Rural-Residential Zone is appropriate as it reflects the nature and type of land use established on the affected properties and it will reduce the compliance costs for carrying out any building works given the more appropriate yards set backs and performance standards for Rural-Residential properties. Council has received submissions from some of the affected landowners seeking a Business Zone which will link to the existing Business Zone adjacent to the eastern boundary of the rezoning area. |

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| | | | | These submissions are addressed in Section 4.3 and affect the extent of Rural Residential zone that will be established. As such the NZTA submission is accepted in part. |
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Stockman Road/Kereone Road

97. Two separate submissions have been received from Carruthers/Sweeny for the rezoning of land at Stockman Road from Rural to Rural-Residential. The first submission (Sub: 46) seeks to rezone an area of 17.3ha comprising Lot 1 and 2 DP434684. The second submission (Sub: 47) includes the area in the first submission but extends the rezoning area to 58ha and includes the tract of land between Kereone Road and the Piako River.
98. Within the submissions there is a discussion of the advantages for this area becoming Rural-Residential, including the existing road access, provision of an esplanade reserve along the Piako River, proximity to Morrinsville, servicing and general alignment with the Town Strategies process and planning provisions outlined in the Plan Change.
99. NZTA (FS: 09) has made a further submission opposing the rezoning unless a proper assessment of traffic effects is provided. The Waikato Regional Council (FS: 04) makes a 'neutral' submission but states that the rezoning should not be allowed unless a proper assessment of the rezoning has been undertaken in accordance with the regional policy statement and plans. Carruthers/Sweeny (FS: 08) has also made a further submission in support of their original submission.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decisions | Reasons |
|----------------|------------------|-----------------------------|----------------|---|
| Sub: 46 | | Carruthers/Sweeny | Accept | The Plan Change did not assess the Stockman Road/Kereone Road for Rural-Residential zoning however the location and extent of Rural-Residential |
| | FS: 04 | Waikato Regional Council | Accept in part | |
| | FS: 09 | NZTA | Accept in part | |

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| Sub: 47 | | Carruthers/Sweeny | Reject | <p>Zones around our three towns was part of the Plan Change review.</p> <p>Based on the land budgets, the larger 58ha proposal for rezoning would not be required however material was presented to the hearing which satisfied Council that a new area for Rural-Residential development would be appropriate.</p> <p>Council is satisfied that the location is appropriate for Rural-Residential 1 land use and that this will complement existing land use and lot sizes in the area. This decision has only been made in relation to submission 46 and the reduced area of 17ha. The larger area is not suitable for Rural-Residential zoning and in Council's opinion will give rise to reverse sensitivity effects.</p> <p>Council is satisfied that the rezoning of 17ha gives effects to the regional policy statement and that any matters associated with traffic generation and access can be addressed through the assessment of effects which will be a requisite of any application for subdivision consent.</p> <p>Council therefore accepts submission 46 for the rezoning of an area of approximately 17 ha from Rural to Rural-Residential 1 Zone. The rezoning is shown in Appendix 3.</p> |
| | FS: 04 | Waikato Regional Council | Accept in part | |
| | FS: 08 | Carruthers/Sweeny | Reject | |
| | FS: 09 | NZTA | Accept in part | |

4.3 Industrial/Business Zones

100. K Semmens (Sub: 05.3) submits that the existing industrial areas on the western side of Morrinsville should be rezoned to business to avoid potential environmental effects on the town. Other areas are identified as more suitable for industrial land use such as Roach Road and Bolten Road.
101. K and D Te Wharau (Sub: 09) own a property at 52 Page Street and submit that their property should be Residential Zone and not the existing Industrial Zone. The submitters advise that they purchased the property as a residential property in 1981 and that somehow this was changed to Industrial. They consider that there is sufficient industrial land in Morrinsville and that, as access is gained to the site from Page Street, it would be better to have residential development also at the end of Page Street.
102. B and S Yeandle (Sub: 15) have made a submission requesting the zoning of three properties along State Highway 26 to be rezoned to Business Zone. They submit that Morrinsville requires more business land and that residential use of these sites are adversely affected by traffic noise and proximity to the state highway. A further submission from N Singh and B Kaur (FS: 05) supports the rezoning request. B and S Yeandle (FS: 06) have made a further submission to their own submission seeking that there should not be a restriction on subdivision lot size. NZTA (FS: 09) have also made a further submission stating that the state highway is a limited access highway and no assessment of traffic effects has been provided.
103. Waikato Regional Council (Sub: 51.2) supports the new Industrial Zone at Kereone Road as it adjoins the existing industrial area and has good transportation linkages areas. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------|---|
| Sub: 05.3 | | K Semmens | Reject | The Plan Change has not made any changes to the existing industrial areas within the urban boundary. Council cannot arbitrarily uplift the Industrial Zone from properties as the Industrial Zone and land use within this area enables and attracts specific types of land use with business and |

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| | | | | <p>location requirements that are suited to each other.</p> <p>All land use activities within the Industrial Zone also need to comply with permitted activity standards and/or any scale and intensity of existing use rights. There are no ongoing issues or conflicts with the existing industrial land uses, and therefore it is considered that the existing Industrial Zones should remain.</p> |
| Sub: 09 | | K and D Te Wharau | Reject | <p>Council has spent some time considering and debating its decision on the submission to rezone the property at the end of Page Street. Council was empathetic to the background of how the rezoning to Industrial Zone was undertaken.</p> <p>Council does consider that there would be merit in providing non-industrial land use opportunities on the site. Such activities would be more compatible with the residential properties along the eastern boundary of the site and would avoid the potential for industrial traffic down Page Street. However, any change in zoning would have a direct impact on the adjacent Industrial Zone owners who would then have a non-industrial boundary adjacent to their site. These owners have not been involved in the Plan Change review.</p> <p>While Council does not necessarily consider the existing Industrial Zone is the best zone provision for the site, it considers that changing the zone to Residential would not produce a better environmental or land use outcome. Given the impacts of any new Residential Zone on the existing Industrial land owners, Council has determined that the existing Industrial Zone should be retained.</p> <p>Council considers that there is no ideal solution to the</p> |

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| | | | | current zoning issue in terms of the surrounding land use and road access to the property. It may be necessary for the landowner to consider some form of land use or subdivision consent which would be compatible with both the adjoining residential and industrial land uses. |
| Sub: 15 | | B and S Yeandle | Accept | <p>The Plan Change has proposed that these properties and others along State Highway 26 are rezoned from Rural Zone to Rural-Residential Zone.</p> <p>In considering the submissions, Council has determined that a small extension of the Business Zone at 2582, 2586 and 2592 State Highway 26, Morrinsville is appropriate and that it will provide additional land for business uses to supplement our land budgets.</p> <p>Council has considered the impacts of the rezoning in terms of surrounding land uses and access onto State Highway 26. Any business zone activity will be subject to specific performance standards based on any adjoining 'non-Business' Zone and therefore these standards will help to mitigate any cross boundary issues. With regard to traffic, Council considers that this can be addressed as part of any resource or building consent process. In addition, the extent of additional Business Zone is relative small.</p> <p>The zone change is shown in Appendix 3.</p> |
| | FS: 05 | N Singh and B Kaur | Accept | |
| | FS: 06 | B and S Yeandle | Accept | |
| | FS: 09 | NZTA | Reject | |
| Sub: 51.2 | | Waikato Regional Council | Accept | |
| | FS: 10 | Fonterra | Accept in part | <p>The regional council submission supports the new zoning at Kereone Road and is accepted. Council considers that the Industrial Zone will provide additional industrial land supply and be located in an area which is compatible with industrial land uses.</p> |

4.4 Fonterra Noise Emission Contour

104. Fonterra (Sub: 38) has made a submission to provide a noise contour boundary of 45dBA LAeq over the residential area north of the site and which has been formally recognised by Council's granting of an existing use certificate in December 2016.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|---|
| Sub: 38.2 | | Fonterra | Accept in part | <p>Council has carefully considered the submission and whether or not it is appropriate to show the noise contour on the planning maps.</p> <p>Council accepts that there may be some useful purpose in showing the noise contour as a way of providing information to landowners and users of the District Plan.</p> <p>Council is concerned however whether the submission is within the scope of the Plan Changes as there was no indication in the consultation process or notification material supporting the Plan Change that this would be part of Council's decision.</p> <p>The second matter of concern for Council is that none of the affected landowners have effectively been notified that a change to the planning maps may be made through the current Plan Change process which directly affects their property. While a summary of submissions is notified, this is only through a public notice process and the landowners are not directly notified.</p> <p>The third issue which Council is mindful of is that often a</p> |

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| | | | | <p>planning process may establish noise levels from an activity which are in excess of the District Plan standards. It would be unrealistic for Council to show every land parcel over which the permitted activity standards for noise have been exceeded. If the submission from Fonterra was accepted, this may lead to a false expectation that every noise generating activity will be identified on the planning maps which is not the case. On balance, Council has determined that adding the noise contour onto the District Plan is not appropriate. Council has accepted the submission to retract part of the infill area and therefore limited potential for new development within the noise contour area will exist.</p> |
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5 Te Aroha

5.1 Stirling Street Structure Plan and Rezoning

105. The Plan Change proposes a new Residential Zone to the west of Stirling Street which is also supported by a Structure Plan, albeit in a relatively simplified format.
106. The new zoning has attracted a number of submissions with seven submissions opposing the rezoning proposal.
107. The submissions in opposition raise the following concerns:
- Opposition based on increase in traffic on Hikutaia Street and that no alternative road linkages are proposed,
 - Affected property owners do not support rezoning and there is no demand for more subdivision,
 - The land is subject to hazards which make it unsuitable for urbanisation,
 - Council's own reports highlight the hazards on the property,
 - The proposed pedestrian linkages to the rail trail are not necessary and will lead to issues in terms of safety, maintenance, livestock, rubbish,
 - Infrastructure and servicing is not adequate in the area,
 - The rezoning will adversely affect existing amenity values, and
 - The area of Gordon Ave, Bosson Road and Gratten Road would be better for residential development.
108. One submission, R Lorigen (Sub: 34) supports the rezoning but does not support the pedestrian linkages.
109. Waikato Regional Council (Sub: 51.3) makes a neutral submission on the Structure Plan area and identifies the need to ensure that any urbanised development avoids or mitigates hazard risk. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|--|
| Sub: 11 | | S Barnes | Accept | Council has received a number of submissions against the Stirling Street rezoning with the key concerns being the impacts on Hikutia Street and whether or not the land is suitable for urbanisation. Council has reconsidered the need for subdivision in light of these submissions and ultimately has concluded that there is insufficient merit in the new Residential Zone proceeding. It therefore accepts the submissions in opposition to the Residential Zone and resolves that the existing Rural Residential Zone will be retained. With respect to the submission from Mr Upton to rezone the area around Gordon Ave/Gratten Road to Residential, Council has assessed this area and concluded that the existing land use and land contour is more suitable for Rural-Residential development and as such that the existing Rural-Residential Zone is appropriate. |
| Sub: 24 | | C and G Miller | Accept | |
| Sub: 25 | | W Couling | Accept | |
| Sub: 26 | | K Taylor | Accept | |
| Sub: 27 | | P and D Morris | Accept | |
| Sub: 28 | | R and C Hart | Accept | |
| Sub: 30 | | V Kowalski | Accept | |
| Sub: 34 | | R Lorigan | Reject | |
| Sub: 51.3 | | Waikato Regional Council | Accept in part | |
| | FS: 10 | Fonterra | Accept in part | |
| Sub: 58 | | T Upton | Reject | |

5.2 Changes to Zoning (rural/urban interface)

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

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|--|
| Sub: 51.3 | | Waikato Regional Council | Accept | The submission supports the review and redistribution of Rural-Residential areas and is therefore accepted with the District Plan changes adopted as notified. |
| | FS: 10 | Fonterra | Accept in part | |

5.3 Residential Zones and Policy Areas

111. Waikato Regional Council (Sub: 51.3) supports the provision of new Residential Zones and Policy Areas, subject to these areas being identified and designed appropriately to avoid or mitigate natural hazard risk. Fonterra (FS: 10) has made a further submission in general support of the Waikato Regional Council submission subject to the amendments proposed by Fonterra in their original submission.
112. N Harvey-Webb (Sub: 60) has submitted on a number of issues regarding subdivision, development and reserves in Te Aroha, This includes impacts on and deficiencies within the roading network. It appears that a large part of the submitter’s concerns is development and subdivision within Te Aroha and existing issues and inadequacies with the planning provisions.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------------|--|
| Sub: 51.3 | | Waikato Regional Council | Accept in part | The submission and further submission generally support the Plan Change as notified and are therefore accepted in part. The proposal for the Stirling Street rezoning has been overturned and therefore the submission and further submission are accepted in part. |
| | FS: 10 | Fonterra | Accept in part | |
| Sub: 60 | | N Harvey-Webb | Reject | It appears that a large part of the submitters concerns is development and subdivision within Te Aroha and existing issues and inadequacies with the planning provisions as there is little reference to the parts of the Plan Change which are at issue and what relief is sought. Council is unable to accept the submission as it is not clear what amendments to the Plan Change are proposed or sought. |

5.4 Te Aroha Character Area

113. The Plan Change reviewed the provisions for the Te Aroha Character Area including the extent of the properties subject to the overlay and also the mechanism for protection of character values for buildings within the area. To make the rule mechanism more effective, the Character Area was reduced in size to the central areas around Whitaker Street and Boundary Road. The rule mechanism was amended to focus on frontages instead of applying to all buildings on the sites in question.
114. Heritage NZ (Sub: 55) has made a submission to the provisions for the Te Aroha Character area and other amendments proposed to Section 10 *Natural Environment and Heritage* of the District Plan. These include;
- Support for deletion of '10 days notice' provision (Rule 10.1)
 - Seeking a name change of 'Te Aroha Character Area' to 'Te Aroha Heritage Character Area'
 - Support for reformatting and clarification of Rule provisions (Rule10.1.2) however clarification is sought on how 10.1.2(d) is to be interpreted and administered.
 - Heritage NZ consider that the supporting document 'Project Te Aroha' which identifies the heritage character of Te Aroha should be easily available and that a link should exist on Council's website.
 - Support for the extension of the Te Aroha Heritage Character area to include an additional site on Koromiko Street which leads into the Domain.

Submission Recommendations Table

| Submission Ref | Further Sub. Ref | Submitter/Further Submitter | Decision | Reasons |
|----------------|------------------|-----------------------------|----------|---|
| Sub: 55.1-3 | | Heritage NZ | Accept | The Heritage NZ submission general supports the proposed changes to the Te Aroha Character Area with some modifications to the rule provisions suggested. |

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| | | | | <p>Council considers that some clarification and minor amendments are appropriate and these have been adopted as per Appendix 2.</p> <p>It is considered that the rule can be administered appropriately and efficiently in accordance with the definition which is also proposed as part of the Plan Change for 'Building façade or Frontage'.</p> |
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6 Other Plan Change Provisions.

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

