



# Matamata-Piako District Plan Review

## Plan Change 53 – Settlements

### Hearing Report

Resource Management Act 1991, Section 42A Report

**Attachments A – Full Set of Submissions and  
Further Submissions**

May 2021



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Submission No: 1

Document No.

2736 Chiniwai Rd  
R-03 Horo-Tanui  
Morrisville.  
28th Nov 2020

Planning  
at M.P.O.C  
Teaoha,

## District Plan Review

Hi folks,

I came to District Council office and was given a copy of the District Plan review. I'm grateful for that. I've had a look at the review and the booklet is quite involved but it seems Council is taking the right approach. I have always promoted the stance that where properties are quite obviously for residential purposes, then the yard requirements should be the same as built up residential areas. It seems that's what the changes propose so I'm thankful for that.

Thankyou  
Peg Kett.



## Submission No: 2

### Kelly Moulder

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**From:** Transpower New Zealand Limited <environment.policy@transpower.co.nz>  
**Sent:** Wednesday, 09 December 2020 15:09  
**To:** Kelly Moulder; João Paulo Silva  
**Subject:** Submission received on Plan Change 53 - Submission 40249

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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A submission has been received on PC53. The submission's ID is 40249. Submission details below.

#### Submission Details:

**Name (individual/organisation):** Transpower New Zealand Limited

**Contact person (if different from above):** Rebecca Eng

**Address for correspondence:** PO Box 17215 Greenlane, Auckland 1546

**Email:** environment.policy@transpower.co.nz

**Phone Number:** 09 590 7072

**The specific provisions of the plan change that my submission relates to are:** See attached letter which details Transpower's submission.

**My submission is:** See attached letter which details Transpower's submission.

**I seek the following decision from Council:** Accept the plan change

**I wish to be present at the council planning hearing:** Yes

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

No

**Trade competition:**

**If you are a person who could gain an advantage in trade competition through this submission, your right to make a submission may be limited by clause 6(4) of the First Schedule of the Resource Management Act 1991. I could NOT gain an advantage in trade competition through this submission.**

**Additional info:** [5fd031d2edff9-20201209 Matamata Piako District PC53 Transpower Submission final.pdf](#)





**TRANSPOWER**

*Keeping the energy flowing*

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New Zealand  
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[www.transpower.co.nz](http://www.transpower.co.nz)

9 December 2020

Matamata Piako District Council  
Plan Change 53: Settlements

Lodged via website

To whom it may concern

### **Submission on Plan Change 53: Settlements**

Transpower is the State-Owned Enterprise that plans, builds, maintains, owns and operates New Zealand's electricity transmission network, the National Grid. The National Grid links generators to distribution companies and major industrial users and comprises around 12,000 kilometres of transmission lines and over 160 substations. Within Matamata Piako, the following National Grid assets traverse the district:

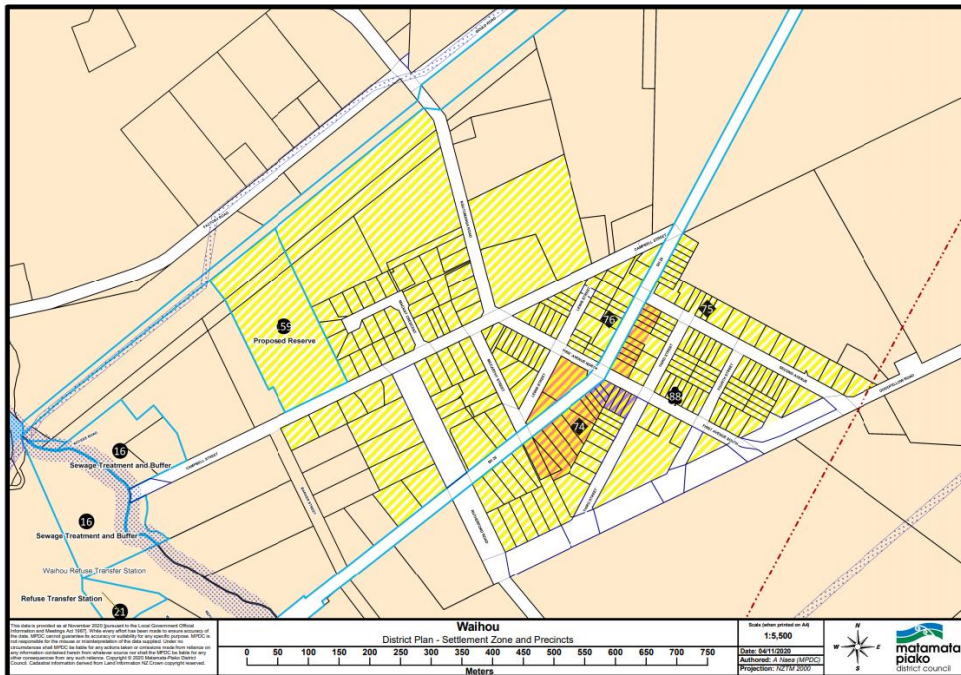
- Hamilton - Waihou A 110 kV transmission line on Double Circuit Steel Towers;
- Hinuera - Karapiro A 110 kV transmission line on Single Circuit Pi Poles;
- Piako - Tee A 110 kV transmission line on Double Circuit Single Poles;
- Waihou - Waikino A 110 kV transmission line on Double Circuit Steel Towers;
- Brownhill - Whakamaru North A 400 kV transmission line on Double Circuit Steel Towers;
- Piako Substation; and
- Waihou Substation

Attached as Appendix B is a map of the district and National Grid assets.

The national significance of the National Grid is recognised, in the context of the RMA, by the National Policy Statement on Electricity Transmission (2008) (the NPSET). Section 75(3)(a) of the RMA requires district plans to "give effect to" the NPSET.

Transpower supports the review of the planning rules and how the district plan provisions are working for settlements and small rural house lots within the Matamata Piako district. However, Transpower wishes to highlight the requirement that the Settlement Zone provisions recognise and provide for the National Grid as required by the National Policy Statement for Electricity Transmission 2008. This is particularly relevant for the settlement of Waihou which is adjacent to the National Grid 110kV HAM-WHU-A line.

Refer *Figure 1. National Grid Transmission Line* below which shows the National Grid line on the eastern edge of the settlement.



**Figure 1. National Grid Transmission Line**

Transpower notes the Operative District Plan includes provisions for land use and subdivision<sup>1</sup> within the National Grid Yard and National Grid Subdivision Corridor (both of which are defined in the plan). These operative provisions are supported and Transpower supports the inclusion of rules within the new Chapter 16 “Settlement Zone” to ensure that the National Grid Yard and National Grid Subdivision Corridor provisions will apply to land use and subdivision within the Waihou Settlement Zone near the National Grid.

1. Transpower seeks relief in relation to the proposed Matamata Piako Plan Change 53 as detailed in Appendix A.
2. The reasons for the submission by Transpower are set out in Schedule 1.
3. Transpower **wishes to be heard** in support of this submission and would not consider presenting a joint case at the hearing.
4. Transpower could not gain an advantage in trade competition through this submission.

Should you require clarification of any matter, please contact Rebecca Eng at Transpower (09 590 7072), or on the following email: [environment.policy@transpower.co.nz](mailto:environment.policy@transpower.co.nz)

Yours faithfully

Rebecca Eng  
Senior Environmental Planner

**Appendix A – Relief sought by Transpower New Zealand Limited**  
**Appendix B - Map of the district and National Grid Assets**

<sup>1</sup> (District Plan Sections 3.5 and 6.3.10)

**Appendix A – Relief sought by Transpower New Zealand Limited**

<b>Clause / Section</b>	<b>Title</b>	<b>Relief Sought</b>	<b>Amendment</b>	<b>Reason</b>
Planning Map	Waihou District Plan – Settlement Zone and Precincts	Support	N/A	Transpower supports the proposed planning map “Waihou” because it shows the National Grid transmission line traversing the eastern edge of the township as required by Policy 12 of the National Policy Statement on Electricity Transmission 2008 and the Operative District Plan contains provisions to manage land use, development and subdivision near the National Grid within the Settlement Zones and Precincts.
SETZ R1(4)	District Plan Linkage Rules – Performance Standards	Support	N/A	Transpower supports Rule SETZ R1(4) as it ensures that Rule 3.5 “Activities adjacent to the National Grid (all District Plan zones)” will apply to land use and development carried out in the National Grid Yard in the Waihou Settlement Zone. This gives effect to Policies 10 and 11 of the National Policy Statement on Electricity Transmission 2008.
SETZ R3(1)	Other Plan Provisions	Support	N/A	This rule will ensure that any subdivision carried out within the Waihou Settlement Zone that is located in the National Grid Subdivision Corridor will be subject to Rule 6.3.10 “Subdivision within a National Grid Subdivision Corridor.” This ensures that the National Policy Statement on Electricity Transmission 2008 is given effect to within the Waihou Settlement Zone.

**Appendix B - Map of the district and National Grid Assets**



# Transpower Assets

## Matamata-Piako District

### Legend

Territorial Land Authority

Boundary

NZ Roads

Highways

### Transpower Assets

Cable Protection Zone

Overhead Fibre Cable

Underground Fibre Cables

Site

ACSTN

COMMS

HVDC

TEE

Transmission Line

0kV Overhead

11, 66kV Underground

11, 33, 66 kV Overhead

110kV Underground

110 kV Overhead

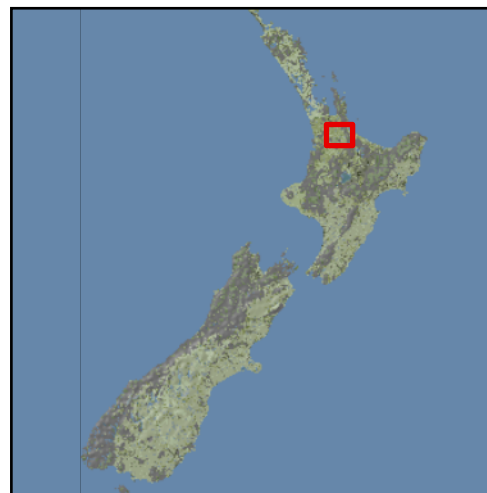
220kV Underground

220 kV Overhead

350 kV Overhead

350kV Submarine

400kV Overhead



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Path: \\transpower.co.nz\CorpDFSR\Collaboration\Spatial\GIS\Projects\tp\_Regional\_District\_Territory\_Asset\_Mapping\Territorial\_Asset\_Mapping.aprx



**Submission No: 3**

**Kelly Moulder**

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**From:** Maven (BOP) Limited <sarahd@maven.co.nz>  
**Sent:** Tuesday, 15 December 2020 08:26  
**To:** Kelly Moulder; João Paulo Silva  
**Subject:** Submission received on Plan Change 53 - Submission 40345

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A submission has been received on PC53. The submission's ID is 40345. Submission details below.

**Submission Details:**

**Name (individual/organisation):** Maven (BOP) Limited

**Contact person (if different from above):** Sarah Duffy

**Address for correspondence:** PO Box 13185, Tauranga

**Email:** sarahd@maven.co.nz

**Phone Number:** 027 241 6655

**The specific provisions of the plan change that my submission relates to are:** refer to attachment

**My submission is:** refer to attachment

**I seek the following decision from Council:** Accept the plan change with the following amendments

**Suggested amendments:** refer to attachment

**I wish to be present at the council planning hearing:** Yes

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

Yes

**Trade competition:**

**If you are a person who could gain an advantage in trade competition through this submission, your right to make a submission may be limited by clause 6(4) of the First Schedule of the Resource Management Act 1991. I could NOT gain an advantage in trade competition through this submission.**

**Additional info:** [5fd7bc3ee121c-J000161 - Grayling Submission.pdf](#)

15 December 2020

**To:** Matamata-Piako District Council  
PO Box 266  
Te Aroha 3342  
  
Attn: JP Silva  
Via online submission

**Name of Submitter:** Richard and Sharon Grayling  
4108 State Highway 29  
Te Poi RD3  
Matamata 3473

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**Submission on behalf of Richard and Sharon Grayling**

**Proposed Plan Change 53 (Settlements)**

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**1.0 INTRODUCTION**

- 1.1 Maven Bay of Plenty Limited have been engaged by Richard and Sharon Grayling (“**The Submitter**”) to prepare this submission on the Publicly Notified Proposed Plan Change 53 – Settlements (“**PC53**”) with respect to the Matamata Piako District Plan (“**the Plan**”).
- 1.2 The Submitter is a Landowner in the Settlement of Te Poi which is subject to the proposed PC53 provisions.
- 1.3 The Submitter will not gain an advantage in trade competition through this submission.
- 1.4 The Submitter **supports** the Proposed Plan Change in principal and also seeks clarification and relief on the points outlined in Sections 2.0 and 3.0 below.
- 1.5 The Submitter wishes to be heard in support of this submission. If other submitters make similar submissions, we would consider presenting a joint submission.

**2.0 OVERVIEW**

**2.1 Settlement Zone (Residential Precinct)**

The Submitter generally supports Council’s proposal to introduce a zone tailored to the small settlements within the District. The separation of the Settlement Zone into three precincts provides distinct areas to enable development to occur within the established land use pattern and characteristics of a settlement. The objectives and policies accurately reflect the intentions to provide for a compatible mix of land use activities. This ultimately promotes these small settlements as a viable option for families to live and work within.



## 2.2 Lot Sizes

- 2.2.1 Residential Precincts within the “Settlement Zone” have been identified as local communities with similar characteristics. These environments are then assessed differently in terms of character and amenity values depending on whether they benefit from reticulated wastewater or not. This then gives rise to inequitable outcomes and obligations for the different settlement communities
- 2.2.2 The 2,500m<sup>2</sup> minimum Lot size for Residential Precinct lots within Te Poi appears to have been made to be consistent with the requirements of the Regional Plan (Rule 3.5.7.5), which prescribes the permitted activity conditions for standard on-site domestic sewer systems. Included in the permitted activity conditions is a requirement for a minimum effective disposal area of 2,500m<sup>2</sup> to be provided.
- 2.2.3 The Regional Plan provides for the use of improved on-site domestic sewage treatment and disposal systems as a permitted activity (Rule 3.5.7.6). The permitted activity conditions for such systems do not require a 2,500m<sup>2</sup> effective disposal area.
- 2.2.4 The provision of a 1,000m<sup>2</sup>+ Lot size is provided for as a Controlled Activity within the Settlements zone if proposed Lots can be connected to public wastewater reticulation (Rule 6.3.12(i)(a)(i)). Accordingly this density is acceptable within the Residential Precinct areas of the proposed Settlement Zones.
- 2.2.5 The proposed plan change requires that Lots between 1,000m<sup>2</sup> and 2,499m<sup>2</sup> are assessed as a Discretionary Activity where public reticulation is not available in that area. As mentioned above, this requirement appears to be linked with Rule 3.5.7.5 of the Regional Plan but also assumes a Discharge Consent is required for non-compliance with Rule 3.5.7.5. The suggested Rules provisions and reasons do not appear to have considered Rule 3.5.7.6 - the acceptance of improved on-site domestic sewage treatment systems.
- 2.2.6 There are various options available for “improved” systems which are permitted by the Regional Plan for a site that is less than 2,500m<sup>2</sup>. This is provided for through Rule 3.5.7.6 of the Regional Plan, which under sub-clause (e) requires written proof of compliance with Rule 3.5.7.6 by a person qualified and experienced in the field of onsite sewage treatment and disposal. Such matters have no bearing on character and amenity outcomes which differ to reticulated settlements.
- 2.2.7 To provide context, we have provided a letter (attached) by a person qualified and experienced in the field on onsite sewage treatment which demonstrates that on the Submitters property, there are options available for Sewage Treatment Systems on 1,000m<sup>2</sup> Lots.
- 2.2.8 The approval process for an “improved” sewage treatment system is already incorporated within the Regional Plan, whereby the Waikato Regional Council hold jurisdiction over this process. There is no jurisdictional basis for the District Council to assess compliance with the Regional Plan, however we accept the District Council will need to be satisfied compliance is able to be achieved by future landowners at the time of subdivision and/or development.
- 2.2.9 The assessment criteria for any Discretionary Activity includes wastewater solutions, but also extends to require consideration of character and amenity. These are matters which would

otherwise be addressed as a Controlled Activity. To specify this as a criteria for Discretionary Activities raises the following concerns:

- (a) This gives rise to inconsistency of assessment criteria within a reticulated area, where character and amenity effects of Lots less than 2,500m<sup>2</sup> is a matter of control, and essentially accepted;
- (b) Adding such matters to a Discretionary activity gives rise to uncertainty, inconsistent administration of the Plan and the potential for notification which otherwise does not exist in a reticulated area;
- (c) The Discretionary activity status arises due to no reticulated sewer being available. There is no direct relationship between character, amenity and sewer reticulation.

2.2.10 We seek an amendment to proposed Rule 6.3.12(i)(a)(ii) to allow sites between 1,000m<sup>2</sup>-2,499m<sup>2</sup> to be developed as a Controlled Activity, provided that written proof from a suitably qualified person is provided that confirms any Lot below 2,500m<sup>2</sup> can be serviced by an **Improved On-Site Domestic Sewage Treatment and Disposal System** that is a Permitted Activity under Rule 3.5.7.6 of the Waikato Regional Plan. In the event this is not able to be achieved, the subdivision will fall to be a **Discretionary Activity**.

2.2.11 Alternatively, subdivision to allow sites between 1,000m<sup>2</sup> – 2,499m<sup>2</sup> can remain as a **Restricted Discretionary Activity**, subject to assessment criteria excluding character and amenity matters which already fall under matters of control and a non-notification Rule. This is offered on the basis that the limitation appears related to wastewater management only.

## 2.3 River Protection Yard

2.3.1 The Submitter seeks clarification within the rule, or the addition of a definition of “River Protection Yard” to provide clear guidance on when the Rule applies.

## 3.0 RELIEF SOUGHT

3.1 The table attached outlines the relevant provisions with respect to the Residential Precinct, outlines support or opposition of the proposal, and relief sought (if applicable).

Yours Faithfully,  
Maven (BOP) Limited



**Sarah Duffy**  
**Senior Planner**

Telephone: 027 241 6655  
Email: [sarahd@maven.co.nz](mailto:sarahd@maven.co.nz)

Attached:  
- Wastewater Disposal Requirement Recommendations  
- PC 53 Reference Table

17 September 2020

**To:** Matamata-Piako District Council  
PO Box 266  
Te Aroha 3342  
  
Attn: JP Silva  
Via email: [Jsilva@mpdc.govt.nz](mailto:Jsilva@mpdc.govt.nz)

**Name of Submitter:** Richard and Sharon Grayling  
4108 State Highway 29  
Te Poi RD3  
Matamata 3473

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**High-level wastewater assessment – Te Poi Road**

**Proposed Plan Change 53 (Settlements)**

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A high level on-site wastewater assessment has been undertaken for the proposed sites at 13 Te Poi Road, with regard to reducing the lot minimum size to 1,000m<sup>2</sup>.

The soils of the area are Hinuera Formation of the Tauranga Group (GNS Science, Rotorua Geological Map). These soils are described as laminated fluival sands and gravels and are generally considered to be relatively free-draining.

On this basis, assuming NZS1547:2012 Category 3 loam soils, with good drainage, an Aerated Wastewater Treatment System (AWTS), such as Hynds Lifestyle, would require a design loading rate of 4mm/day for the secondary treated effluent drip irrigation (sub-surface). Assuming a 4-bedroom household and a water consumption of 200 L/person/day (reticulated supply), a 300m<sup>2</sup> effluent disposal field would be required. A reserve area may not be required, due to subsurface drip irrigation of secondary treated effluent.

Therefore, a minimum 1,000m<sup>2</sup> lot, containing a 165m<sup>2</sup> dwelling, set back 3m from boundaries and a 300m<sup>2</sup> effluent disposal field (EDF), set back 3m from the dwelling and 1.5m from boundaries, would be adequate. Note however that EDF's are required to be set back at least 20m from an overland flowpath, swale or waterway.

Yours Faithfully,  
Maven (BOP) Limited



**Michelle Farrell**  
**Associate Civil Engineer**

Telephone: 027 424 7707  
Email: [michellef@maven.co.nz](mailto:michellef@maven.co.nz)

PC53 Reference	Support/ Oppose	Comments	Relief Sought
Definitions			
River Protection Yard	Support	Clarification sought from MPDC has noted that there is no reference to what defines a river in the Plan. This falls to the RMA definition of a river.	Include a definition of "River Protection Yard" within the Plan, or provide clarification within the rule providing clear guidance on when the rule applies.
Performance Standards			
6.3.12 Lot Sizes	Oppose	The submitter opposes the proposal to limit lot sizes to above 2,500m <sup>2</sup> for non-sewered properties. Refer to Section 2.2 above.	<p>Enable lot sizes between 1,000m<sup>2</sup> - 2,499m<sup>2</sup> on un-sewered Lots to be assessed as a Controlled Activity provided that an "improved" wastewater treatment system permitted by the Waikato Regional Plan can be accommodated on site.</p> <p>Assessment of an appropriate wastewater treatment system on a site should not have the potential to require neighbours approval as a Discretionary Activity.</p> <p>If a status more restrictive than Controlled Activity is preferred by Council, we would support applying a <b>Restricted Discretionary Activity</b> status, subject to assessment criteria being restricted to wastewater management and inclusion of a non-notification Rule.</p>
PREC1(1) One Residential Unit		Outdoor Living Space	Retain as proposed.
PREC1(2) Minor Residential Unit	Support	Minor residential unit provisions	
PREC1(3) Home Business	Support	Home Business provisions	
PREC1(4)	Support	Accessory Building	
PREC1(5)	Support	Activities and Buildings on public reserves	
PREC1(6)	Support	Demolition of Buildings and Structures	
PREC1(7) Earthworks	Support	The proposed earthworks rules exclude the building platform and driveways so are reasonable to ensure that residential scale development can occur within the Residential Precinct without requiring land use consent for earthworks.	
PREC1(8)	Support	Temporary Activities	
PREC1(9)	Support	Relocatable Buildings	
PREC1(10)	Oppose	Two or more dwellings	
PREC1(11)	Support	Restricted Discretionary Activity	Retain as proposed.

PREC1(12)	Support	Discretionary Activities	
PREC1(13)	Oppose	Two or more Residential Units (Medium Density)	Refer to Subdivision comments above.
PREC1(14)	Support	Education Facilities	Retain as proposed.
PREC1(15)	Support	Community Facilities	
PREC1(16)	Support	Accommodation Facilities	
PREC1(17)	Support	Retailing	
PREC1(18)	Support	Medical Facilities and Veterinary clinics	
PREC1(19)	Support	Offices	
PREC1(20)	Support	An activity not specifically listed within the Residential Precinct	
SETZ R1(1)	Support	General Rule	
SETZ R1(2) Building Envelope	Oppose in Part	Height Height in Relation to Boundary Yards Fences and Walls	Refer to note above regarding River Protection Yard. Additional clarification on where this applies is requested.
SETZ R1(3) Building Coverage	Support	35%	Agree with a blanket approach to building coverage.
SETZ R1(4)	Support	District Plan Linkage Rules – Performance Standards	Retain as proposed.



**SUBMISSION BY POWERCO LIMITED ON PROPOSED PLAN CHANGE 53  
TO THE MATAMATA-PIAKO DISTRICT PLAN**

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

Received 15.12.2020

Email: jsilva@mpdc.govt.nz

**From:** Powerco Limited (**Powerco**)  
Private Bag 2061  
New Plymouth  
*(Note that this is not the address for service.)*

1. This is a submission by Powerco Limited on Proposed Plan Change 53 to the Matamata Piako District Plan (**Proposed Plan Change**).
2. The reasons for Powerco's submission are set out in the attached schedule (**Schedule 1**). In summary, this submission seeks to ensure recognition, protection and continued access to existing assets, enabling provision for new infrastructure, and that inappropriate development in, around and close to our assets is avoided. Powerco has outlined what we support and where we request changes to the objectives, policies, rules, standards and definitions.
3. Powerco's comments are focused on key matters of concern.
4. Powerco wishes to be heard in support of this submission.

5. If others make a similar submission, Powerco would be prepared to consider presenting a joint case at any hearing.
6. Powerco could not gain an advantage in trade competition through this submission.

Dated at Tauranga this 15<sup>th</sup> day of December 2020.

Signature of person authorised to sign on behalf of Powerco Limited:



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Gary Scholfield  
Environmental Planner

**ADDRESS FOR SERVICE:**

Powerco Limited  
PO Box 13 075  
Tauranga 3141  
Attention: Gary Scholfield

Phone: (07) 928 5659  
Email: [planning@powerco.co.nz](mailto:planning@powerco.co.nz)



## Schedule 1 – Submission by Powerco

### REASON FOR POWERCO'S SUBMISSION

#### 1. Introduction

- 1.1. This submission has been prepared on behalf of Powerco Limited (**Powerco**). Powerco is New Zealand's largest electricity and second largest gas distributor in terms of network length and has been involved in energy distribution in New Zealand for more than a century. The Powerco network spreads across the upper and lower central North Island servicing over 440,000 consumers. This represents 46% of the gas connections and 16% of the electricity connections in New Zealand.
- 1.2. Powerco is a "Lifeline Utility" as described in Part B of Schedule 1 of the Civil Defence Emergency Management Act 2002, as we are an entity that distributes both natural gas and electricity through a network.
- 1.3. Powerco owns and operates the electricity distribution network in the Matamata-Piako District, including poles, transformers, high and low voltage above ground lines, underground cables and substations, and therefore has an interest in the Proposed Plan Change. In particular, Powerco is interested in the approach Council intends to take on the management of network utilities in the proposed change to the District Plan. The existing electricity distribution network needs to be operated, repaired, maintained and upgraded, and when required new electricity distribution network infrastructure needs to be installed. The electricity distribution network is everywhere a customer chooses to locate, including within all zones, precincts, overlays, and areas subject to natural hazards and contamination.
- 1.4. A reliable and constant energy supply is critical to sustaining the regional economy, population and way of life. Demand for energy is constantly increasing. Powerco faces an increasing number of constraints, in terms of providing a secure and reliable supply of energy to meet the increasing demand and population growth.

## 2. General comments:

- 2.1. The ongoing operation and development of network utility infrastructure is essential if New Zealand is to meet its cultural, social, environmental and economic objectives.
- 2.2. Electricity distribution networks (lines businesses) take electricity from the national grid operated by Transpower and distribute electricity to residential and commercial customers. Therefore, electricity distribution assets need to be located wherever a customer chooses to locate including in the new Settlement Zone and precincts. This means that network utility providers are often not able to be selective as to where infrastructure is required to be located as every customer needs to be connected. It is therefore critical that any planning provisions appropriately recognise the importance of electricity distribution networks and the need for both new infrastructure to be enabled, and for existing infrastructure to be maintained and upgraded.
- 2.3. **Table 1** contains a detailed list of submission points that Powerco wishes to make on the Proposed Plan Changes. Suggested changes are marked as additions (bold and underlined) and deletions (strikethrough).

**Table 1**

Objective / Policy / Rule	Provision	Position	Reason for position	Relief Sought - Amendments emboldened in underline and strike through
<b>Plan Change 53 – Settlements</b>				
Settlement Zone Objectives	SETZ 06	Support	An objective is required to enable infrastructure located within the Settlement Zone.	Retain SETZ 06 in its entirety.
Settlement Zone Policies	SETZ P3	Support	It is appropriate that incompatible activities are not located together to mitigate any reverse sensitivity effects. Inappropriate development in, around and close to Powerco’s assets should be avoided.	Retain SETZ P3 in its entirety.
Settlement Zone Policies	SETZ P7	Oppose	It is unclear what “private infrastructure” would include as there is no definition provided and therefore it is unclear what the policy is trying to capture.	Delete SETZ P7 in its entirety.
Settlement Zone Activity Status Rules	PREC1(7)	Oppose	Powerco continually maintains and upgrades its existing assets, and installs new assets when required. It is unclear how network utilities associated earthworks are to be assessed within this earthworks	Amend PREC1(7) as follows:  <b>General Performance Standards</b> Refer Rules SETZ R1(1) to SETZ R1(4).  <b>Activity Specific Performance Standards</b> Earthworks shall comply with the following performance standards: (i) Max cut or fill height – - 0.5m within minimum building set back



Objective / Policy / Rule	Provision	Position	Reason for position	Relief Sought - Amendments emboldened in underline and strike through
			rule in the Settlement Zone.	<p>- 1.5m outside minimum building set back</p> <p>(ii) All site works to be reinstated within 6 months of works commencing.</p> <p>(iii) Max volume of earthworks 100m<sup>3</sup> within any 12 month period.</p> <p>(iv) Works must not affect or be located within a scheduled item (Schedule 1-3).</p> <p>(v) Works cannot involve the excavation or disposal of contaminated land/materials.</p> <p>(vi) Works shall be set back 5m from any overland flow path and 10m from any water body.</p> <p>Exclusion: Any earthworks which have been approved as part of a land use or subdivision consent, <b><u>earthworks associated with network utilities</u></b>, and any removal of topsoil for building foundations and/or driveways.</p>
Part 6 Subdivision 6.1 Activity Table	Row 1(c) Works and network utilities – Controlled activity in Settlement Zone	Support	It is appropriate that controlled activity consent is required for any subdivision for network utilities in the Settlement Zone	Retain Row 1(c) in its entirety.
6.1 Activity Table	Row 1(d) Subdivision with one or more new vacant lots: <ul style="list-style-type: none"> <li>• ...</li> <li>• within 20m either side of the centreline of a sub-transmission line – restricted discretionary activity in Settlement Zone</li> </ul>	Support	It is appropriate that restricted discretionary activity consent is required for any subdivision within 20m either side of the centreline of a sub-transmission line.	Retain Row 1(d) in its entirety.

Objective / Policy / Rule	Provision	Position	Reason for position	Relief Sought - Amendments emboldened in underline and strike through
Part 8 – Works and Network Utilities Activity Tables 8.1.1; 8.2.1; 8.3.1; 8.4.1; 8.5.1; 8.6.1; 8.8.1; and 8.9.1	Activity Tables amended to include “Settlement Zone and precincts”.	Support	It is appropriate that the new Settlement Zone and precincts are added to the Activities Tables in Part 8.	Retain in its entirety.

Fonterra Limited  
92A RUSSELLY ROAD  
CHRISTCHURCH  
8042

Received 17.12.2020

18 December 2020

Matamata-Piako District Council  
PO Box 266  
TE AROHA  
3342  
By Email:

Dear JP

**RE: FONTERRA SUBMISSIONS ON THE PROPOSED PLAN CHANGE 53- SETTLEMENTS (WAITOA)**

Fonterra Limited (Fonterra) appreciates the opportunity to make submissions on the Proposed Plan Change (PC53).

While Fonterra generally supports PC53, a number of specific submission points are set out on the attached schedule. These matters reflect Fonterra's specific interest in the operation of the Waitoa Dairy Manufacturing Facility. This facility is of regional economic significance and is the subject of a Development Concept Plan within the District Plan which aims to enable the continued operation and expansion of dairy processing activities. Given the historic layout of the site, it is not possible to internalise all potential effects, particularly in respect of visual characteristics and noise emissions. It is therefore important to recognise these aspects in the framing of plan provisions enabling development in close proximity to avoid or minimise the potential for reverse sensitivity effects. Fonterra's submission points provide a clear focus on these matters.

Also of importance to the Company is the need for the Plan Change to be clear that Fonterra has no obligation or intention of providing a reticulated drinking water supply to an expanded Waitoa community.

If you have any questions or would like further information, please do not hesitate to contact Brigid Buckley on 027 886 0431 or via email: [brigid.buckley@fonterra.com](mailto:brigid.buckley@fonterra.com)

Yours sincerely



---

Brigid Buckley

**National Policy and Planning Manager – Global Operations**  
FONTERRA LIMITED

# FONTERRA LIMITED

## SUBMISSIONS ON PROPOSED PLAN CHANGE 53 TO THE MATAMATA-PIAKO DISTRICT PLAN - SETTLEMENTS

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**To:** Matamata-Piako District Council  
PO Box 266  
TE AROHA  
3342

**SUBMITTER:** FONTERRA LIMITED

**Contact:** Brigid Buckley

**Address for Service:** **Fonterra Ltd**  
**C/- Abbie Fowler**  
**Mitchell Daysh Ltd**  
**PO Box 1307**  
**HAMILTON**  
**3240**  
**M +64 21 385 991**  
**E abbie.fowler@mitchelldaysh.co.nz**

Fonterra wishes to be heard in support of this submission.

I confirm that I am authorised on behalf of Fonterra Ltd to make this submission.

---

### 1. OVERVIEW OF COMMENTS

- 1.1. Fonterra Limited (Fonterra) generally supports Proposed Plan Change 53 (PC53).
- 1.2. In the submissions set out in Attachment A, Fonterra is seeking to ensure that PC53 provides an appropriate framework that will meet the needs of the Waitoa community whilst also enabling the continued operation and development of the Waitoa Dairy Manufacturing Site. In particular, Fonterra is seeking to ensure that its activities and operations occurring under the terms of the existing Development Concept Plan are not unduly constrained by new provisions in PC53. Additionally, whilst a number of properties within Waitoa are connected to the Company's water supply, Fonterra wishes to make clear that the Company has no obligation or intention of extending this supply to support new development.



## 2. THE WAITOA FACILITY

- 2.1. The Fonterra Waitoa facility was established more than a century ago and has progressively expanded to occupy an extensive site located between No1 Road, State Highway 26 and the Waitoa River (refer to **Figure 1** below).



**Figure 1:** Fonterra Waitoa Manufacturing Site

- 2.2. The Waitoa site is one of two key manufacturing assets owned by Fonterra in the Matamata-Piako District, the other being Morrinsville Dairy Manufacturing site. Combined, these assets (amongst others in the District) have a value of \$1.5B which equates to \$650M of production value per annum.
- 2.3. In the 2019/20 milk processing season, the Waitoa site processed over 420 million litres of milk into 78,000 tonnes of product being primarily nutritional and milk powders.
- 2.4. There are about 1,250 farms in the District. Dairying in the District equates to 2,400 direct jobs and 15,000 indirect jobs, and accounts for 15 percent of all jobs in the District. Put in the national context, Matamata-Piako District contributes approximately 5.8% of all jobs within the New Zealand dairy sector. The Waitoa Site itself employs over 400 people.
- 2.5. The Facility is therefore, of undoubted significance to the regional economy and relies on the continued existence of a clear and coherent long term land use strategy that provides confidence for future investment and the management of resources.

- 2.6. State Highway 26 provides the principal separation between the Fonterra Waitoa site and the Waitoa residential community. Immediately adjoining the road corridor is the rail corridor providing connectivity to the Waitoa site's Energy Centre located midway along the site boundary and adjacent to the large-scale buildings accommodating milk driers and associated exhaust towers. These assets are dominant visual elements in the landscape as well as sources of noise emissions extending beyond the site boundary. Given the operational characteristics and proximity of the Fonterra Waitoa site to the residential area, there is a clear need for careful management of the use of adjacent land to minimise the potential for reverse sensitivity effects to arise. Proposals to establish a new noise contour to manage noise emissions from the site were lodged with Council in mid-November 2020.

### **3. SPECIFIC SUBMISSION POINTS**

3.1. Fonterra's specific submission points are provided in **Attachment A**.

3.2. In respect of all of those submission points in **Attachment A**, Fonterra seeks:

- Where specific wording has been proposed, words or provisions to similar effect;
- All necessary and consequential amendments, including any amendments to the provisions themselves or to other provisions linked to those provisions submitted on, including any necessary changes to the Proposed District Plan Maps, and including any cross references in other chapters; and
- All further relief that are considered necessary to give effect to the concerns described above and in **Attachment A** to follow, and any changes required to give effect to the Waikato Regional Policy Statement.

### **4. OVERALL CONCLUSION**

4.1. In relation to the provisions that Fonterra has raised concerns about, those provisions require amendment because without amendment, those provisions:

- Will not promote sustainable management of resources, will not achieve the purpose of the RMA;
- are contrary to Part 2 and other provisions of the RMA;
- will not enable the social and economic well-being of the community;
- will not meet the reasonably foreseeable needs of future generations;
- will not achieve integrated management of the effects of use, development or protection of land and associated resources of the Waikato District;
- will not enable the efficient use and development of Fonterra's assets and operations, and of those resources; and
- do not represent the most appropriate means of exercising the Council's functions, having regard to the efficiency and effectiveness of the provisions in relation to other means.

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

4.3. Fonterra does wish to be heard in support of this submission.

4.4. If others are making a similar submission, Fonterra will consider presenting a joint case with them at the hearing.

Dated: 18 December 2020

A handwritten signature in green ink that reads "BBuckley". The signature is written in a cursive style with a large 'B' and a long tail on the 'y'.

---

**National Policy and Planning Manager – Global Operations**  
FONTERRA LIMITED

## ATTACHMENT A:

### FONTERRA LIMITED'S SUBMISSIONS ON THE MATAMATA-PIAKO DISTRICT PLAN, PROPOSED PLAN CHANGE 53 - SETTLEMENTS

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
<b>Section 16 Settlement Zone</b>				
1	Settlement Zone Issues.	Support in part	The explanation provides a brief overview of the issues but requires additional reference to be made to the need to also minimise the potential for reverse sensitivity effects and to reflect the statements within the supporting Section 32 evaluation that the purpose of the Plan Change is not to provide for the expansion of settlements or provide additional capacity in respect of the residential land supply. These references are important to ensure that the significance of established major industrial activity is appropriately recognised and that there is no expectation that Fonterra will extend its existing water supply to support growth within Waitoa.	<p>Amend 2<sup>nd</sup> Paragraph to read:</p> <p><i>The Settlement Zone provides a bespoke zone and a set of rule mechanisms specifically designed to recognise existing land use activities, <del>and to enable</del> <b><u>the new activities that are compatible with the character of these areas and avoids or minimises the potential for reverse sensitivity effects on established major industry. The Zone does not intend to provide for the expansion of settlements or increased residential land supply.</u></b></i></p> <p>Amend 3<sup>rd</sup> Paragraph to read:</p> <p><i>The settlement areas are largely unserved and therefore any new development will need to ensure that adequate provision for servicing can be accommodated on site. For those settlements with wastewater reticulation, any new development will need to be accommodated within the capacity of the existing network and treatment works as no upgrading of the Council reticulation or wastewater system is proposed. <b>Private</b></i></p>

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



REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
<b>Settlement Zone Policies</b>				
4	SETZ P1	Support	The policy is considered appropriate.	Retain Policy SETZ P1 as notified.
5	SETZ P3	Support	The identification of precincts as a means of addressing potential for reverse sensitivity effects is supported as it will introduce requirements for consenting processes in respect of activities that may be more sensitive to established major industrial activity.	Retain Policy SETZ P3 as notified.
6	SETZ P7	Support	Large parts of the Waitoa community are currently connected to Fonterra's private water supply. Fonterra has no obligation to maintain this supply and has no intention of authorising any additional connections. Amendment of the Policy would ensure consistency with the proposed amendments to Objective SETZ 06	Amend Policy SETZ P7 to read: <i>Subdivision and development that is reliant on private infrastructure and services shall <b>demonstrate compliance or authorisation in terms of Regional Plan requirements and authorisation from any private asset or consent owner in respect of</b> <del>and any approved</del> water take or discharge consents.</i>
<b>Activity Status Rules – PREC 1 – Residential Precinct</b>				
7	Permitted Activities	Support in Part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
8	PREC1 (1) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
9	PREC1 (2) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
10	PREC1 (3) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
11	PREC1 (4) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
12	PREC1 (5) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
13	PREC1 (8) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
14	PREC1 (9) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
<b>Controlled Activities</b>				
15	Controlled Activities	Support in Part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
16	PREC1 (10) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
<b>Restricted Discretionary Activities</b>				



REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
17	Restricted Discretionary Activities	Support in Part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
18	PREC1 (11) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
<b>Discretionary Activities</b>				
19	Discretionary Activities	Support in Part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
20	PREC1 (12) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
21	PREC1 (13) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
22	PREC1 (14) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
23	PREC1 (15) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
24	PREC1 (16) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
25	PREC1 (17) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
26	PREC1 (18) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
27	PREC1 (19) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
28	PREC1 (20) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
<b>PREC2 - Commercial Precinct</b>				
29	Permitted Activities	Support in Part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5). Fonterra specifically supports the inclusion of the Note providing cross reference to Rule PREC2(17)	Amend statement to refer to proposed performance standard SETZ R1(5).  Retain cross reference to Rule PREC2(17).
30	PREC2 (1) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
31	PREC2 (2) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
32	PREC2 (3) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
33	PREC2 (4) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
34	PREC2 (5) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
35	PREC2 (6) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
<b>Controlled Activities</b>				
36	Controlled Activities	Support in Part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
37	PREC2 (7) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
<b>Restricted Discretionary Activities</b>				
38	Restricted Discretionary Activities	Support in Part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
39	PREC2 (8)	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
	General Performance Standards			
40	PREC2 (9) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
41	PREC2 (10) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
<b>Discretionary Activities</b>				
42	Discretionary Activities	Support in Part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
43	PREC2 (11) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
44	PREC2 (12) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
45	PREC2 (13) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
46	PREC2 (14) General Performance Standards	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
<b>Non-Complying Activities</b>				

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
47	PREC2 (17)	Support	<p>To ensure that the potential for reverse sensitivity effects are minimised in relation to the Waitoa Dairy Manufacturing Facility, Fonterra supports the identification of the following activities as non-complying activities within the Commercial Precinct of the Waitoa Settlement Zone:</p> <ul style="list-style-type: none"> <li>• Residential Units</li> <li>• Minor Residential Units</li> <li>• Education Facilities</li> <li>• Accommodation Facilities</li> </ul>	Retain Rule PREC2 (17) as notified.
<b>SETZ R1 Performance Standards for PREC1, PREC2, and PREC3</b>				
48	SETZ R1(1) General Rule	Support in part	This section requires amendment to cross reference an additional performance standard set out below as SETZ R1(5).	Amend statement to refer to proposed performance standard SETZ R1(5).
49	SETZ R1(4) District Plan Linkage Rules – Performance Standards	Support in Part	Fonterra supports the inclusion of a cross reference to other relevant plan provisions, noting that Rule 5.2 is subject to a proposed amendment as part of Fonterra's Private Plan Change to address noise issues associated with the Waitoa Dairy Manufacturing Site. The cross reference will ensure consistency across the related plan provisions.	Retain SETZ R1(4) as notified.
50	Omission SETZ R1(5)	Oppose	Notwithstanding support for the cross reference to existing Plan provisions, Fonterra notes that, in respect of Rules 5.9.1 and 5.9.2 of the Plan, these provisions create ambiguity regarding expectations around the Fonterra owned water supply currently serving parts of Waitoa. Rule 5.9.1 creates an expectation that development should connect to reticulated	<p>Include a new provision stating:</p> <p><b><u>In respect of 3 Waters servicing within the Waitoa Settlement Zone, all proposals for land use and subdivision shall demonstrate that they will be entirely self sufficient.</u></b></p>

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
			supplies. Rule 5.9.2 addresses non connection. However, this Rule specifically excludes the Fonterra Waitoa supply and doesn't explain how this should be addressed. In the context of a Plan Change that specifically enables development within the settlement, it is important that the Plan clarifies that all proposals will need to be entirely self sufficient.	
<b>SETZ R2 Assessment Criteria for PREC1, PREC2 and PREC3</b>				
51	SETZ R2(1) General Assessment Criteria	Support in Part	<p>Fonterra supports Clause (d) as a general criterion to ensure compatibility between activities but considers that additional specific reference should be made to the potential for activities to generate reverse sensitivity effects in relation to established major industry.</p> <p>Fonterra supports the intention of clause (f) but considers that splitting the clause would provide improved clarity by ensuring that, as a matter of principle, 3 Waters servicing will be required in all cases and that, where this is through public reticulated services, that capacity exists.</p>	<p>Amend Clause SETZ R2(1)(d) to read: <i>Whether the activity will adversely affect or interfere with the legitimate land use and activities on surrounding sites, <b><u>including the potential for activities to generate reverse sensitivity effects on established major industry.</u></b></i></p> <p>Amend Clause SETZ R2(f) to read: <b><u>f) The provision of three waters servicing.</u></b></p> <p>Include additional Clause SETZ R2 (g) to read: <b><u>g) Whether adequate capacity exists to maintain acceptable levels of service within available public reticulated services.</u></b></p>
52	SETZ R2(2) Controlled Assessment Criteria	Support	Fonterra supports the statement that the criteria set out within SETZ R2(1) shall apply to proposals for two or more residential units on a site.	Retain SETZ R2(2) as notified.
53	SETZ R2(3) Restricted Assessment Criteria	Support	Fonterra supports the statement that the criteria set out within SETZ R2(1) shall apply	Retain SETZ R2(3) as notified.

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
			to proposals for Community Facilities and Light Industry in the Commercial Precinct.	
<b>SETZ R3 Other Plan Provisions</b>				
54	SETZ R3(1) Other Plan Provisions	Support	Fonterra supports the inclusion of a cross reference to other relevant plan provisions, noting that Rule 5.2 is subject to a proposed amendment as part of Fonterra's Private Plan Change to address noise issues associated with the Waitoa Dairy Manufacturing Site. The cross reference will ensure consistency across the related plan provisions.	Retain SETZ R3 (3) as notified.
<b>Part 6 - Subdivision</b>				
55	C.3.5 6.3.12 Subdivision within the Settlement Zone	Support	Fonterra supports the minimum Lot size of 1,000m <sup>2</sup> in respect of Discretionary Activities and 2,500m <sup>2</sup> in respect of Controlled Activities and the default Non-complying status for proposals which do not achieve compliance.	Retain Rule 6.3.12 as notified.
56	C.3.6) 6.6.3 Settlement Zone (Discretionary Activity Subdivision)	Support in Part	The proposed criteria address wastewater disposal and treatment but do not mention water supply. Fonterra considers that, particularly in the context of Waitoa where the Company does not intend to provide water to any new development from the Fonterra owned water supply, it is important that proposals for subdivision demonstrate how they can be provided with their own supply to meet NZ Drinking Water Standards and ensure an acceptable firefighting supply. The inclusion of additional assessment criteria will enable consent notices to be attached to new titles to ensure that purchasers are aware that a reticulated supply will not be available.	Amend 6.6.3 to include the following additional assessment criteria: <i>Measures to ensure that all new lots not supplied by Council reticulated water supplies are able to provide water to meet NZ Drinking Water standards and provide acceptable fire fighting capacity.</i>

REF	PROVISION	SUPPORT / OPPOSE	FONTERRA'S COMMENTS	RELIEF SOUGHT
<b>Appendix 2 - Planning Maps</b>				
57	Planning Map - Waitoa	Support	Fonterra supports the extent of the proposed Settlement Zone, including the definition of the Residential and Commercial Precincts.	Retain the Planning Map – Waitoa as notified.



**Kelly Moulder**

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**From:** New Zealand Association of Radio Transmitters Incorporated AND the Waikato VKF Group (Branch 81 of NZART <kdbirt@gisborne.net.nz>  
**Sent:** Friday, 18 December 2020 09:13  
**To:** Kelly Moulder; João Paulo Silva  
**Subject:** Submission received on Plan Change 53 - Submission 40396

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A submission has been received on PC53. The submission's ID is 40396. Submission details below.

**Submission Details:**

**Name (individual/organisation):** New Zealand Association of Radio Transmitters Incorporated AND the Waikato VKF Group (Branch 81 of NZART

**Contact person (if different from above):** Douglas Birt

**Address for correspondence:** P O Box 830, Whangaparaoa 0943

**Email:** kdbirt@gisborne.net.nz

**Phone Number:** 027 492 5189. OR 09 424 0134

**The specific provisions of the plan change that my submission relates to are:** All areas in the Settlements part of the Proposed Plan Change.

There are no provisions for Amateur Radio Operators to fulfil their avocation to scientific experimentation.

**My submission is:** Incorporate a definition of Amateur Radio Configurations.

Incorporate rules which permit Amateur Radio Configurations to be used on the private properties of licensed Amateur Radio Operators.

Recommended Proposed Rules are included in the attachment on Pages 10 and 11

**I seek the following decision from Council:** Accept the plan change with the following amendments

**Suggested amendments:** Incorporate rules for Amateur Radio Configurations

See pages 10 and 11 of the attached narrative

**I wish to be present at the council planning hearing:** Yes

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

**Trade competition:**

**If you are a person who could gain an advantage in trade competition through this submission, your right to make a submission may be limited by clause 6(4) of the First Schedule of the Resource Management Act 1991.** I could NOT gain an advantage in trade competition through this submission.

**Additional info:** [5fdbbbe85add0-Proposed Plan Submission Narrative.doc](#)

2020

Submission to the  
Matamata-Piako Plan Change 53

By  
NZART (Inc)  
And the  
Waikato VHF Group  
Branch 81 of NZART

18 December 2020

# Submission to the Matamata-Piako Proposed Plan Change 53: (Settlements).

## *Joint Submission of*

- New Zealand Association of Radio Transmitters, Inc. (NZART).
- Waikato VHF Group (Branch 81 of NZART)

Prepared September 2020.

## **Submitter Details, Organisation Name, and Addresses for Service.**

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**We wish to appear in person at any hearing to present our case.**

**This document is in support of our “Submission on Plan Change to the Matamata-Piako District Plan” form, Plan Change 53 - Settlements (attached).**

# Orientation

There appears to be no provision anywhere in the Matamata-Piako District Plan for Amateur Radio Configurations (ARCs).

This submission is to request Council to incorporate provision for ARCs into the **Matamata-Piako Plan Change 53 (Settlements)** part of the District Plan review.

ARCs do not fit into any obvious place in a typical District Plan. Some districts put relevant rules into a “District Wide section” of the Plan, while other districts include different versions of the rules in each Zone.

A “Traditional” Proposed District Plan review enables the whole plan to be searched, and depending on whether or not rules for ARCs exist, an appropriate submission can be prepared. But Sectional Plan Reviews are problematic, because amateurs do not know which section the Council might have intended to put appropriate rules, if at all, and it only becomes obvious that these have been overlooked when the last section is published. It is then too late for amateurs to request anything.

In this case, it only became obvious to our organisation that Matamata-Piako was undertaking a “Sectional Plan Review” during the dying stages of Plan Change 47 “Plan Your Towns” – and at that stage it was too late for us to make a submission on that section.

The New Zealand Association of Radio Transmitters Incorporated (NZART) is entirely a voluntary association, and does not have the specialist expertise of commercial organisations. We rely entirely on amateurs who live in the area to advise the parent organisation (NZART) of District Plan Reviews, but not having the qualified eyes of professional planners or lawyers our members simply didn’t recognise that obscure titles like “Plan Change 4: Heritage” as being an indication that an RMA District Plan Review was under way.

NZART prefers appropriate rules to be in a District Wide section of the Plan, but generally the most obvious District Wide section is that which applies to Infrastructure and Utilities, and amateur radio is implicitly excluded from this grouping which comes under S.166 of the RMA. But because NZART missed out on making a submission under Plan Changes 43 & 44 (Transport and Works and Network Utilities) way back in 2015, that option is also not available to us at this time.

We are requesting that rules for ARCs be placed in the “Settlement” grouping to enable provision for ARCs *somewhere* in the Matamata-Piako plan, even though it might not be the optimum place, in the hope that it will be more sensibly placed in future Plan Reviews (over the next 10 years?)

## OUR SUBMISSION.

In this Sectional Plan Review, Phase 1 : Summary of Initial Community and Stakeholder Feedback, records the following Community Response:

9	NZ Association of Radio Transmitters	Whole Plan Change	<ul style="list-style-type: none"> <li>• • Comprehensive submission seeking changes for amateur radio transmitters to be allowed as a permitted activity.</li> <li>• • Submission includes decisions and provisions endorsed by the Environment Court.</li> </ul>
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It is agreed that the feedback was very comprehensive, and mostly provided background material (which should be useful to Council Planners) but in this current submission we intend not to reproduce all that again, but in preference, to focus on the substantive issues.

## Introduction, Background and Requested Plan Changes.

### Context.

Radio waves do not recognise national boundaries, so they have to be managed internationally. The International Telecommunications Union (ITU), an operational subsidiary of the United Nations, every five years holds a world administrative radio conference (WRC) in which every government, every military, all the significant telecommunications authorities, significant tertiary establishments, satellite operating companies, and other significant users of radio spectrum, come together to regulate/allocate spectrum. Commercial operators can make billions of dollars through radio-based services they can offer, and the military has multiple complex needs in order to maintain security, so there is real pressure on the ITU for spectrum allocation. However, there is one thing that all parties agree on – there must be an allocation for experimental development, and this has to be free of commercial and/or security bias, so right up the spectrum, from the lowest frequencies to the super high frequencies there are blocks of bandwidth set aside for this experimentation. Each bandwidth block has its own characteristic performance issues, and needs different treatment. These are the blocks which are allocated to unpaid professionals (called amateurs) for experimentation.

No amateur has the ability or inclination to experiment with everything, as a result each amateur has his/her own preferences, so in allocating District Plan rules two fundamental factors emerge:

- 1) Council has some sort of obligation NOT to put in place rules (or lack of rules) which frustrate the objectives of the United Nations and the International Community in general.
- 2) There cannot be “one size fits all”. Councils cannot satisfy everyone. In seeking permitted Amateur Radio Configurations in District Plans, we therefore aspire to achieving a compromise – a “Basic Set” of rules which will satisfy a wide range of preferences.

### Broadening our Perspectives.

- If the concept of “Serious Leisure Perspective” is researched (for example, see the URL <http://www.seriousleisure.net/slp-diagrams.html>) it will become evident that on one end of the “Leisure Spectrum” there are “Hobbies” and at the other end there are “Volunteers” and “Amateurs”.
- Amateur Radio is an Experimental Science, licenced under International and Domestic law. There are international treaties associated with this law.
- Hobbies include pastimes such as making collections, and some things that come to mind are a garden full of 47 different gnomes, or a collection of 367 salt cellars from all over the world. These are impressive collections for the Hobbyist, but they provide no tangible benefit to society.
- Amateur Activities, on the other hand, include Theatre, Geology, Astronomy, Archaeology, Sport, and several examples of Experimental Science. Amateur Radio is an experimental technology which has provided, and is still providing, many innovative developments in the field of radio technology which the general population, by and large, now takes for granted. Unlike Hobbies, Experimental Science does provide tangible benefits to society, and should not be dismissed lightly, as one might dismiss many “hobbies”.

In some other districts, NZART has not infrequently encountered very prejudiced views on this issue. District Planners frequently dismiss amateur radio as just a toy for rich people to dabble with, and are completely closed to the suggestion that it is an essential experimental science. Fortunately that doesn't so often occur in Rural Districts where planners are used to dealing with innovations in the agricultural sector, or in struggling small businesses.

## Amenity Values of Amateur Radio.

The decisions that Councils make on the permitted status of anything in the Plan inevitably results from a judgement of the amenity effects of different groups within the community. It is acknowledged that to some people the existence of amateur aerials adversely affects their "Visual Amenity". The planner's task is to balance the loss or gain of amenity of one group against the loss or gain of amenity of another group. Visual Amenity is very much a **subjective** quantity, and depends very much on the perspective of the viewer. On the other hand, the amenities of amateur radio are generally **objective**, and must be seriously weighed up in any decision about any "permitted" status.

### Amateur Radio provides to the Community:-

- Telecommunications and information technology expertise.
- A reliable system of communication during civil or environmental emergencies.
- Competent communications for Search and Rescue.
- A widely dispersed source of experimental researchers.
- Keeping New Zealand a significant player in international technology development.
- Space technology. Radio amateurs are the only group outside Governments, the Military, and large corporates that have operated satellite technology continuously since the 1970s.

### Amateur Radio provides to the Individual:-

- Guidance and education towards qualifying for an amateur radio licence
- Self Education in technology.
- An interest that can be pursued throughout life.
- A network of friendships linked by radio communications.

The Amateur Radio Licence allows operators to design and build their own equipment, because it is specifically set up as an experimental and/or technology development service. It is **the only** radio service in which it is the licensed operator, and not the equipment, that is licensed. In ALL other types of radio service it is a requirement that "type approved" equipment which has been rigorously tested to meet tight technical specifications must be used, and that equipment must not be modified.

In the book "Radio Science for the Radio Amateur" the author Eric P. Nichols makes the point:

*"A big difference between Big Science and Amateur Science is that most of the "official" participants in the former do it as a full time job. Radio Amateurs who do Radio Science, for the most part, do it in their free time. That is why it is called **amateur**, which means that the work is done without pay, **not** that it is done without expertise."*

Restrictive controls applied to Amateur Radio Configurations could put at risk the amenity of attracting future electronic technologists from being spread widely through the community. Several highly qualified people have been known to check out how "amateur friendly" a particular district is before relocating.

It should be recognised that not every amateur wants to use large ARCs as his/her experimental preferences. Many use aerials that are of a similar scale to standard TV aerials. The aerial dimensions depend entirely on the frequency bands they are interested in.

## Some Aerial Fundamentals.

Aerials are the means by which radio signals are launched into space, (transmitted) and by which signals in space can be captured (received). An aerial is far more effective if it is "resonant" on a desired frequency, and generally an aerial resonant on one frequency could be virtually useless on other frequencies. Every frequency has a corresponding "wavelength" - for instance, a 3.5MHz frequency has a wavelength of about 80 metres, and a 144MHz frequency has a wavelength of 2 metres. The base-line for an aerial to be "resonant" is that its length needs to be half a wavelength long, so a 3.5MHz aerial needs to be 40m long, and a 144MHz aerial needs to be one metre long.

• The dipole. Technically, the least complex place to attach a feedline to an aerial is in the centre of the aerial, so in this configuration, the aerial is termed to be a dipole. A 3.5MHz dipole will therefore be a wire aerial (optimally supported between two poles) fed by a cable coming from its centre, and a 144MHz dipole might be constructed of a rigid aluminium tube, extending half a metre either side of a central support.

• The Yagi. In 1926, two Japanese men, named Uda and Yagi, discovered that if another (resonant) element was positioned near to a dipole, the radiation pattern of the dipole was skewed in a particular direction. This developed into the Yagi-Uda array (commonly known as a “Yagi” antenna). TV antennas between 1960 and 2013 were typical Yagi arrays – but to enable TV to receive both VHF and UHF channels, later aeriels had a mixture of longer and shorter elements (remembering that they optimally work at their “resonant” frequencies – so two or more different element lengths were required). Such combination antennas are a compromise and can work OK for receive antennas, but can be very problematic as transmit aeriels.

• Loop Antennas. “Loops” are just another way of achieving resonance. A fundamental loop for 3.5MHz would be a full 80m length of wire, supported by four poles in a square formation round the perimeter of the rear of a typical residential section. These aeriels are extremely effective, both on the fundamental frequency they are designed for, and also on harmonically related higher frequencies. One characteristic is that they are omni-directional, meaning that the power transmitted is spread out in all directions. The advantage of a Yagi antenna is that it directs its power into one predominant direction enabling a much stronger signal being received at the far end of the transmission path.

• Magnetic Loop antennas. Loops can be reduced in size by having multiple turns of the wire with a reduced diameter. They are becoming popular as an experimental antenna, but I cannot see them as having more than little interest with respect to District Plans.

• The “Dish” aeriels.

- a) Parabolic dishes are used as “reflectors” to aim a signal in a beam exactly the same way that torches have a reflector to beam light. Commercial operators (Telecommunication companies) used dishes of 2m to 3m diameter to beam high capacity microwave signal between two specific (unmovable) points. Amateurs rarely if ever use these types of dishes (or Panel Antennas) – except, perhaps, to receive Sky TV.
- b) It is a very great technical challenge, however, to beam a microwave signal to the moon, where it bounces back to earth at some distant point, enabling communications between continents. Currently there are a number of 5 metre diameter dishes available at very low cost, so some amateurs (not many) like to take the challenge. The desired objective is to permit dishes up to 5m diameter, and that they be mounted at their exact centre with a swivel so that they can be pointed in any direction. That swivel is attached to the top of a pedestal which is no more than 4 metres high. (This is called the pivot point). If the dish is pointed at the horizon, mounted 4m above the ground, then the highest point of the rim would be 6.5m above the ground. If pointed upwards towards the moon, then the maximum height would be considerably less than 6.5 metres.

## Aerial Heights.

The effectiveness of any aerial is fundamentally affected by its height above ground. If for a moment, we turn our attention to the Yagi (as defined above) we have an aerial which in free space. (that is, well above the atmosphere of the earth) is highly directional. It behaves like a torch beam – sending out all its “light” in the direction it is pointed.

• But close to the ground, its performance changes dramatically. If, for instance, it is just half a metre above the ground a) a large component of its signal will be absorbed by the ground, and b) that part which is not absorbed will go vertically upwards.

• Mounted about 5m above ground, the signal splits into two parts – a component which comes out of the aerial itself, and another component which is reflected by the earth. The resulting ray from this “low” aerial may travel upwards at about 45° to the horizontal.



- If it is mounted, say, 20m above the earth, the main beam will travel only slightly upwards – at around 6° to 10° above horizontal. This is the sort of angle that is required to get a signal to travel around the world.

Height is therefore a very essential feature of an effective aerial, and it is the first thing that Council Plans seek to control. When faced with this issue during the 2012 Environment Court case in Tauranga City, the presiding Judge is reported in the local newspaper as saying:

## **What Judge Jeff Smith said:**

“In our view, 20m represents a reasonable provision for the radio community, while balancing that against the potential impact.

“Permitted activity status has the advantage of the council not becoming involved in extensive and expensive applications for consent from an almost minute sample of the population of Tauranga.

“There are potentially some amenity impacts. In our view, those are on adjoining neighbours. Others we disregard in the end as being minimal. Those [impacts] on adjoining neighbours must be balanced against the national and international need to encourage the amateur radio transmission community.

“Radio amateurs constitute an important part of our community, particularly in times of emergency.

“The issue in this case should not turn upon whether or not people agree [with an aerial next door] but whether it is appropriate to provide for radio amateurs or not.”

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## Recognition of amateur radio aerial diversity.

The geographic location of New Zealand means that long distances exist between amateurs here and those overseas. Radio signals are correspondingly weak, and efficient aerials/antennas are required to send and receive such signals.

Radio waves travel through the ionosphere in the upper parts of the atmosphere and may return to earth depending on the frequency of operation. For reliable communication during day or night, summer or winter, the desirable frequencies for long distance communication are found typically between the 7 MHz band (the 40 metres wavelength) and the 28 MHz band (10 metre wavelength). With variation in the sun's activity the highest usable frequency may be reduced to the 14 MHz band (20 metres) or even lower. The propagation of radio waves is variable but never-the-less antennas for this range of frequencies are used by many amateurs for long distance communications.

Scientists and amateurs have studied, simulated, constructed and measured the performance of antennas to find the most suitable configurations at every frequency that the Licence permits an amateur to use. The performance of an antenna depends on the radiation pattern where its best efficiency occurs. Based on the frequencies required for long distance communication and how the pattern of an antenna changes with height, an academic paper by K Siwiak PhD, MSEE, PE, SMIEEE is included as an attachment in the supporting material to the earlier Submission to the Draft Plan. It is reproduced here as Attachment B8 for convenience. In summary it says: -

*“Optimum height is 1.5 to 1.6 wavelengths for any one band, or a compromise height can be found for a multiband antenna operating over several bands by using the optimum for the highest frequency.”*

And also

*“If operation anywhere within the 10 – 40 metre bands are of equal interest, the “best” height works out to be 19.9 metres.”*

When the sun limits the upper frequency to the 20 metre band (or lower), it is desirable that the antenna height should be raised. A height of 20m is desired for the primary supporting structure for amateur radio configurations

New problems have emerged over the last 50 years. The number of devices using radio frequencies has increased exponentially, and many of them unintentionally produce noise and interference to radio communication networks. This has resulted in man-made background noise level rising every year. Whereas 50 years ago, an army surplus radio outputting six watts of RF energy was able to communicate anywhere in New Zealand, radios are now outputting more than fifty times the power and they still cannot always be heard above the background noise level.

This has resulted in radio amateurs experimenting with many different aerial systems to try to improve the wanted signal response, and to reject at least some of the unwanted noise. Aerial experimentation might result in several different configurations being tried out in any one year on any one site.

In addition, due to the sun changing the electrical properties of the upper atmosphere it may be necessary for an amateur radio operator to change his/her frequency up to four different bands during the course of the day to maintain communication to a specific part of the world. Each change will require a change in the transmitting aerial.

In his book “Radio Science for the Radio Amateur” the author Eric P. Nichols provides some very interesting perspectives concerning science. After following a professional career, in the preface he writes:-

*“Even monster installations like HAARP or EISCAT (European Incoherent SCATter) facility in Tromso, Norway, can only be in one place at once. Hams are everywhere, and a lot of*

*ionospheric research can only be done with widely scattered sensors, which Hams are uniquely equipped to provide..... Much of the research can be performed by the Amateur Radio community ..... And that we can contribute significantly, towards completing some long unfinished business regarding understanding radio propagation.”*

To a greater or lesser degree, every active amateur is continuously contributing to science, because it is only through communicating with other parts of the world or country that practical data on when and how radio waves propagate is able to be collected and analysed. This is not possible with commercial networks which are invariably point to point services, engineered very conservatively. Usually it is only when communication links are operated at the limits of their capabilities that useful scientific knowledge is obtained.

## Defining the need for neighbourly approval.

Immediate neighbours have been known to lodge objections. Neighbours move house from time to time, and unless ARCs are defined clearly in the Plan, amateur radio operators can now be faced with expensive proceedings. While good neighbourly relations are sought, there are some people who delight in creating difficulty, which is why the Plan should state clearly a comprehensive ARC definition. A vexatious resource consent hearing could cost the amateur radio operator far more than the ARC equipment - and could even result in causing affected Amateurs to give up on their self-education and technological passion, for which a nationally recognised and regulated Licence had been granted.

Once again, Judge Smith has provided some very relevant thoughts on this issue in his Oral Decision at the Tauranga Environment Court hearing. That opinion was also include with our response to the Draft Plan.

## Rules need to be incorporated in the Plan.

A range of ARCs should be provided in the Settlements section of the Matamata-Piako Plan for the following reasons:

- a) The ARCs for which permitted activity status is sought will not generate adverse effects on adjacent properties or otherwise, and accordingly need not be the subject of any additional consenting process.
- b) The permitted activity status sought for ARCs is consistent with the approach taken in other city and district plan provisions throughout New Zealand
- c) Licenced amateur radio operators provide an essential service to the community and to civil defence agencies, particularly during civil defence emergencies, and it is appropriate and desirable that the Settlement Plan should enable those activities to occur in at least some places in Matamata-Piako.

## How are aerials used?

a) **The 80m band** is useful for communication over the length and breadth of New Zealand, and probably one third of active radio amateurs might want to operate on that band. In its basic form it would require two poles, preferable 12 to 15 metres high, 40 metres apart, with a thin wire between them.

b) **VHF and UHF bands** are used for local line-of-sight transmissions, and for very local contacts short vertical “whip” antennas work well. For transmission over longer distances they require multi-element Yagi arrays, most of which would be commensurate in size and style to older TV antennas. Being line-of-sight bands, the possible communication distance becomes greater if the antennas are higher. Generally these would be at 10m to 12m height on a simple pole, with a rotator at the top.

c) **High Frequency Bands** (for example, the 20m to 10m bands) are most useful for international communications. Because distances from an island in the middle of the South Pacific to the bulk of other population centres in Europe and North America are very long, it is desirable to direct the

signal in a beam towards the desired country. Complex wire antennas can be used, but generally they are limited to one specific direction, so the preferred style of antenna is a Yagi, which can be pointed in the desired direction by a “rotator”.

Unfortunately these HF Yagis can be very large. A full sized three element Yagi for the 20m band would have three elements each approximately 10m long, on a boom which is 7 metres long. It is possible to use “coils” to reduce the physical length of elements to about 7m (on a 7m boom). By very clever design, these coils can be designed to enable other bands to also work on the same antenna, so a Yagi with 14m elements on a 7m boom with strategically place “enlargements” in the elements could work equally well on all six bands from 40m to 10m band. Such an aerial would be called a “Multi-band Yagi”.

This option has a far less visual impact than the option of having individual Yagis for each of the most commonly used bands.

Please note, however, that more useful HF Yagis can get quite large in size, and the dimensions given in the proposed rules allow for that.

## The Council Decision Sought.

1. Include a Definition of Amateur radio Configurations, being “amateur radio configuration means antenna, aerials and associated support structures which are owned and operated by licensed amateur radio operators.”  
Rationale: The Amateur Radio Licence qualifies the holder not just in radio technology, but in national and international law as well. Other users of the radio spectrum, who will also want to use aerials, are not so specifically qualified, and it is Council’s interest to make this distinction for the management of District Plan Rules.
2. Include rules for Amateur Radio Configurations. NZART’s preference is for this to be included in some “district wide” part of the plan (such as near the Infrastructure or Utilities provisions) but since that section in the Matamata-Piako Plan has been completed we will need to confine ourselves to Settlements at this stage.
3. Retain “Restricted Discretion” assessment categories for cases where an individual amateur seeks a configuration which exceeds the permitted limits. Restricted discretion should be limited to the degradation of perspective of the immediate neighbours. That is, “*what is the degree that the requested condition is significantly worse than what would otherwise be “permitted” under the existing rules?*” This test should be assessed from the main living areas of an adjoining residence, (i.e. bedrooms and utility areas are excluded.) The test will, as always, be “*is the effect less than minor?*”
4. Introduce new rules in the “Settlements” section: an example of the relief that would achieve this is as follows:  
AMATEUR RADIO CONFUGURATIONS:
  - a. The top of any utility structure is less than 20metres above ground
  - b. Any antenna other than a simple wire antenna shall meet the following criteria:
    - i. Any of the elements making up the antenna shall not exceed 14.9m in length
    - ii. For horizontal HF Yagi or loop antennas the boom length shall not exceed 13m
    - iii. No part of the antenna, utility structure, or guy wires shall overhang the boundary
    - iv. Simple wire antennas shall not overhang property boundaries.
  - c. Any dish antennas shall
    - i. be less than 5m in diameter/width
    - ii. Be pivoted less than 4m above the ground
    - iii. Will meet the setback and recession plane standards
  - d. Poles used for holding the ends of wire antennas may be placed on the boundary of the section, provided they are

- i. Less than ten metres high
    - ii. Any part of the pole above 5m height shall have a diameter of 25mm or less.
  - e. Height in Relation to Boundary will not apply to ARCs.
- 5. Rational for the above rules:
  - a. For High Frequency transmissions, the height of the antenna is a very significant factor. There are many published academic papers which support this, and some of these were included in the comprehensive submission to the draft plan but a simple treatment of the effect of height on the reception of signals is provided as Attachment A1
  - b. The dimensions given are for a commercially available multiband Yagi antenna. These are the dimensions that have already been approved in several other District Plans throughout the country.
  - c. Radio Amateurs do not use dish antennas to beam high volumes of speech channels or data channels between fixed sited like Telecommunications Utilities do. But one of the great challenges facing some amateurs today are to beam a signal (vertically) to the moon, where it bounces off and arrives in some other continent. The signals are extremely weak after travelling that distance, so a large dish is required to collect the very weak signals. Every part of the dish will be within zone requirements, and will comply with all setbacks.
  - d. Because at any time, the Amateur may wish to divert his/her focus from one band to another, there should not be a resource consent requirement every time one of these changes in focus is contemplated. There needs to be a generic permit allowing for different aerials for different bands, or variation of aerials in any one band. If, for instance, there is a desire to test a new aerial configuration on a given band, it is essential that it be compared with a known “standard” aerial on that band – both are needed at the same time (for a period) for any comparison to be valid. That is the very nature of experimentation for which the radio amateur is licensed.
  - e. ***Height in Relation to Boundary.*** In a previous era, this was known as “Daylight Profiles” and was predicated on a neighbour’s right not to suffer significant deprivation of sunlight or daylight from neighbouring properties. Because aerial poles are usually very slender (generally 14mm or less) they do not cast a shadow beyond about 10m away. For that reason, we seek exemption that ARCs not be subject to *Height in Relation to Boundary* rules. They would, of course, still be subject to setbacks.
    - i. This rule is incorporated for two reasons: With an average residential section being about 20m wide, the place where the maximum height of aerial would need to be placed would be the middle, i.e. 10m on an “average” section from either boundary. That would result in the maximum aerial height being about 12m. It would be rather contradictory to having a “permitted” height of 20m, while the maximum allowed is simultaneously limited to 12m. Also, while the mast might be in the back yard (10m from the boundary) the antenna on top of that mast may have elements which are 15m long. It is necessary, therefore, to position the antenna where its elements would not overhang the boundary.

## ATTACHMENTS:

A1: Antenna Height on Received Signals.

B8: Optimum Height for an HF Antenna: Dr Siwiak, published by ARRL in QEX magazine May/June 2011)

## Attachment A1

*In the article published in QEX May/June 2011 magazine, the author Dr Siwiak KE4PT postulated the best height for an antenna on a single band to be 1.5 to 1.6 Wavelengths, but the best compromise height for an HF antenna installation covering the 10 m to 40 m bands was 19.9 m.*

*NZART seeks this compromise height of 20m in all its Local Government submissions, but I am often asked by hams why we seek such heights in NZ? We look like we are being greedy; it seems to be such an overwhelming height to expect to be permitted in a residential environment.*

I came to realise that the argument about how the launch angle of a transmitting aerial becomes more vertical as an aerial gets lower was not well understood, not even by amateurs, so how were we going to get Councils to see the issue? Perhaps a change of approach is needed – how does height affect incoming signals from distant places?

In a recent article in the Auckland VHF Group magazine “Spectrum” Peter Loveridge ZL1UKG provided some useful antenna modelling on how Yagi performance changes with height, and with his permission I carried out an analysis of received signal performance for the 20 metre HF Band.

**See The first Graph**, which shows Yagi gain for various heights above ground.

If we consider the most commonly used “High Frequency” band, being the 20m band, a height of 32 metres represents approximately 1.6 wavelengths; 20 metres is approximately 1 wavelength; 15 metres (a figure in the previous North Shore part of the Auckland Plan, and several other District Plans) is approximately equivalent to 0.75 wavelengths; and 10.66 metres, (proposed in the Auckland Independent Hearings Panel report) is approx. 0.5 wavelengths.

**The second Graph** shows the angle of an incoming distant wave that is “favoured” by a three element Yagi at different heights, together with the angles at which the performance of the Yagi drops to half (i.e. 3 dB down) either side of the optimum angle.

The results are:

- A 32m high Yagi has 13.5dB gain, an optimum angle  $9^{\circ}$  with a 3db bandwidth from  $4^{\circ}$  to  $13^{\circ}$
- A 20m high Yagi has 13.1dB gain, an optimum angle of  $14^{\circ}$ , with 3db bandwidth from  $6^{\circ}$  to  $24^{\circ}$
- A 15m high Yagi has 12.8dB gain, an optimum angle of  $17^{\circ}$ , with 3db bandwidth from  $8^{\circ}$  to  $28^{\circ}$
- A 10m high Yagi has 11.5dB gain, an optimum angle of  $28^{\circ}$ , with 3db bandwidth from  $12^{\circ}$  to  $50^{\circ}$

### **Angles of arrival of incoming signals.**

The Table of measured incoming signals is extracted from the ARRL Antenna Handbook, and shows the incoming wave angles measured over a long period of time for the route Boston (USA) to Europe. Regrettably, we don't have readily available data for the NZ to Europe route, but the Boston data is an example of a

long path, and it is indicative of the type of distribution of incoming wave angles that are experienced. The second column shows the percentage of time that an incoming wave can be expected for each degree of elevation in the first column, from 1 degree to 50 degrees.

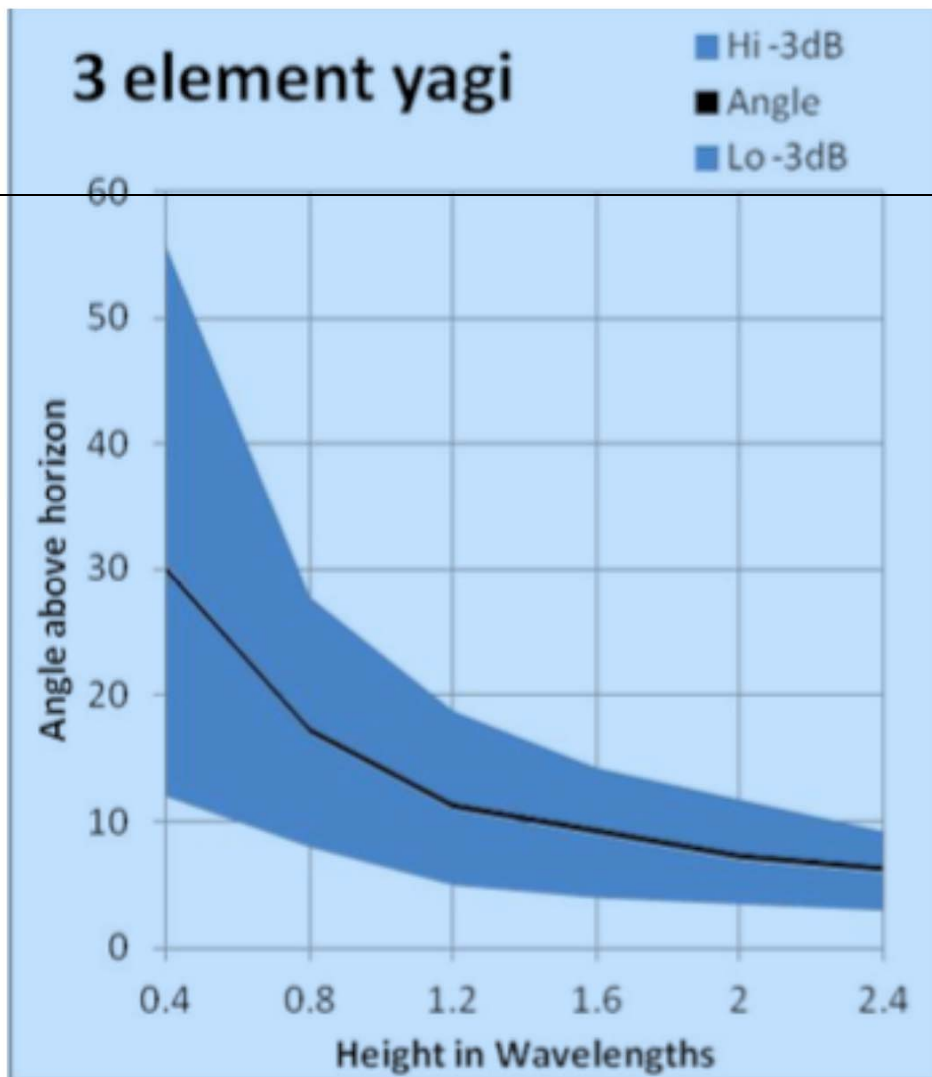
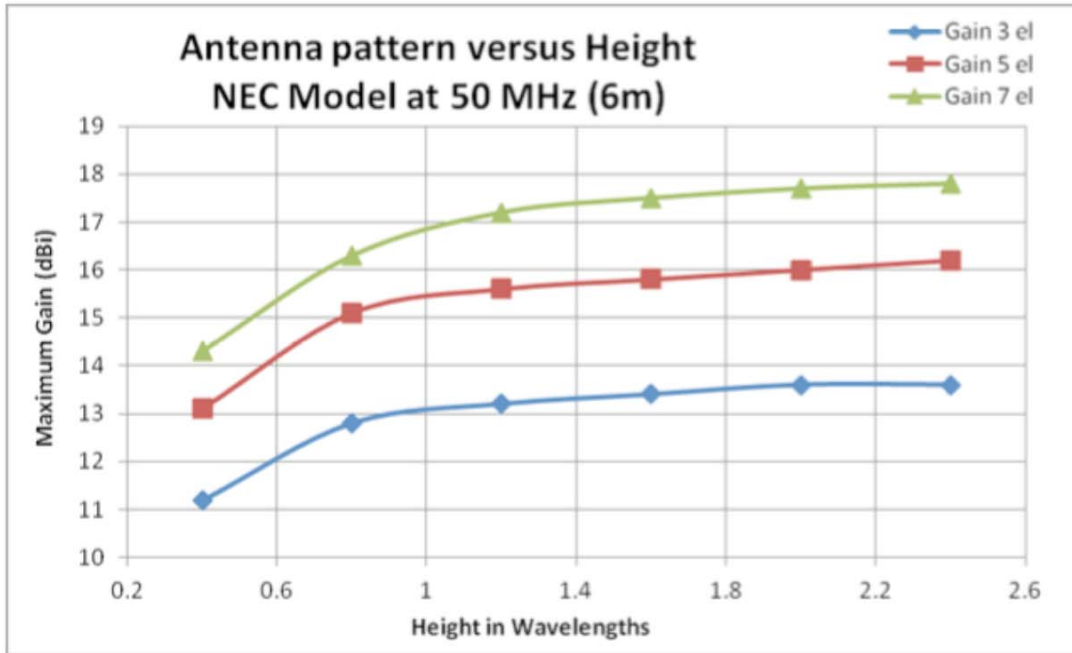
Because distances to Europe from NZ are even longer, a similar chart showing incoming signals from Europe to NZ would be weighted even more towards the lower elevation angles.

### **Conclusion.**

The Independent Hearing Panel for the Auckland Unitary Plan recommended for Auckland a primary support structure height of "Zone Height" plus 30%, which amounts to 10.66 m in most residential areas, with the result that a 3 element Yagi at that height would have a gain of 11.5dB and would provide usable reception for only 25.8% of the time. That simply isn't good enough.

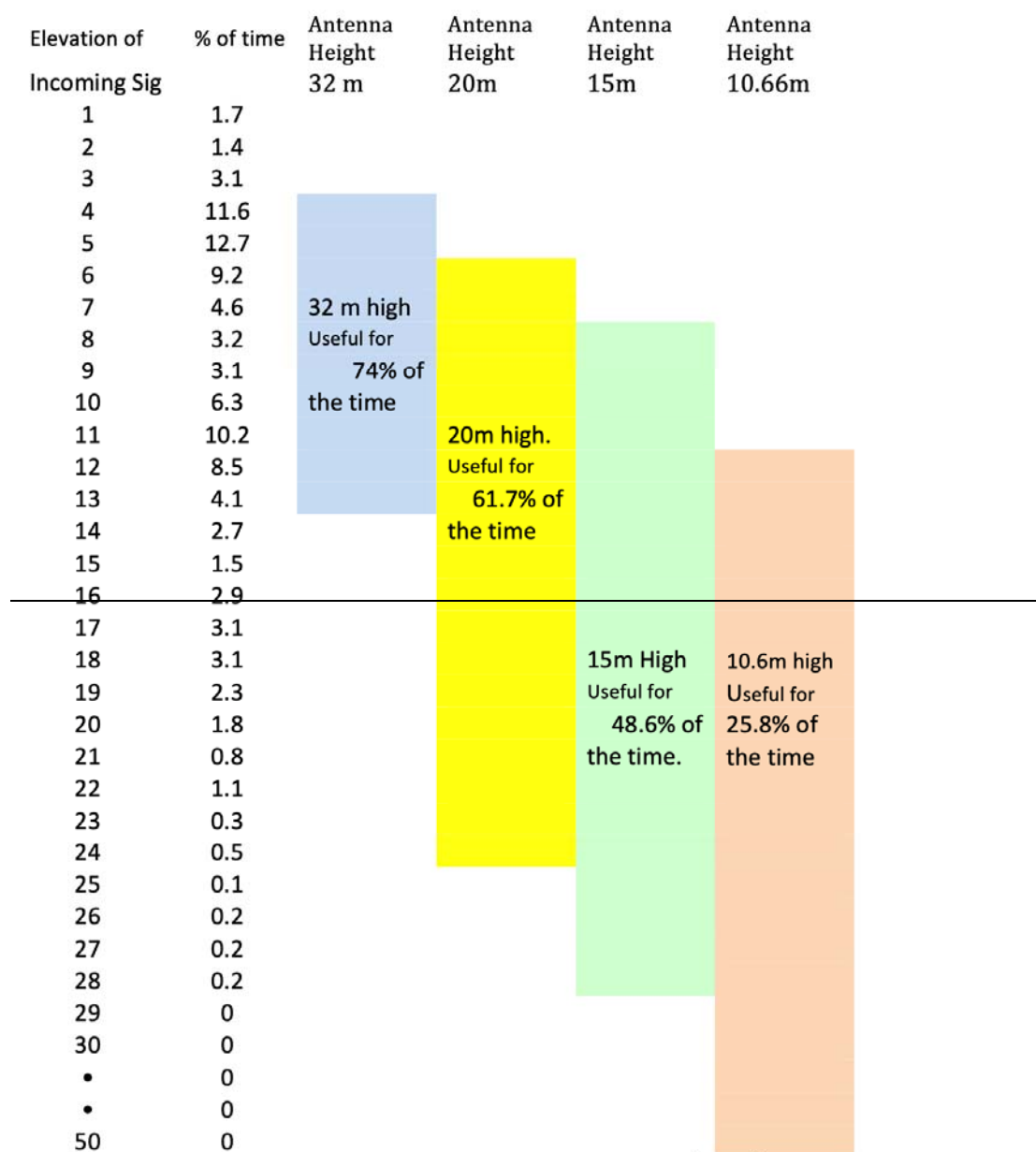
An aerial at 20m height would provide approx. 1.5dB more gain than a 10m high one, and has useful reception for 61.7% of the time, which is still a compromise, but is reasonable.





## Measured incoming signals to Boston, Massachusetts, from All of Europe

Source" the ARRL Antenna Book, 21<sup>st</sup> edition, page 23.30



KEY: Aerials at 32m high (blue) receive incoming signals at angles 4° to 13°  
 Aerials at 20m high (yellow) receive incoming signals at angles 6° to 24°  
 Aerials at 15m high (green) receive incoming signals at angles 8° to 28°  
 Aerials at 10.66m ht (beige) receive incoming signals from 12° to 50°

**Submission No: 7**

**Kelly Moulder**

---

**From:** Clement Properties 2016 Limited <famfive@xtra.co.nz>  
**Sent:** Friday, 18 December 2020 10:59  
**To:** Kelly Moulder; João Paulo Silva  
**Subject:** Submission received on Plan Change 53 - Submission 40397

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**ATTENTION! This e-mail originates from outside of the council. Do not open attachments or click links unless you are sure this e-mail comes from a known sender and you know the content is safe.**

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A submission has been received on PC53. The submission's ID is 40397. Submission details below.

**Submission Details:**

**Name (individual/organisation):** Clement Properties 2016 Limited

**Contact person (if different from above):** Wendy

**Address for correspondence:** 1 Barker Street

**Email:** famfive@xtra.co.nz

**Phone Number:** 0274916011

**The specific provisions of the plan change that my submission relates to are:** zoning of properties as our property is part residential and part rural zone and the property is used for a industry of a trucking business

**My submission is:** We are all for development but our concern is that if more housing is allowed near our industry occupying our property that there will be issues with noise, our daily activities as the area is used 7 days a week

**I seek the following decision from Council:** Accept the plan change with the following amendments

**Suggested amendments:** that the zoning for the area we are in remains as is and not amended to residential anytime soon in the rural zone from Barker Street. As for the residential

**I wish to be present at the council planning hearing:** Yes

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

No

**Additional info:**

# Submission on Plan Change to the Matamata-Piako District Plan

Received 18.12.2020

## Clause 6 of Schedule 1 of the Resource Management Act 1991

**Name:** GH Westbury Pty Limited.

(Individual/Organisation)

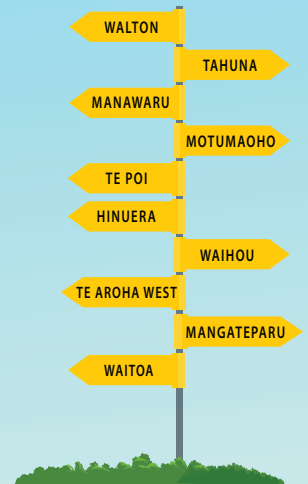
**Contact person:** Carey Pearce, Boffa Miskell Limited, on behalf of GH Westbury Pty Limited.

(If different from above)

**Address for correspondence:**

c/o Boffa Miskell, PO Box 91250, Auckland 1142.

**Phone:** Bus. 09 359 5310 / Mobile. 0274 370 165      **Email:** carey.pearce@boffamiskell.co.nz



### This is a submission on Plan Change 53 - Settlements Plan Change

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

This submission relates to the Proposed District Plan - Settlement Zone and Precincts Map for the settlement of Hinuera (dated 4 November 2020); and specifically addresses the spatial extent of the proposed Residential Precinct at Hinuera.

**My submission is:** (include whether you support or oppose the specific provisions or wish to have them amended, and the reasons for your views; attach additional pages if necessary):

GH Westbury Pty Ltd supports the general intent of PC53 and the planning framework it seeks to establish for land use and development located within key settlements across the Matamata-Piako District. This submission seeks to extend the spatial extent of the proposed Residential Precinct at Hinuera to include an 8 hectare portion of Lot 3 DP 306765, which is presently owned by GH Westbury Pty Ltd.

Please refer to the additional explanation dated 18 December 2020 (**attached**).

Office use only:

TRIM # \_\_\_\_\_ NAR # \_\_\_\_\_ Container 20/9133

I seek the following decision from Council (please give precise details):

Accept the plan change

Decline the plan change

Accept the plan change with the following amendments

If the plan change is not declined, make the following amendments

As outlined in the attached submission dated 18 December 2020, GH Westbury Pty Ltd seek that Council accept the plan change in an amended form, to accommodate an extension of the proposed Settlement Zone - Residential Precinct at Hinuera. The proposed extension would effectively rezone an 8 hectare portion of Lot 3 DP 306765 from Rural Zone to Settlement Zone - Residential Precinct. A map showing the proposed extension of the Residential Precinct onto the western part of Lot 3 DP 306765 is attached for Council's reference.

I wish to be present at the council planning hearing:

Yes  No

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

Yes  No

Trade competition:

If you are a person who could gain an advantage in trade competition through this submission, your right to make a submission may be limited by clause 6(4) of the First Schedule of the Resource Management Act 1991.

I could NOT gain an advantage in trade competition through this submission.

I could gain an advantage in trade competition through this submission and I am directly affected by an effect of the subject matter of this submission that:

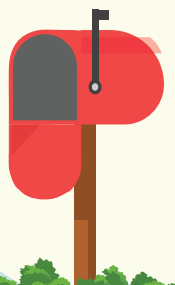
- (a) adversely affects the environment, and
- (b) does not relate to trade completion or the effects of trade competition.

I could gain an advantage in trade competition through this submission and I am NOT directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment, and
- (b) does not relate to trade completion or the effects of trade competition.

Notes:

- The submission and decision you wish Council to make should only relate to the contents of the proposed plan change.
- Submissions close at **5pm on Friday, 18 December 2020.**
- Please send the completed form to: Matamata-Piako District Council, 35 Kenrick Street, PO Box 266, Te Aroha, or drop it off at any Council office before the closing date.
- After the closing date, submissions will be copied and a complete set and summaries of all submissions received will be available for public viewing.



18 December 2020

## **Plan Change 53 – Settlements Plan Change: Submission of GH Westbury Pty Ltd – Additional Explanation**

GH Westbury Pty Ltd (“Westbury”) supports the general intent of PC53 and the planning framework it seeks to establish for land use and development activities located within key settlements across the District. This submission seeks to extend the proposed spatial extent of the Residential Precinct at Hinuera to include an 8 hectare portion of Lot 3 DP 306765 (“Lot 3”), which is presently owned by Westbury.

Lot 3 is approximately 33 ha in area, with frontage to Hinuera Road along the eastern boundary and State Highway 29 along the southern boundary. The land is identified as Rural Zone in the Matamata-Piako District Plan and the soil is of a high quality (“LRIS 2002 Soil Class 2”). These characteristics are consistent with the land underlying the proposed Residential Precincts at Hinuera, as notified by Council.

As advised to Council in previous feedback on the Settlements Plan Change, Westbury has been assessing the feasibility of establishing an Equestrian Centre on the eastern part of Lot 3. We have previously met with Council staff to discuss this proposition. The future development of the site for an Equestrian Centre and related allotments would occupy approximately 14 ha of Lot 3; leaving a balance lot of approximately 19 ha with frontage to State Highway 29. Westbury seeks to amend the western margin of the proposed Residential Precinct (as notified) to include approximately 8 ha of Lot 3.

A plan showing the portion of the site that is proposed to be rezoned as part of the Settlements Plan Change is included as **Attachment 1**.

It is submitted that rezoning a part of Lot 3 from Rural Zone to Settlement Zone – Residential Precinct will provide an opportunity for residential development and compatible activities to occur in proximity to several important community facilities. Whilst the Settlements Plan Change will include the existing Hinuera School, Hinuera Rugby and Sports Club, and the Hinuera Bowling Club in the proposed Settlement Zone – Residential Precinct, Westbury consider it will not realise the full potential for complementary residential development to occur alongside these existing amenities.

Westbury understands the general impetus of the Settlements Plan Change is to establish a new zone that recognises the nature and type of existing activities within identified settlements, while providing new opportunities for appropriate development and compatible activities within these areas. It is submitted that the spatial extent of the proposed Settlement Zone - Residential Precinct at Hinuera does not adequately provide for complementary residential development in Hinuera.

Westbury acknowledges that infrastructure and servicing has been identified as a key limiting factor to the expansion of the proposed Settlement Zone beyond sites with existing development. Hinuera is not connected to the public stormwater or wastewater network and Westbury understand it is unlikely that Council will provide additional services for any new development. It is submitted that infrastructure concerns should not be viewed as a constraint on the potential for a part of Lot 3 to be rezoned as the Settlement Zone – Residential Precinct. Pursuant to Rule 6.3.12(i)(b) of the Proposed Settlements Plan, any future subdivision and development on the site would require assessment and determination by Council as:

- A **controlled activity** for lots with a minimum net size of 2,500m<sup>2</sup>; and
- A **discretionary activity** for lots with a minimum net size of 1,000m<sup>2</sup>.

We note that Waikato Regional Council sets a minimum area of 2,500m<sup>2</sup> for on-site effluent treatment systems as a **permitted activity**.

The minimum lot sizes proposed for residential activities within the Settlement Zone – Residential Precinct will dictate the type and nature of residential development that can be undertaken on the site. Based on an area of approximately 8 ha, the rezoning sought by Westbury would provide for up to 32 lots as a controlled activity or up to 80 lots as a discretionary activity. These estimates represent a maximum density and it is recognised that the development potential of the site will be reduced to accommodate prescribed building setbacks) and internal access requirements.

Although the existing access to Lot 3 DP 306765 is from State Highway 29, Westbury recognises it may be more appropriate to establish a primary vehicle access from Hinuera Road to maintain a safe, efficient, and well-connected transport network in the District. We emphasise that as subdivision is not permitted within the Settlement Zone – Residential Precinct we consider any potential effects on the transport network can be assessed and appropriately managed at the future consenting stage.

The notification documentation provided in respect of the Settlements Plan Change advises that there is no land shortage or demand issues which would justify any “*major expansion*” of the proposed settlement areas<sup>1</sup>. Based on the Settlement Projections provided in the Report entitled “*Matamata Piako District: Projects for Residential Population, Dwellings and Rating Units to 2048*” we understand there is a projected growth rate of 0.1% in the Hinuera Settlement through to 2048. Although this growth rate is modest, Westbury considers the inclusion of a limited part of Lot 3 in the Settlements Zone will provide an opportunity for the community to locate near the school and sports amenities. The proximity of Hinuera to existing tourism operations (including Hobbiton, which is approximately 6 km to the west of the site) and thoroughbred horse breeding operations such as Valachi Downs and Westbury Waikato may also provide an opportunity for employees to reside in Hinuera. It is considered the rezoning of a part of Lot 3 may also complement the anticipated future development of an Equestrian Centre and rural lifestyle lots on the eastern part of the site.

Westbury considers the proposal would be consistent with the proposed objectives and policies for the Settlement Zone, which seek to recognise and provide for a mix of land use activities that reflect the needs of local communities and promote land use activities which support the long-term social and economic cohesion of settlements. Westbury does not consider the proposed rezoning of part of Lot 3 would undermine the public services or infrastructure at Hinuera.

If the Council requires further information or explanation in relation to the submission provided on behalf of GH Westbury Pty Ltd, then the relevant Council representative should contact Carey Pearce of Boffa Miskell Limited in the first instance on mobile 0274 370 165.

Carey Pearce

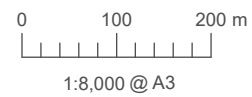
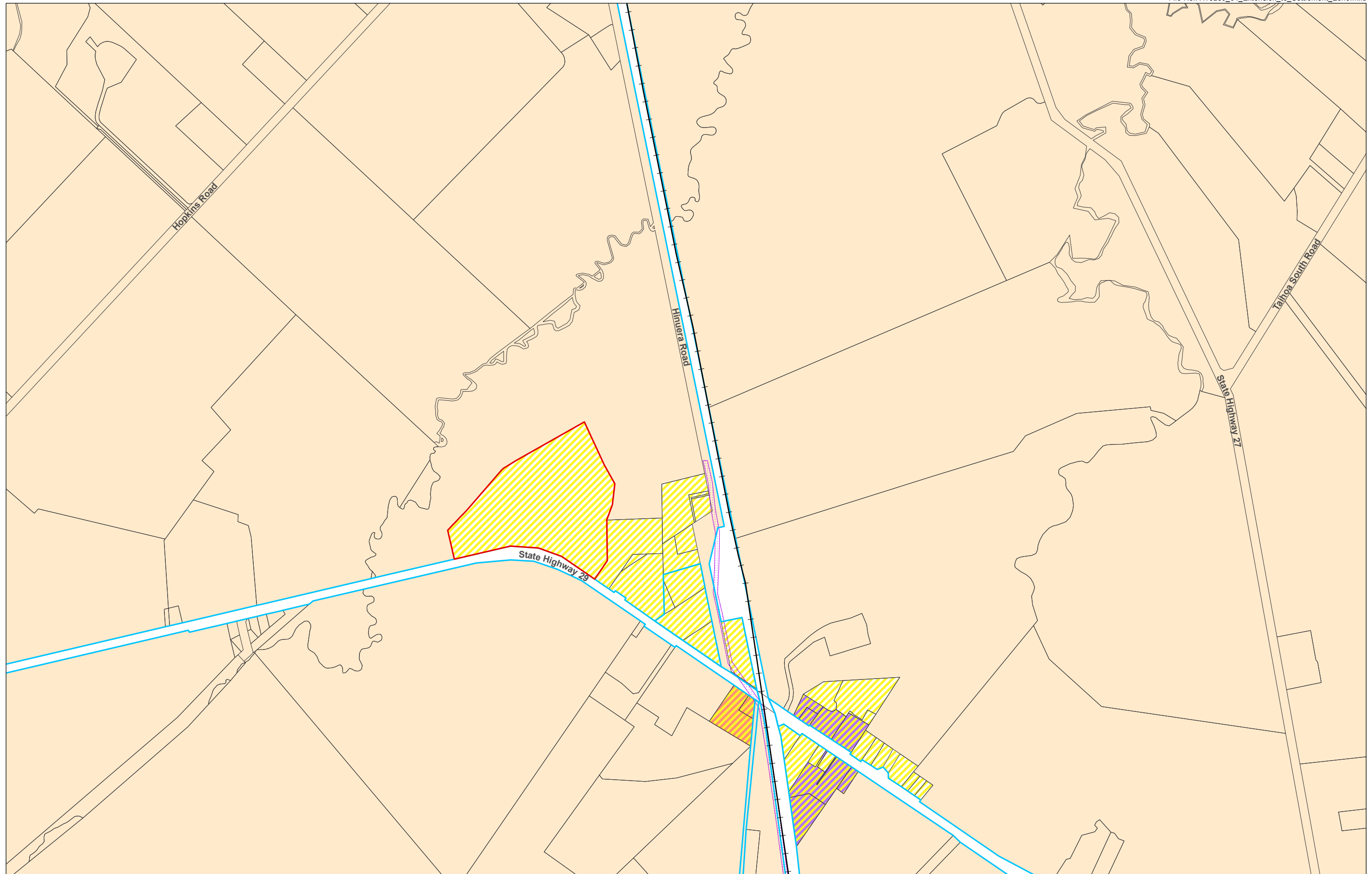
Boffa Miskell Limited for GH Westbury Pty Limited

18 December 2020

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<sup>1</sup> Refer to Page 9 of the District Plan Review: Plan Change 53 Settlements – Proposed Plan Change and Section 32 Report, Analysis of Costs, Benefits and Alternatives dated 11 November 2020.





LEGEND	
	Proposed Extension to Settlement Zone
	Rural Zone
	Settlement Zone - Residential Precinct
	Settlement Zone - Commercial Precinct
	Settlement Zone - Industrial Precinct
	TP Sub Trans OH Line Corridor
	Designations
	Land Parcels

**Kelly Moulder**

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**From:** Waitoa Haulage Ltd <office@waitoahaulageltd.co.nz>  
**Sent:** Friday, 18 December 2020 13:06  
**To:** Kelly Moulder; João Paulo Silva  
**Subject:** Submission received on Plan Change 53 - Submission 40400

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A submission has been received on PC53. The submission's ID is 40400. Submission details below.

**Submission Details:**

**Name (individual/organisation):** Waitoa Haulage Ltd

**Contact person (if different from above):** Mark

**Address for correspondence:** 3 Barker Street

**Email:** office@waitoahaulageltd.co.nz

**Phone Number:** 0274788611

**The specific provisions of the plan change that my submission relates to are:** zoning of the Waihou area. Keeping the property as is rural/residential

**My submission is:** not against development but people will have to realise our company is fully operational and we try to limit noise etc but has been here for 4 decades nearly and if more residences come around area we are very imited

**I seek the following decision from Council:** Accept the plan change with the following amendments

**Suggested amendments:** leave exisiting zoning in place around Barker Street

**I wish to be present at the council planning hearing:** Yes

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

No

**Additional info:**

**Form 5**

**Submission on publically notified proposal for policy statement or plan,  
change or variation under Clause 6 of Schedule 1, Resource Management Act  
1991**

To: Matamata-Piako District Council

Name of Submitter: Matamata-Piako District Council Staff

Submission on: Proposed Plan Change 53 – Settlements Plan Change

Address for service: PO Box 266,  
Te Aroha 3342

Attention: Joao Paulo Silva  
[jsilva@mpdc.govt.nz](mailto:jsilva@mpdc.govt.nz)

RECEIVED  
13.12.2024

**This is a submission on Proposed Plan Change 53**

**We could not gain an advantage in trade completion through this submission**

**The specific parts of Proposed Plan Change 53 that Council's submission  
relates to are:**

- Proposed plan provisions (Appendix 1)
  - PREC1(3) Home Business General;
  - Permitted Activity – General Performance Standards
  - PREC1(10) - Two or more Residential Units (Standard Density)
  - PREC1(13) - Two or more Residential Units (Medium Density)
  - SETZ R1(4) - District Plan Linkage Rules
  - Proposed plan provisions (Appendix 1). Part C.3
  - 6.3.12 Subdivision within the Settlement Zone

**Background:**

Matamata-Piako District Council is the territorial authority responsible for the production, administration and enforcement of the objectives, policies and rules contained within the Matamata-Piako District Plan.

The Plan provides the means for the Council and residents of Matamata-Piako to achieve the integrated management of the effects of the use, development and protection of the natural and physical resources within the District. The Council is therefore a key stakeholder in any District Plan Change undertaken in this district.

Our proposed revisions are detailed below.

### Council's submission on Proposed Private Plan Change 53

Matamata-Piako District Council's submission on Private Plan Change 53 is set out in the attached tables. Insertions we wish to make are marked in **bold** and **underlined**, while recommended deletions are shown as ~~struck-out~~ text.

### Proposed plan provisions (Appendix 1)

Rule, category of activity or standard	Proposed provision	Comment	Accept/Reject /Accept with amendment	Relief Sought
PREC1(3) Home Business  Permitted Activity – General Performance Standards	iii) The sale of goods and/or services from the site is limited to those produced on site;	In order to be enabling, the proposed provisions should cater for online commerce. This activity will not cause significant adverse effects on the environment; the transactions will take place remotely with no customers visiting the site. Therefore, we suggest the wording to be amended.	Accept with the following amendment	Amend Clause PREC1(3) iii) to read:  iii) The sale of goods and/or services <b><u>directly to customers</u></b> from the site is limited to those produced on site;
PREC1(3) Home Business  Permitted Activity – General Performance Standards	Non Applicable	In order to achieve clarity and minimize reverse sensitivity issues within the proposed Residential Precinct, we believe hours for delivery and collection of goods as well as hours of operation should be included as a performance standard for home business.	Accept with the following wording	Include additional Clause (x) to PREC1(3) to read:  <b><u>(x) The hours for delivery and collection of goods as well as onsite customer visits within the Residential Precinct shall be between: 7.30am to 5.30pm, Monday to Saturday.</u></b>
PREC1(10) Two or more Residential Units (Standard Density); and PREC1(13)	(iii) Each residential unit must comply with the subdivision standards set out in Rule 6.2 and the application	In order to provide for more friendly wording as well as to achieve more clarity, without changing the content or purpose of the rule, we believe the wording of the rule should be	Accept with the following amendment	Amend Clause PREC1(10) (iii) to read:  (iii) Each residential unit must comply with the subdivision

Two or more Residential Units (Medium Density). Controlled Activities Same wording on both rules	shall nominate internal lot boundaries to demonstrate compliance with the relevant performance standards.	amended as it follows		standards set out in Rule 6.2 and the application shall <del>nominate</del> <b>show</b> internal lot boundaries to demonstrate compliance with the relevant performance standards.
SETZ R1(4) District Plan Linkage Rules  Performance Standards	Section 9: Transportation (except that rules regarding the minimum number of carparks shall not apply)	We believe that adding the specific rule exception will achieve more clarity.	Accept with the following amendment	Amend Section 9 to read:  Section 9: Transportation (except that rules <b>9.1.4;</b> regarding the minimum number of carparks shall not apply)

**Proposed plan provisions (Appendix 1). Part C.3**

Part 6 - Subdivision		Comment	Accept/Reject /Accept with amendment	Relief Sought
6.3.12 Subdivision within the Settlement Zone	(ii) Assessment Criteria See section 6.4.	For a more holistic overview of the consenting process, we believe it is essential for the assessment criteria also refer to Section 6.6 – Discretionary and Non-Complying Assessment Criteria	Accept with the following amendment	Amend Assessment Criteria 6.3.12 (ii) to read:  (ii) Assessment Criteria See section 6.4. <b>and 6.6.</b>

**Matamata-Piako District Council does not wish to be heard in support of its submission.**

Regards

Dennis Bellamy

**Group Manager Community Development  
Matamata-Piako District Council**



18 December, 2020

Received 18.12.2020

Matamata-Piako District Council  
PO Box 266  
**TE AROHA 3342**

**By email to:** jsilva@mpdc.govt.nz

**SUBMISSION ON DISTRICT PLAN REVIEW – Plan Change 53: Settlements Plan Change  
Matamata-Piako District Council**

**NAME OF PARTY PROVIDING FEEDBACK:** KiwiRail Holdings Limited (KiwiRail)

**ADDRESS FOR SERVICE:** Level 1  
Wellington Railway Station  
PO Box 593  
**WELLINGTON 6140**  
Attention: Rebecca Beals

**SUBMISSION:**

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

KiwiRail have reviewed the Plan Change detail for the settlements of Walton, Waitoa, Waihou and Hinuera, and have the following comments / discussion points that arise from those documents. These are the four settlements which are nearby or surrounded by the railway corridor. This submission builds on the feedback provided through the first round of engagement process from 2019.

The rail network is a regionally significant transport corridor that passes through the district and these settlements. Each of the ECMT, Kinleith and Waitoa Branches are involved. These corridors therefore need protection from adjoining development, as well as ensuring adjoining development is protected from reverse sensitivity effects, during Plan Review processes. KiwiRail are not opposed to development adjacent to the rail corridor, irrespective of the adjoining zone, what we seek is that development is appropriately mitigated, particularly where that development is a noise sensitive activity or has the potential to adversely impact on safety.

KiwiRail’s detailed submission points about Proposed District Plan Change 53 are set out in the attached table. Insertions we wish to make are marked in bold and underlined, while recommended deletions are





shown as struck out text. All requested changes include any consequential changes to the Plan to accommodate the requested change in the stated, or alternate, location.

KiwiRail wishes to speak to our submission and will consider presenting a joint case at the hearing with other parties who have a similar submission. KiwiRail could not gain an advantage in trade competition through this submission.

KiwiRail are happy to discuss these submission points should Council have any queries.

Regards,

A handwritten signature in blue ink, appearing to read "Rebecca Beals".

Rebecca Beals  
**RMA Team Leader**  
**KiwiRail**



Submission Number	Plan Section	Support/Oppose/ Seek Amendment	Submission/Comments/Reasons	Relief Sought (as stated or similar to achieve the requested relief)
<b>Section 16: Settlement Zone</b>				
1.	SETZ P3	Support	KiwiRail supports policy direction to mitigate reverse sensitivity and potential conflicts between activities as proposed.	Retain as notified
2.	SETZ R1(2) Building Envelope	Support	The reference provided in relation to acoustic insulation under Rule 5.2.9 being required for buildings under (c)(ii) is supported.	Retain as notified
3.	SETZ R2(1) General Assessment Criteria	Support	Consideration of the effects of an activity on existing legitimate land uses as proposed in (d) is supported by KiwiRail.	Retain as notified
<b>Proposed Rural House Site Provisions</b>				
4.	Rule 3.2.1 Building Envelope	Support	As with the specific reference to 5.2.9 under SETZ R1(2), KiwiRail support clarity that acoustic insulation is required for buildings located in proximity to the rail corridor.	Retain as notified
<b>Part C.3: Other Proposed Changes</b>				
5.	Rule 5.2.12	Seek Amendment	<p>The intention of the rule appears to be to update the Rule 5.2.9 that applies across all zones – however it is referenced as 5.2.12. The standards in the Rule itself, and the trigger in SETZ R1(2) and 3.2.1, are to Rule 5.2.9, therefore there is uncertainty about when this rule will actually be triggered and which rule development will be required to comply with if there are two separate rules.</p> <p>In addition, Rule 5.2.9 applies to all zones, therefore the developers of Rural Dwelling Sites and the Settlement Zone potentially are required to comply with both 5.2.9 and 5.2.12, which is anticipated to not be the outcome Council are intending.</p> <p>Clarity is therefore sought as to whether this rule is a replacement for Rule 5.2.9, in which case the rule number should be updated; <u>or</u> to be an additional rule in the District Plan, in which case wider changes to the Rule itself (changing references from 5.2.9(i) to 5.2.12(i) along with changing references in the two trigger rules from 5.2.9 to 5.2.12) is required, along with changes to 5.2.9 to clarify that it doesn't also apply to Rural Dwelling Sites and the Settlement Zone as well.</p>	Amend to reflect clarification of reference / application

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

18 December 2020

Received 18.12.2020

**Attention:** Team Leader – Planning

**By Email:** [jsilva@mpdc.govt.nz](mailto:jsilva@mpdc.govt.nz)

**CC:** [info@mpdc.govt.nz](mailto:info@mpdc.govt.nz)

**Submission on:** Matamata-Piako District Plan – Plan Change 53

**Name:** House Movers Section of the New Zealand Heavy Haulage Association Inc

**Address:** House Movers  
C/ - Stuart Ryan  
P.O. Box 1296  
Shortland Street  
**Auckland 1140**

## Introduction

1. This submission in support is made for the House Movers Section of the New Zealand Heavy Haulage Association Inc (referred to as the “**Association**”). The Association represents firms and individuals engaged in building removal and relocation throughout New Zealand, including local members Willcox Building Removals Ltd, Relocation Contractors Ltd, and Greig Runnings House Relocators Ltd.
2. The Matamata-Piako District Council has sought submissions on the Proposed Plan Change 53: Settlements (**PC53**). This submission relates specifically to the management and activity status of the relocation of buildings in the proposed provisions of PC53. The Association lodged a feedback letter on PC53 in November 2019.
3. The Association wishes to ensure that regulatory controls through district plans properly reflect the purpose and intentions of the Resource Management Act 1991 (**RMA**) as expressed in the decision of the Environment Court in *New Zealand Heavy Haulage Association Inc v The Central Otago District Council* (Environment Court, C45/2004, Thompson EJ presiding). In this case the Environment Court held that there was no real difference in effect and amenity value terms between the *in situ* construction of a new dwelling and relocation of a second-hand dwelling, subject to appropriate permitted activity performance standards.

### *Proposed rules*

4. The proposed rules in PC53 provide for relocatable buildings as permitted in all precincts,

which are the:

- Residential Precinct: PREC1(9)
  - Commercial Precinct: PREC2(1)
  - Industrial Precinct: PREC3(1)
5. Relocatable buildings are subject to performance standards SETZ R1(1)-SETZ R1(4) (on pages 16-19 of the attached document). These are the same performance standards that apply to “*all buildings in the Settlement Zone*”.
6. Part 5 of PC53 includes provisions to be inserted into the noise chapter of the District Plan, which apply to both *in situ* and relocated buildings. Of note, proposed rule 5.2.12 states:

**5.2.12 Noise Insulation for Rural Dwelling Sites and the Settlement Zone**

(i) Performance Standards

(a) New (including relocated) buildings to be used for a noise sensitive activity located:

- i. Within 40m of a railway line included in the definition of “regionally significant infrastructure”;
- ii. Within 80m of a state highway or significant district road with a posted speed limit above 70km/h; or
- iii. Within 40m of a state highway or significant district road with a posted speed limit of 70km/h or less.

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

(emphasis supplied)

**Association’s position**

7. The Association **supports**:
- a. The classification of relocatable buildings as permitted in all Precincts of the Settlement Zone, and
  - b. The regulation of relocatable buildings through the same zone performance standards as *in situ dwellings*.
8. The Association supports this approach because:
- a. It is consistent with the *Central Otago* decision;
  - b. It allows the Council to address effects on the environment to a reasonable degree through permitted activity standards, which comes at a lower cost to District Plan-users and the District as a whole; and
  - c. It accords with principles of sustainable management of use, development and resources under part 2 of the RMA.

9. The Association **opposes** the proposed provision 5.2.12 (in Part 5 of PC53), insofar as it relates to relocated buildings, for the following reasons:
- a. The rule envisages that relocated buildings will need to be upgraded in certain areas to provide for sound insulation, whereas existing *in situ* buildings in the same areas will not be subject to this requirement;
  - b. Relocated buildings being transported into the area are more likely to be made of similar materials to the existing buildings in the local area than new buildings;
  - c. It is much more costly to provide sound insulation by way of a renovation or by upgrading a building, than it is to insulate a new building for sound, at the time it is being built; meaning
  - d. Relocated buildings are no longer a cost-effective alternative but instead become prohibitively expensive for homeowners where sound insulation is required. This approach does not accord with the need to promote affordable housing throughout New Zealand and the provisions of the National Policy Statement on Urban Development 2020.
10. The Association notes that PC53 does not provide a definition for the term “*relocatable building*”. It is requested that a definition be included as to increase certainty for Plan-users.

### Outcomes sought

11. The Association requests the following outcomes:
- a. **Retain** the following proposed provisions in PC53 relating to relating to relocatable dwellings in the Settlement Zone:
    - i. the permitted activity status of relocatable dwellings (PREC1(9), PREC2(1) and PREC3(1)), and
    - ii. the performance standards applying to both relocatable buildings and *in situ* buildings (SETZ R1(1)-SETZ R1(4) (except as relates to para 9 of this submission);
  - b. **Delete** all references to relocated/relocatable buildings in proposed rule 5.2.12 (Part 5), and **amend** the rule to read:

#### **5.2.12 Noise Insulation for Rural Dwelling Sites and the Settlement Zone**

##### (i) Performance Standards

(a) New buildings (not including relocated buildings) to be used for a noise sensitive activity located...

(emphasis supplied)

- c. **Include** a definition for the term “*relocatable dwelling*”. The Association requests that the following definition is used:

**Relocatable dwelling** includes any building that is removed from one site and relocated to another site, in whole or in parts. It excludes any new building which is designed for, or intended to be used on, a site but

which is constructed or prefabricated off-site, in whole or in parts, and transported to the site.

### Conclusion

12. The Association notes that the provisions in PC53 will only apply to relocatable buildings in the Settlement Zone and will not affect the rest of the Matamata-Piako District Plan. The Association encourages the Council to review Plan-wide rules relating to relocated buildings in the future, and wishes to participate in any future review.
13. The Association could not gain an advantage in trade competition through this submission.
14. The Association **does** wish to be heard in support of this submission. The Association will consider presenting a joint case with other submitters, who make a similar submission, at hearing.

Yours faithfully,



**Stuart Ryan/ Marina Chevalier**  
Barrister/Associate Barrister





# Submission on Plan Change to the Matamata-Piako District Plan

Clause 6 of Schedule 1 of the Resource Management Act 1991

Name: Te Aroha Federated Farmers.  
(Individual/Organisation)

Contact person: Brian Steele  
(If different from above)

Address for correspondence: 174 Wood Road. R.D. Waitoa 3380

Phone: 021 702 799 Email: brianssteele24@gmail.com



This is a submission on Plan Change 53 - Settlements Plan Change  
The specific provisions of the plan change that my submission relates to are:

General points & observations.

My submission is: (include whether you support or oppose the specific provisions or wish to have them amended, and the reasons for your views; attach additional pages if necessary):

Support more subdivision of existing small titles down to 2500m<sup>2</sup>. Allow the building of sheds & structures to encourage cottage type industries. Any new builds or population increase to be self sufficient in so far as water and sewerage. Do not need to provide more Council schemes as rural settlements grow. Be aware of, reverse sensitivities from residents in regard to rural odours, dust etc. Allow controlled growth.

Office use only: TRIM # \_\_\_\_\_ NAR # \_\_\_\_\_ Container 20/9133



I seek the following decision from Council (please give precise details):

Accept the plan change

Decline the plan change

Accept the plan change with the following amendments

If the plan change is not declined, make the following amendments

*As per discussion points on previous page.*

I wish to be present at the council planning hearing:

Yes

No

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

Yes

No

Trade competition:

If you are a person who could gain an advantage in trade competition through this submission, your right to make a submission may be limited by clause 6(4) of the First Schedule of the Resource Management Act 1991.

I could NOT gain an advantage in trade competition through this submission.

I could gain an advantage in trade competition through this submission and I am directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment, and
- (b) does not relate to trade completion or the effects of trade competition.

I could gain an advantage in trade competition through this submission and I am NOT directly affected by an effect of the subject matter of this submission that:

- (a) adversely affects the environment, and
- (b) does not relate to trade completion or the effects of trade competition.

Notes:

- The submission and decision you wish Council to make should only relate to the contents of the proposed plan change.
- Submissions close at **5pm on Friday, 18 December 2020.**
- Please send the completed form to: Matamata-Piako District Council, 35 Kenrick Street, PO Box 266, Te Aroha, or drop it off at any Council office before the closing date.
- After the closing date, submissions will be copied and a complete set and summaries of all submissions received will be available for public viewing.



**WAKA KOTAHI NZ TRANSPORT AGENCY SUBMISSION ON 'PLAN CHANGE 53-SETTLEMENTS' TO THE MATAMATA-PIAKO DISTRICT PLAN**

**TO:** Matamata-Piako District Council

Received 17.12.2020

**ATTENTION:** Joao Paulo Silva (Policy Planner)

**SUBMITTER:** Waka Kotahi NZ Transport Agency

PO Box 973

Waikato Mail Centre

Hamilton 3240

**ATTENTION** Claudia Jones

Phone: 07 958 9614

Email: [consentsandapprovals@nzta.govt.nz](mailto:consentsandapprovals@nzta.govt.nz)

**Plan Change 53 – PC53; 20/9133**

This is a submission on Plan Change 53- Settlements to the Matamata-Piako District Plan on behalf of Waka Kotahi NZ Transport Agency (Waka Kotahi).

**Summary**

Waka Kotahi supports the proposed Plan Change 53 to the Matamata-Piako District Plan. This is on the basis that there are no significant safety and efficiency concerns on the state highway network as a result of the proposed plan change.

**Waka Kotahi NZ Transport Agency Role**

Waka Kotahi NZ Transport Agency is a Crown entity with the sole powers of control for all purposes of all state highways. Waka Kotahi objectives, functions, powers and responsibilities and derived from the Land Transport Act 2003 (LTMA), and the Government Powers Act 1989 (GRPA). The statutory objective of Waka Kotahi is to undertake its functions in a way that contributes to an effective, efficient and safe land transport system in the public interest.

**Background**

Matamata-Piako District Council propose a plan change (Plan Change 53) to the Matamata-Piako District Plan. Proposed Plan Change 53 has the purpose of reviewing the zoning mechanism and provisions for small settlement areas that are restricted by the current zoning in the Matamata-Piako District Plan. The review includes the following settlements:

- Waihou
- Waitoa
- Tahuna

- Mangateparu
- Motumaoho
- Walton
- Hineua
- Te Poi
- Manawaru
- Te Aroha West

Ensuring that the safety of the state highway intersections located within some of these settlements are not compromised as a result of an increase in traffic movements from activities within the Settlement Zone is a key matter for Waka Kotahi. This is particularly the case for the settlements of Te Poi and Motumaoho.

#### Te Poi settlement

The proposed residential precinct within Te Poi will increase vehicle movements through the intersection of State Highway 29 and Te Poi Road, which is currently a high-risk intersection. The intersection is subject to safety constraints which will be exacerbated by increased trip generation.

Te Poi Road does not have any pedestrian connections from the proposed residential precinct for children walking to Te Poi School.

#### Motumaoho settlement

In relation to the settlement of Motumaoho, there is also no pedestrian connection from the proposed residential precinct off Norfolk Road to the school located on the opposite side of State Highway 26 within Motumaoho.

#### Noise effects

Noise effects from traffic can interrupt amenity and enjoyment, as well as an individual's ability to sleep which can have significant impacts on people's health and wellbeing. Appropriate mitigation is critical to ensuring the health and wellbeing of activities sensitive to noise. Waka Kotahi supports the proposed noise rules proposed by Matamata-Piako District Council, as they are considered appropriate in ensuring that people's health and wellbeing are not compromised by the operation of the transport network.

#### **Waka Kotahi Submission**

Waka Kotahi has reviewed the proposed plan provisions and district plan maps associated with proposed Plan Change 53: Settlements and notes the following:

- Waka Kotahi supports proposed Plan Change 53 in its entirety. In relation to the pedestrian connection issues identified for the Te Poi and Motumaoho settlements, there will be a need for the Council to work with Waka Kotahi on how to ensure that these issues are addressed prior to these settlements being developed further.

**Decision Requested**

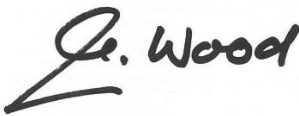
Waka Kotahi seeks that:

- a) The matters to which Waka Kotahi have addressed within this submission are taken into account by Matamata-Piako District Council.

Waka Kotahi **does** wish to be heard in support of this submission.

Waka Kotahi **does not** wish to present joint evidence.

Signed by Mike Wood

A handwritten signature in black ink that reads "M. Wood". The signature is written in a cursive style with a large, sweeping initial 'M'.

Under delegated authority for

Waka Kotahi NZ Transport Agency

Date: 17/12/2020

# Further Submissions



**FURTHER SUBMISSION BY POWERCO LIMITED ON PLAN CHANGE 53  
TO THE MATAMATA-PIAKO DISTRICT PLAN**

**To:** Matamata-Piako District Council  
35 Kenrick Street  
PO Box 266  
Te Aroha 3342

info@mpdc.govt.nz, jsilva@mpdc.govt.nz

**Submitter:** Powerco Limited (**Powerco**)  
Private Bag 2061  
New Plymouth 4342  
*(note that this is not the address for service.)*

- 1 This is a further submission by Powerco Limited on Proposed Plan Change 53 to the Matamata Piako District Plan.
- 2 Powerco's interest in the plan change is greater than the interest of the general public as it owns and operates the electricity distribution network across all zones and settlements of the Matamata-Piako District.
- 3 Details of the submitters and the particular submission points that Powerco supports or opposes and reasons are set out in Schedule 1.
- 4 Powerco wishes to be heard in support of its further submissions.
- 5 If others make similar submissions, Powerco would be prepared to consider presenting a joint case with them at any hearing.

Dated at Tauranga this 18<sup>th</sup> day of February 2021.

Signature of person authorised to sign on behalf of Powerco Limited.



---

**Gary Scholfield**  
Environmental Planner

**Address for Service:** Powerco Limited  
PO Box 13 075  
Tauranga 3141  
Attention: Gary Scholfield

Phone: (07) 928 5659  
Email: [planning@powerco.co.nz](mailto:planning@powerco.co.nz)



**Schedule 1 – Further submissions by Powerco**

<b>Submission point number</b>	<b>Name of Submitter</b>	<b>Plan provision</b>	<b>Support / Oppose</b>	<b>Reasons for Support / Opposition</b>	<b>Decision Sought</b>
5.3	Fonterra Limited	Objective SETZ 06	Oppose	<p>Powerco opposes Fonterra’s submission as an objective is needed so that land-use, subdivision and infrastructure is planned in an integrated manner and that does not compromise the supply and capacity of public and private services.</p> <p>The amendments sought by Fonterra restrict the objectives intent by only providing for land use and subdivision that are of a scale and location that can be served by public water and wastewater supplies or are otherwise self-sufficient.</p> <p>All infrastructure (not just water and wastewater) needs to be planned for and integrated into any development or subdivision of land.</p>	Reject the relief sought.

File No: 25 06 00  
Document No: 18084049  
Enquiries to: Sarah Knott

Received by Planning  
18.02.21  
Note : Via email



16 February 2021

Matamata-Piako District Council  
PO Box 266  
Te Aroha 3342

Private Bag 3038  
Waikato Mail Centre  
Hamilton 3240, NZ

[waikatoregion.govt.nz](http://waikatoregion.govt.nz)  
0800 800 401

Dear Sir/Madam

**Waikato Regional Council further submission to Proposed Plan Change 53 (Settlements) to the Matamata-Piako District Plan**

Thank you for the opportunity to make a further submission to Proposed Plan Change 53 (Settlements) to the Matamata-Piako District Plan. Please find attached the Waikato Regional Council's further submission, signed by the Director Science and Strategy under delegated authority.

Waikato Regional Council looks forward to being involved in further discussion regarding the development of the plan change.

Should you have any queries regarding the content of this document please contact Sarah Knott, Student Policy Advisor, Transport and Infrastructure directly on (07) 859 2840 or by email [sarah.knott@waikatoregion.govt.nz](mailto:sarah.knott@waikatoregion.govt.nz).

Regards

A handwritten signature in black ink, appearing to read "Tracey May".

Tracey May  
**Director Science and Strategy**

## Further submission from Waikato Regional Council to Proposed Plan Change 53 (Settlements) to the Matamata-Piako District Plan

16 February 2021

### Introduction

1. Waikato Regional Council (WRC) appreciates the opportunity to make a further submission to Proposed Plan Change 53 (Settlements). WRC's primary interest is in relation to the Waikato Regional Policy Statement (WRPS). District Plans, including Plan Changes such as this one, are required to give effect to the RPS (RMA s75(3)(c)).
2. WRC appreciated working proactively with MPDC and was comfortable with MPDC's draft plan change. WRC therefore did not put in an initial submission, but feels compelled to make a further submission via cl 8 sch 1 RMA to:
  - a. respond to the submission received by MPDC to change the rule
  - b. uphold important aspects of the WRPS
  - c. support the positive progress WRC has made with MPDC (and neighbouring Waikato District Council) on this subject.
3. It is important that we do not lose gains made through the WRPS, in particular those contained within Chapter 14 Soils and subsequent subdivision provisions, which were hard fought for policy directions. Policy 14.2, implementation method 14.2.1 of the WRPS gives priority to productive uses of high class soils over non-productive uses.
4. Central government has also recognised that protection of productive soils is a matter of national importance and is in the process of finalising a National Policy Statement on Highly Productive Land. The overall purpose is to improve the way highly productive land is managed under the RMA to:
  - recognise the full range of values and benefits associated with its use for primary production;
  - maintain its availability for primary production for future generations; and
  - protect it from inappropriate subdivision, use and development.
5. In this case, the key areas of WRC's interest relate to on-site wastewater treatment and disposal on smaller lot sizes with challenging soil types, and the rezoning of land in the Rural Zone to the proposed Settlement Zone – Residential Precinct.
6. The decisions sought by WRC are that:
  - a. proposed Rule 6.3.12 Subdivision within the Settlement Zone and related Performance Standards be inserted into the District Plan as notified; and,
  - b. that the extent of the proposed Settlement Zone - Residential Precinct remains as first notified in Plan Change 53 to the District Plan and is not extended over and into part of Lot 3 DP 306765.

## Further submission

Submission point	Provision / paragraph	Submitter	Support / oppose	Reasons	Decision requested
3.2	6.3.12 Lot Sizes	Richard and Sharon Grayling	Oppose	<p>While there is no minimum area requirement stated in proposed Rule 3.5.6.7 of the Waikato Regional Plan, in correctly applying the on-site wastewater treatment and disposal rule and observing good factors of safety, an adequate site area should be determined.</p> <p>There are external guidelines which set out the site and soil evaluation process and which specify that a preliminary assessment is needed to determine the required lot sizes for on-site wastewater systems in accordance with the restrictions the nominated land presents (see AS/NZS1547:2012 – Appendix C, Site and Soil Evaluation for Planning, re-zoning and subdivision of land). When site areas are reduced, they become overly restricted for on-site wastewater disposal. On-site designers then must adopt lower factors of safety in their designs to make the systems fit on-site. Furthermore, overloading and blockage of the soils are likely to occur, resulting in overland flow of wastewater equaling a system failure.</p>	That proposed Rule 6.3.12 Subdivision within the Settlement Zone and related Performance Standards be inserted into the District Plan as notified.
3.3	Prec1(10)	Richard and Sharon Grayling	Oppose	<p>The RMA does not restrict District Councils from making their rules more restrictive than regional rules and in this case, doing so would have a positive outcome of avoiding the wastewater treatment and disposal issues which can arise when there is no minimum area specified in a rule. The insertion of proposed Rule 6.3.12 Subdivision within the Settlement Zone is an appropriate and responsible approach to remove concern about sustainable on-site wastewater treatment and disposal, and is not inconsistent with the rules of the Waikato Regional Plan.</p>	That proposed Rule 6.3.12 Subdivision within the Settlement Zone and related Performance Standards be inserted into the District Plan as notified.
3.4	Prec1(13)	Richard and Sharon Grayling	Oppose	<p>Effective onsite wastewater treatment and disposal can be difficult on smaller lots with challenging soil types, which may result in lot owners having to install expensive improved on-site wastewater treatment systems that will require additional costs to maintain.</p>	That proposed Rule 6.3.12 Subdivision within the Settlement Zone and related Performance Standards be inserted into the District Plan as notified.

Submission point	Provision / paragraph	Submitter	Support / oppose	Reasons	Decision requested
8.1	Extend the proposed spatial extent of the Residential Precinct at Hinuera.	GH Westbury Pty Limited	Oppose	<p>Amendments to district plans must give effect to the WRPS, as noted in method 4.1.1 of the WRPS and RMA s75(3)(c). The decision sought by Submitter 8 would not achieve this requirement.</p> <p>The WRPS requires local authorities to have regard to section 6A when changing district plans (WRPS method 6.1.1). Section 6A states that new development should (c) occur in a manner that provides clear delineation between urban areas and rural areas; and (e) connect well with existing and planned development and infrastructure.</p> <p>The decision sought by Submitter 8 to rezone a part of a rural lot lessens delineation between urban and rural areas, and does not go any way to connect with planned development and infrastructure. Failing to consider how the proposed rezoning of part of Lot 3 DP 306765 connects with existing and planned development would undermine the public services and infrastructure at Hinuera.</p> <p>Furthermore, the decision sought would extend the proposed Settlement Zone - Residential Precinct over and into an area of high class soils. Lot 3 would meet the WRPS's definition of high class soils as it contains Land Use Capability Class 2 soil. Policy 14.2 of the WRPS addresses high class soils and aims to <i>"Avoid a decline in the availability of <b>high class soils</b> for primary production due to inappropriate subdivision, use or development"</i>.</p> <p>Implementation method 14.2.1 directs district plans to give priority to productive uses of high class soils, including by restricting urban and rural-residential development on high class soils. The decision sought by Submitter 8 fails to give effect to the WRPS from this regard.</p>	That the extent of the proposed Settlement Zone - Residential Precinct remains as first notified in Plan Change 53 to the District Plan and is not extended over and into part of Lot 3 DP 306765.

## **Further information and hearings**

WRC **wishes to be heard** at the hearings for Proposed Plan Change 53 (Settlements) in support of this further submission and is prepared to consider a joint submission with others making a similar submission.

WRC **could not** gain an advantage in trade competition through this further submission.

## FONTERRA LIMITED

### FURTHER SUBMISSIONS ON PROPOSED PLAN CHANGE 53 TO THE MATAMATA-PIAKO DISTRICT PLAN - SETTLEMENTS

---

**To:** Matamata-Piako District Council  
PO Box 266  
TE AROHA  
3342

**SUBMITTER:** FONTERRA LIMITED

**Contact:** Brigid Buckley

**Address for Service:** **Fonterra Ltd**  
**C/- Abbie Fowler**  
**Mitchell Daysh Ltd**  
**PO Box 1307**  
**HAMILTON**  
**3240**  
**M +64 27 475 8383**  
**E abbie.fowler@mitchelldaysh.co.nz**

Fonterra wishes to be heard in support of this submission.

I confirm that I am authorised on behalf of Fonterra Ltd to make this submission.

---

Fonterra Limited (Fonterra) has an interest in Proposed Plan Change 53 to the Matamata Piako District Plan (PC53) that is greater than the interest the general public has.

Fonterra made submissions on PC53, listed as Submission 5.

The attached schedule sets out Fonterra's further submissions in respect of points made by other parties.

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

I can confirm that copies of this further submission have been served on the person making the original submission.



Dated: 18 February 2021

Handwritten signature in green ink, appearing to read "BBuckley".

---

**National Policy and Planning Manager – Global Operations**  
FONTERRA LIMITED

## ATTACHMENT A: FONTERRA LIMITED'S FURTHER SUBMISSIONS ON THE MATAMATA-PIAKO DISTRICT PLAN, PROPOSED PLAN CHANGE 53- SETTLEMENTS

SUB #	SUBMITTER NAME	SEC OF PLAN	SUPPORT/ OPPOSE	REASON	RELIEF SOUGHT
12.2	House Movers Section of the New Zealand Heavy Haulage Association Inc	Rule 5.2.12	Oppose	<p>The House Movers Association opposes the proposed provision, as the rule (as amended by PC53) requires that relocated buildings need to comply with the noise insulation provisions when they are within close proximity to a regionally significant industry. Fonterra does not support the relief sought by the Association as the proposed amendments could create significant reverse sensitivity issues for existing industries. If a relocated building cannot comply with the noise insulation rule, then resource consent will be required. This resource consent process will allow for a full assessment of the potential reverse sensitivity effects on the industry.</p> <p>The Waikato Regional Policy Statement requires that the potential for reverse sensitivity effects on regionally significant industry be avoided or minimised. The proposed relief sought by the association does not give effect to the direction of the Waikato Regional Policy Statement.</p>	Reject Submission

## Further Submissions



**FURTHER SUBMISSION BY POWERCO LIMITED ON PLAN CHANGE 53  
TO THE MATAMATA-PIAKO DISTRICT PLAN**

**To:** Matamata-Piako District Council  
35 Kenrick Street  
PO Box 266  
Te Aroha 3342

info@mpdc.govt.nz, jsilva@mpdc.govt.nz

**Submitter:** Powerco Limited (**Powerco**)  
Private Bag 2061  
New Plymouth 4342  
*(note that this is not the address for service.)*

- 1 This is a further submission by Powerco Limited on Proposed Plan Change 53 to the Matamata Piako District Plan.
- 2 Powerco's interest in the plan change is greater than the interest of the general public as it owns and operates the electricity distribution network across all zones and settlements of the Matamata-Piako District.
- 3 Details of the submitters and the particular submission points that Powerco supports or opposes and reasons are set out in Schedule 1.
- 4 Powerco wishes to be heard in support of its further submissions.
- 5 If others make similar submissions, Powerco would be prepared to consider presenting a joint case with them at any hearing.

Dated at Tauranga this 18<sup>th</sup> day of February 2021.

Signature of person authorised to sign on behalf of Powerco Limited.



---

**Gary Scholfield**  
Environmental Planner

**Address for Service:** Powerco Limited  
PO Box 13 075  
Tauranga 3141  
Attention: Gary Scholfield

Phone: (07) 928 5659  
Email: [planning@powerco.co.nz](mailto:planning@powerco.co.nz)

**Schedule 1 – Further submissions by Powerco**

<b>Submission point number</b>	<b>Name of Submitter</b>	<b>Plan provision</b>	<b>Support / Oppose</b>	<b>Reasons for Support / Opposition</b>	<b>Decision Sought</b>
5.3	Fonterra Limited	Objective SETZ 06	Oppose	<p>Powerco opposes Fonterra’s submission as an objective is needed so that land-use, subdivision and infrastructure is planned in an integrated manner and that does not compromise the supply and capacity of public and private services.</p> <p>The amendments sought by Fonterra restrict the objectives intent by only providing for land use and subdivision that are of a scale and location that can be served by public water and wastewater supplies or are otherwise self-sufficient.</p> <p>All infrastructure (not just water and wastewater) needs to be planned for and integrated into any development or subdivision of land.</p>	Reject the relief sought.

File No: 25 06 00  
Document No: 18084049  
Enquiries to: Sarah Knott

Received by Planning  
18.02.21  
Note : Via email



16 February 2021

Matamata-Piako District Council  
PO Box 266  
Te Aroha 3342

Private Bag 3038  
Waikato Mail Centre  
Hamilton 3240, NZ

[waikatoregion.govt.nz](http://waikatoregion.govt.nz)  
0800 800 401

Dear Sir/Madam

**Waikato Regional Council further submission to Proposed Plan Change 53 (Settlements) to the Matamata-Piako District Plan**

Thank you for the opportunity to make a further submission to Proposed Plan Change 53 (Settlements) to the Matamata-Piako District Plan. Please find attached the Waikato Regional Council's further submission, signed by the Director Science and Strategy under delegated authority.

Waikato Regional Council looks forward to being involved in further discussion regarding the development of the plan change.

Should you have any queries regarding the content of this document please contact Sarah Knott, Student Policy Advisor, Transport and Infrastructure directly on (07) 859 2840 or by email [sarah.knott@waikatoregion.govt.nz](mailto:sarah.knott@waikatoregion.govt.nz).

Regards

A handwritten signature in black ink, appearing to read "Tracey May".

Tracey May  
**Director Science and Strategy**



## Further submission from Waikato Regional Council to Proposed Plan Change 53 (Settlements) to the Matamata-Piako District Plan

16 February 2021

### Introduction

1. Waikato Regional Council (WRC) appreciates the opportunity to make a further submission to Proposed Plan Change 53 (Settlements). WRC's primary interest is in relation to the Waikato Regional Policy Statement (WRPS). District Plans, including Plan Changes such as this one, are required to give effect to the RPS (RMA s75(3)(c)).
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  - a. respond to the submission received by MPDC to change the rule
  - b. uphold important aspects of the WRPS
  - c. support the positive progress WRC has made with MPDC (and neighbouring Waikato District Council) on this subject.
3. It is important that we do not lose gains made through the WRPS, in particular those contained within Chapter 14 Soils and subsequent subdivision provisions, which were hard fought for policy directions. Policy 14.2, implementation method 14.2.1 of the WRPS gives priority to productive uses of high class soils over non-productive uses.
4. Central government has also recognised that protection of productive soils is a matter of national importance and is in the process of finalising a National Policy Statement on Highly Productive Land. The overall purpose is to improve the way highly productive land is managed under the RMA to:
  - recognise the full range of values and benefits associated with its use for primary production;
  - maintain its availability for primary production for future generations; and
  - protect it from inappropriate subdivision, use and development.
5. In this case, the key areas of WRC's interest relate to on-site wastewater treatment and disposal on smaller lot sizes with challenging soil types, and the rezoning of land in the Rural Zone to the proposed Settlement Zone – Residential Precinct.
6. The decisions sought by WRC are that:
  - a. proposed Rule 6.3.12 Subdivision within the Settlement Zone and related Performance Standards be inserted into the District Plan as notified; and,
  - b. that the extent of the proposed Settlement Zone - Residential Precinct remains as first notified in Plan Change 53 to the District Plan and is not extended over and into part of Lot 3 DP 306765.

## Further submission

Submission point	Provision / paragraph	Submitter	Support / oppose	Reasons	Decision requested
3.2	6.3.12 Lot Sizes	Richard and Sharon Grayling	Oppose	<p>While there is no minimum area requirement stated in proposed Rule 3.5.6.7 of the Waikato Regional Plan, in correctly applying the on-site wastewater treatment and disposal rule and observing good factors of safety, an adequate site area should be determined.</p> <p>There are external guidelines which set out the site and soil evaluation process and which specify that a preliminary assessment is needed to determine the required lot sizes for on-site wastewater systems in accordance with the restrictions the nominated land presents (see AS/NZS1547:2012 – Appendix C, Site and Soil Evaluation for Planning, re-zoning and subdivision of land). When site areas are reduced, they become overly restricted for on-site wastewater disposal. On-site designers then must adopt lower factors of safety in their designs to make the systems fit on-site. Furthermore, overloading and blockage of the soils are likely to occur, resulting in overland flow of wastewater equaling a system failure.</p>	That proposed Rule 6.3.12 Subdivision within the Settlement Zone and related Performance Standards be inserted into the District Plan as notified.
3.3	Prec1(10)	Richard and Sharon Grayling	Oppose	<p>The RMA does not restrict District Councils from making their rules more restrictive than regional rules and in this case, doing so would have a positive outcome of avoiding the wastewater treatment and disposal issues which can arise when there is no minimum area specified in a rule. The insertion of proposed Rule 6.3.12 Subdivision within the Settlement Zone is an appropriate and responsible approach to remove concern about sustainable on-site wastewater treatment and disposal, and is not inconsistent with the rules of the Waikato Regional Plan.</p>	That proposed Rule 6.3.12 Subdivision within the Settlement Zone and related Performance Standards be inserted into the District Plan as notified.
3.4	Prec1(13)	Richard and Sharon Grayling	Oppose	<p>Effective onsite wastewater treatment and disposal can be difficult on smaller lots with challenging soil types, which may result in lot owners having to install expensive improved on-site wastewater treatment systems that will require additional costs to maintain.</p>	That proposed Rule 6.3.12 Subdivision within the Settlement Zone and related Performance Standards be inserted into the District Plan as notified.

Submission point	Provision / paragraph	Submitter	Support / oppose	Reasons	Decision requested
8.1	Extend the proposed spatial extent of the Residential Precinct at Hinuera.	GH Westbury Pty Limited	Oppose	<p>Amendments to district plans must give effect to the WRPS, as noted in method 4.1.1 of the WRPS and RMA s75(3)(c). The decision sought by Submitter 8 would not achieve this requirement.</p> <p>The WRPS requires local authorities to have regard to section 6A when changing district plans (WRPS method 6.1.1). Section 6A states that new development should (c) occur in a manner that provides clear delineation between urban areas and rural areas; and (e) connect well with existing and planned development and infrastructure.</p> <p>The decision sought by Submitter 8 to rezone a part of a rural lot lessens delineation between urban and rural areas, and does not go any way to connect with planned development and infrastructure. Failing to consider how the proposed rezoning of part of Lot 3 DP 306765 connects with existing and planned development would undermine the public services and infrastructure at Hinuera.</p> <p>Furthermore, the decision sought would extend the proposed Settlement Zone - Residential Precinct over and into an area of high class soils. Lot 3 would meet the WRPS's definition of high class soils as it contains Land Use Capability Class 2 soil. Policy 14.2 of the WRPS addresses high class soils and aims to <i>"Avoid a decline in the availability of <b>high class soils</b> for primary production due to inappropriate subdivision, use or development"</i>.</p> <p>Implementation method 14.2.1 directs district plans to give priority to productive uses of high class soils, including by restricting urban and rural-residential development on high class soils. The decision sought by Submitter 8 fails to give effect to the WRPS from this regard.</p>	That the extent of the proposed Settlement Zone - Residential Precinct remains as first notified in Plan Change 53 to the District Plan and is not extended over and into part of Lot 3 DP 306765.

## **Further information and hearings**

WRC **wishes to be heard** at the hearings for Proposed Plan Change 53 (Settlements) in support of this further submission and is prepared to consider a joint submission with others making a similar submission.

WRC **could not** gain an advantage in trade competition through this further submission.

## FONTERRA LIMITED

### FURTHER SUBMISSIONS ON PROPOSED PLAN CHANGE 53 TO THE MATAMATA-PIAKO DISTRICT PLAN - SETTLEMENTS

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**To:** Matamata-Piako District Council  
PO Box 266  
TE AROHA  
3342

**SUBMITTER:** FONTERRA LIMITED

**Contact:** Brigid Buckley

**Address for Service:** **Fonterra Ltd**  
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**PO Box 1307**  
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**3240**  
**M +64 27 475 8383**  
**E abbie.fowler@mitchelldaysh.co.nz**

Fonterra wishes to be heard in support of this submission.

I confirm that I am authorised on behalf of Fonterra Ltd to make this submission.

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Fonterra Limited (Fonterra) has an interest in Proposed Plan Change 53 to the Matamata Piako District Plan (PC53) that is greater than the interest the general public has.

Fonterra made submissions on PC53, listed as Submission 5.

The attached schedule sets out Fonterra's further submissions in respect of points made by other parties.

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

I can confirm that copies of this further submission have been served on the person making the original submission.

Dated: 18 February 2021

A handwritten signature in green ink that reads "BBuckley". The signature is written in a cursive style with a large initial "B".

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**National Policy and Planning Manager – Global Operations**  
FONTERRA LIMITED

## ATTACHMENT A: FONTERRA LIMITED'S FURTHER SUBMISSIONS ON THE MATAMATA-PIAKO DISTRICT PLAN, PROPOSED PLAN CHANGE 53- SETTLEMENTS

SUB #	SUBMITTER NAME	SEC OF PLAN	SUPPORT/ OPPOSE	REASON	RELIEF SOUGHT
12.2	House Movers Section of the New Zealand Heavy Haulage Association Inc	Rule 5.2.12	Oppose	<p>The House Movers Association opposes the proposed provision, as the rule (as amended by PC53) requires that relocated buildings need to comply with the noise insulation provisions when they are within close proximity to a regionally significant industry. Fonterra does not support the relief sought by the Association as the proposed amendments could create significant reverse sensitivity issues for existing industries. If a relocated building cannot comply with the noise insulation rule, then resource consent will be required. This resource consent process will allow for a full assessment of the potential reverse sensitivity effects on the industry.</p> <p>The Waikato Regional Policy Statement requires that the potential for reverse sensitivity effects on regionally significant industry be avoided or minimised. The proposed relief sought by the association does not give effect to the direction of the Waikato Regional Policy Statement.</p>	Reject Submission