

ORDINARY AGENDA

COUNCIL

DATE: Wednesday, 2 December 2009

TIME: 9.15 am

VENUE: Council Chambers
Matamata-Piako District Council
35 Kenrick Street
TE AROHA

MEMBERSHIP – Quorum (6)

Members:

Mayor G W H Vercoe QSM, ED, JP
Cr J E Barnes
Cr S D Gillard JP
Cr C L Greenville JP
Cr M L Gribble
Cr J W Harris
Cr P M Jager
Cr T J M Johnston JP
Cr R J McGrail
Cr G R Stanley
Cr M P Steffert
Cr L M Tisch

Information and recommendations are included in the reports to assist Council in the decision making process and may not constitute Council's decision until considered by Council.

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1 MEETING OPENING**2 PRESENT****MEMBERS PRESENT****OFFICERS PRESENT****IN ATTENDANCE****3 APOLOGIES****MEMBERS APOLOGIES****4 NOTIFICATION OF URGENT BUSINESS**

Pursuant to clause 3.7.5 and 3.7.6 of the Standing Orders NZS 9202:2003 and Section 46A (7) of the Local Government Official Information and Meetings Act 1987, the Chairman to enquire from members whether there are any additional items for consideration which qualify as extraordinary or urgent additional business.

5 OFFICER REPORTS

5.1 CHIEF EXECUTIVE

5.1.1 PROPOSED PLAN CHANGE 31 - PRECINCT F MATAMATA

File No:	RMR200629
Attachments:	Appendix A.pdf Appendix B.pdf Appendix C.pdf Appendix D.pdf Appendix E.pdf
Responsible Officer:	D McLeod Chief Executive Officer
Author:	M Payne Policy Planner P Rolfe Community Development Manager

EXECUTIVE SUMMARY

The proposed plan change seeks to enable development to proceed within Precinct F-Matamata Structure Plan Area being an area that bounds Hinuera Road through to Station Road on the western side of Matamata.

It will enable land to be rezoned from rural-residential to residential, rural to rural-residential and rural to residential. Along with the rezoning the structure plan will create a neighbourhood node and reserves including a neighbourhood node and reserve within the Eldonwood development along with identifying roading, walkways/cycleways. (see Appendix A for a copy of the proposed plan change).

Council resolved to publicly notify the proposed plan change as its own and fourteen submissions were received with six further submissions (see Appendix B for a summary of all submissions). One submission (31-11) and three further submissions (31-18, 31-19 and 31-20) were withdrawn.

Several pre-hearing meetings were held on 22nd September 2009 along with further negotiations on matters raised. Most of the issues are resolved between the parties and Council now needs to hear any outstanding issues and consider what has been agreed.

Please note: Attachments are located in a separate document titled Appendices

2.0 SUBMISSIONS AND FURTHER SUBMISSIONS

The proposed plan change was advertised for submissions, with the submission period lasting 20 working days. Fourteen submissions were received with twelve in support and two in opposition. These submissions were then publicly notified inviting further submissions with this submission period also lasting 20 working days. Six further submissions were received.

The following table summarises the status of each submission.

Submission Number	Submitter	Issues	Comments
31-1	PandM Equipment Hire	Existing use rights Road locations Potential rates change Section size	Supports proposal
31-2	Corvette Finance Ltd	Nil	Supports proposal
31-3	W and C Liddicoat	Loss of rural outlook Connection of Jellicoe road to Precinct	Opposes proposal
31-4	Matamata-Piako District Council	Minor amendments to Proposed Plan Change	Resolved and agreed changes
31-5	Te Manawhenua mo Matamata-Piako	Seeks amendments to provide for Maori Cultural assessment	Resolved and agreed changes
31-6	Eldonwood Ltd	Seeks minor wording amendments	Resolved and agreed changes
31-7	New Zealand Fire Service	Water supply and access for fire fighting	Resolved and agreed changes
31-8	A Shaw	Nil	Supports Proposal
31-9	SJ and R Broomhall Pippins Ltd	Roading layout Proposed zoning in relation to drainage patterns	Resolved and agreed changes
31-10	New Zealand Transport Agency	Roading layout Proposed road connection to Hinuera Road	Resolved and agreed changes
31-11	Ministry of Education		Submission withdrawn
31-12	Barr and Harris Surveyors Ltd	Stormwater Roading layout Design and layout	Wording change suggested
31-13	Federated Farmers of New Zealand	Reverse sensitivity Soil Contamination/remediation Zone boundaries Stormwater	Resolved and agreed changes
31-14	Cleavedale Farms Ltd	Reverse Sensitivity	Agreement with Certificate of Compliance issued
31-15 FS	New Zealand Transport Agency	Supports and opposes various submissions	
31-16 FS	Eldonwood Ltd	Supports and opposes various submissions	
31-17 FS	PandM Equipment Hire Ltd	Suggests amendment to the summary of submission 31-1	
31-18 FS	Matamata-Piako District Council Utilities		Submission withdrawn

31-19 FS	Matamata-Piako District Council Utilities		Submission withdrawn
31-20 FS	Ross Sainsbury		Submission withdrawn

Below is a summary of the submissions and a discussion on each issue where relevant.

2.1 Submission 31-1 – P & M Equipment Hire, Further Submission 31-16 – Eldonwood Ltd and further submission P & M Equipment Hire Ltd

The submitter supports the proposed plan change provided their concerns are addressed. The submitter is concerned that they will not be able to continue their current rural activities on their land and that an indicative road shown on the structure plan may run through their property without their permission. The submitter also raised concern that the rezoning may cause a significant increase in rates. They are generally supportive of the plan change provided they can continue their current activities.

The decision sought from Council is to approve the proposed plan change.

2.1.1 Further Submission 31-16 – Eldonwood Ltd

The further submitter opposes in part the submission by P & M Equipment Hire Ltd (31-1) because the proposed plan change does not affect existing use rights. However if the land owners choose to develop the land then any development must be consistent with the policies of the plan change and District Plan including the lot size.

2.1.2 Further Submission 31-17 – P & M Equipment Hire Ltd

P & M Equipment hire have submitted on their own original submission (31-1) to state that one item of their submission was excluded from the summary of submissions and another was amended.

Discussion

The submitter is able to continue their current activities on site under the existing use rights provisions in the Resource Management Act 1991 provided the activities were lawfully established. The roading layout as shown in the proposed structure plan is indicative, showing how the roading network could be set up to provide good connectivity. There is no obligation for land owners to construct roads or have roads running through their property as part of this plan change. However if they choose to subdivide the resulting development must generally be in accordance with the proposed plan change.

There is potential for a change in rates as a result of re-zoning land. Quotable Value have identified that *“the property is presently valued based on its existing zoning being rural-residential. These values vary little compared to small rural lifestyle blocks which is indicative of the market at this time. An alteration to the District Plan resulting in a zone change to residential will influence the value of the property as it now has the potential for residential subdivision. As a general rule this wouldn’t have*

an impact on land values until the next revaluation unless subdivided, however Council do have the right to request a review of values-----'

It has been indicated that Council would not undertake a request to review values. In terms of the issue that was not identified in the summary it is considered a non-issue as the summary of submissions is just that "a summary" and the full submission was available for all to see.

2.2 Submission 31-2 – Corvette Finance Ltd, Further Submission 31-16 Eldonwood Ltd, Further Submission 31-15 New Zealand Transport Agency

The submitter supports the proposed plan change as it provides certainty for consistent and coordinated land use in the precinct. The proposal provides suitable access and connectivity for future land development and provides sufficient open space for attractive residential recreational use.

The decision sought from the Council is to approve the proposed plan change.

2.2.1 Further Submission 31-16 – Eldonwood Ltd

Eldonwood Ltd supports the submission by Corvette Finance Ltd (31-2) as it is consistent with the policy and intent of the proposed plan change.

2.2.2 Further Submission 31-15 – New Zealand Transport Agency (NZTA)

NZTA supports the original submission from Corvette Finance Ltd (31-2) because the intent of the submission appears to be consistent with NZTA's submission. The submitter and further submitter both support the coordinated growth approach and suitable roading connectivity, which is an integral part of the precincts urban design.

Discussion

All submitters support the proposed plan change.

2.3 Submission 31-3 – Wayne and Christine Liddicoat, Further Submission 31-16 Eldonwood Ltd

The submitter opposes the proposed plan change. They are concerned with their outlook changing from rural to residential. They also feel that Jellicoe Road should remain a dead end road not allowing the additional traffic to use the road as was indicated in pre-consultation with Eldonwood Ltd and should not be connected to Precinct F.

The decision sought from the Council is to decline the proposed plan change.

2.3.1 Further Submission 31-16 – Eldonwood Ltd

Eldonwood Ltd opposes the submission by W and C Liddicoat (31-3). The submitter states the relief sought in the submission is not consistent with Part II of the Resource Management Act 1991, the District Plan, Proposed Plan Change 31 or the section 32 evaluation.

Discussion

W and C Liddicoat were invited to attend a pre-hearing however no discussions have been held. The submitters are concerned about additional traffic using Jellicoe Rd. The plan change proposes to link the precinct to Jellicoe Rd at two points in order to promote connectivity and integration of the precinct into the existing roading network. This is to ensure that traffic is dispersed and not directed at any one point and to meet urban design principles which allows people to be connected in a sustainable manner through roads and pedestrian ways.

2.4 Submission 31–4 – Matamata-Piako District Council, Further Submitter 31-16 Eldonwood Ltd

The submitter supports the proposed plan change with amendments. The submitter has suggested several minor amendments to the proposal including a consolidated structure plan.

The decision sought from the Council is to approve the Proposed Plan Change with amendments.

2.4.1 Further Submission 31-16 – Eldonwood Ltd

The further submitter supports the submission by Council (31-4) I to make the amendments sought in bullet points 1-4 provided that the cross references are also amended.

Discussion

Providing for one structure plan within the District Plan will clearly define where each element of the plans fit with one another and be more easily understood by all. The introduction of imposing a minimum requirement to assess for future urbanisation will provide the ability to clearly administer the rule and the introduction of providing for small buildings for each dwelling within a comprehensive residential development fits well with our existing rules and the Building Act 2004.

Consistent numbering throughout the plan is important so that any plan change doesn't look like its been added as an add on.

All changes can be seen within the amended version of the proposed plan change within Appendix E.

2.5 Submission 31–5 – Te Manawhenua mo Matamata-Piako, Further Submission 31-16 Eldonwood Ltd

The submitter supports the proposed plan change with amendments and requests Council include amendments to section 1.4.20A,(now 1.4.21) 2(b)(i), 2(b)(ii), 1.4.31 (now 1.4.32) and 2(c)(i) to provide for Maori culture within the assessment criteria of the Proposed Plan Change.

The decision sought from the Council is to approve the proposed plan change with amendments.

2.5.1 Further Submission 31-16 – Eldonwood Ltd

The further submitter supports the submission by Te Manawhenua Forum mo Matamata-Piako (31-5) that would provide recognition of the cultural significance of the area to Iwi.

Discussion

The submitter has requested amendments to the assessment criteria of the proposed plan change to recognise the relationship of Maori, their ancestral lands. This is consistent with Section 6 of the Resource Management Act 1991 and the New Zealand Urban Design Protocol. Eldonwood Ltd supports the proposed amendments. All changes can be seen within the version of the proposed plan change within Appendix E

2.6 Submission 31–6 – Eldonwood Ltd

Eldonwood Ltd supports the proposed plan change with minor amendments and seeks Council approval.

Discussion

The minor amendments have been agreed to as these are predominantly minor matters. It is however noted that the suggested wording to rule 7.1(viii) which relates to development contributions and a development agreement is not accepted; however an amended version has been accepted whereby the rule states *“(viii) A private development agreement may be entered into with a developer, whereby the services required to be put in place due to the development being undertaken have not been allocated within the development contributions policy. This agreement is in lieu of the development contributions within the Long Term Council Community Plan so as to ensure that an appropriate level of service is provided for infrastructure and or services. ---“*

2.7 Submission 31–7 – New Zealand Fire Service, Further Submission 31-16 Eldonwood Ltd, Matamata-Piako District Council Utilities

The submitter is concerned with the provision of water supplies and access for fire fighting purposes within Precinct F.

The decision sought from the Council is to approve the proposed plan change with an amendment requiring any consent for dwellings to be subject to a consent notice requiring domestic water and fire fighting storage to be provided.

2.7.1 Further Submission 31-16 – Eldonwood Ltd

The further submitter opposes in part the submission from the New Zealand Fire Service (31-7). The reason for this is the assessment criteria 1.4.20A (2)(e) (now 1.4.21 (2)(e)) requires the servicing of sites with reference to Councils Development Manual. The service provision is a matter of assessment for reticulated and un-reticulated sites and Councils engineers maintain discretion to impose conditions or consent notices on new titles.

2.7.8 Further Submission 31-19 – Matamata-Piako District Council Utilities

This has been withdrawn.

Discussion

An agreement by all parties has been reached to include the following words to 1.4.20A(2)(e)(i) (now 1.4.21(2)(e)(i)) as follows: “Whether sites can be adequately serviced for stormwater, wastewater, water supply including access suitable for fire fighting purposes and utilities”

2.8 Submission 31–8 – A Shaw, Further Submission 31-16 Eldonwood Ltd

The submitter supports the proposed plan change and wishes to be heard in support of the proposal.

2.8.1 Further Submission 31-16 – Eldonwood Ltd

The further submitter supports the submission by A Shaw (31-8) as it is consistent with the intent of the Proposed Plan Change.

Discussion

The support from both parties for the proposed plan change is acknowledged.

2.9 Submission 31–9 – SJ and R Broomhall Pippins Ltd, Further Submission 31-16 Eldonwood Ltd

The submitter supports the proposed plan change with amendments. They believe the “link road” should run along the southern boundary of the precinct to keep potential heavy traffic away from a residential area and create a buffer between urban and rural areas. They also believe the land around Beatty and Haig Roads should be zoned residential to maximise land with good drainage.

The decision sought from the Council is to approve the proposed plan change with amendments.

2.9.1 Further Submission 31-16 – Eldonwood Ltd

The further submitter supports in part and opposes in part the submission by SJ and R Broomhall. Eldonwood Ltd states the relief sought is inconsistent with the urban design assessment and the policy intent of the proposed plan change.

Discussion

It was suggested re-locating the collector road along the southern boundary as this would increase the buffer between rural and residential activities having a positive effect on reverse sensitivity. The down side of this location is there is reduced connectivity to the collector road for individual sites and local roads.

The submission also sought to increase zoning in the south-eastern corner of the precinct where drainage is good and allow some increased density in this area near the collector road while maintaining rural-residential zoning along the southern boundary to mitigate the potential effects of reverse sensitivity.

Through discussions it was agreed that a portion of this area be included within the residential density provisions and this is shown on the amended version of the structure plan and planning map. See Appendix E.

2.10 Submission 31–10 – New Zealand Transport Agency (NZTA), Further Submission 31-16 Eldonwood Ltd

The submitter supports the proposed plan change, particularly the use of structure planning, the use of Urban Design Principles and Assessment Criteria. However they are unable to lend their full support at this time because of concerns over the cumulative impact of increasing the housing density may have on the State Highway.

In particular the road connection between the precinct/Hinuera Rd and implications for traffic safety at the nearby State Highway 27/Hinuera Road intersection

The decision sought from the Council is to approve the proposed plan change with amendments.

2.10.1 Further Submission 31-16 – Eldonwood Ltd

Eldonwood Ltd supports part and opposes part of the submission by the New Zealand Transport Agency (NZTA)(31-10). They consider it appropriate for Council and all parties to work with NZTA to establish a regime of methods to ensure that effects on the State Highway are avoided, remedied or mitigated and that it forms part of the assessment at resource consent stage.

They consider that amendments to the Structure Plan may be possible to reduce roading connectivity to Firth Street/Hinuera Road to create stronger desire lines for local vehicle trips to move towards Station road.

Discussion

The issues raised relate to the proposed connection of the collector road to Hinuera Road and the impact this may have in the Hinuera Road/State Highway 27 intersection. NZTA's concern was based on an existing safety concern with the intersection and the impact an increase in traffic could have on the crash rate. Their preference is for Precinct F traffic to connect to State Highway 27 via the existing connections at Jellicoe Road or Station Road. Staff were opposed to this suggestion because the increase in traffic volumes on existing residential streets would markedly change their character.

At a subsequent meeting on 3 November Council staff and NZTA agreed it is appropriate for the roading layout to remain as per the notified Plan Change (collector road connecting to Hinuera Road) provided the following are agreed to;

- No additional local road access to Hinuera Road and State Highway 27 via Haig Street and Beatty Avenue. In lieu of this these connections have been shown as walkways/cycleways. This has been shown on the structure plan as identified in Appendix E.
- Amend the proposed plan change to ensure minor fixes to the intersection can be instigated as part of resource consent applications. These amendments include the following:
 - Add to Policy 5(ii) and similar words to the explanation ---whilst ensuring that safety at the Hinuera/State Highway 27 intersection is not adversely effected”
 - Add the rule 1.4.20A (2)(b)(i) now 1.4.21 (2)(b)(i) “----and avoids, remedies or mitigates adverse effects on the State Highway network----“
 - Add new bullet point under 1.4.20A(2)(b)(i) now 1.4.21 (2)(b)(i)– Road Reserve and access networks design assessment criteria as follows “Road layouts should provide for flexibility of access and discourage through traffic from outside the precinct”
 - Add new bullet point under 1.4.20A(2)(b)(i) now 1.4.21 (2)(b)(i)– Roads and accessways design assessment criteria “Collector roads shall be designed to manage traffic speeds and discourage through traffic from outside the precinct”

A copy of the plan showing the minor fixes is outlined in Appendix D.

- Council to monitor traffic and incidents across the intersection with the intent to gather information for potential long term funding of an intersection upgrade should intersection safety decrease to a point where an upgrade is unavoidable. A funding plan would share costs appropriate and recognise the share of benefit – we note that this monitoring is already undertaken by NZTA and that Council has access to these records.
- That a recommendation be made to Council to pursue a plan change to show a road connection from Station Road through to Peria Road so that traffic can be further dispersed away from the State Highway. This is identified through the structure plans within our rural-residential zones as part of the LTCCP.

2.11 Submission 31–11 – Ministry of Education, New Zealand Transport Agency (NZTA), Further Submission 31-16 Eldonwood Ltd

The submitter has formally withdrawn their submission

2.11.1 Further Submission 31-15 – New Zealand Transport Agency (NZTA)

The further submitter is supportive in part of the submission from the Ministry of Education (31-10). because aspects of this submission that are consistent with their submission. These are the use of multimodal transport options such as walking and cycling and the location of the Precinct which has a close proximity to existing urban development and schools.

2.11.2 Further Submission 31-16 – Eldonwood Ltd

The further submitter opposes in part the submission by the Ministry of Education (31-11) considers that it is inappropriate to restrict population growth in Matamata by staging because of the adequacy of existing school facilities.

Discussion

The Ministry of Education has formally withdrawn their submission.

2.12 Submission 31–12 – Barr and Harris Surveyors Ltd, Further Submission New Zealand Transport Agency (NZTA), Further Submission 31-16 Eldonwood Ltd, Further Submission 31-18 Matamata-Piako District Council Utilities.

Barr and Harris oppose the Proposed Plan Change in its current form. They have concerns over sewer and stormwater servicing, roading detail on the structure plan, current land use zoning and some wording in the text.

The services report has identified ground soakage limitations within the western quadrant of the precinct and good soakage to the east. Sewer servicing routes to the main town infrastructure should be included in the plan.

The decision sought from the Council is to decline the proposed plan change in its current form.

2.12.1 Further Submission 31-15 – New Zealand Transport Agency (NZTA)

The further submitter opposes in part the submission by Barr and Harris Surveyors Ltd (31-12), whereby it is not supportive of the structure plan showing indicative road layouts beyond the main interconnecting routes.

NZTA find the use of structure plans and indicative road layouts useful as they allow for a more comprehensive assessment of environmental effects and they can assist their organisation in identifying the effects on infrastructure such as the State Highway and the wider transportation network.

2.12.2 Further Submission 31-16 – Eldonwood Ltd

The further submitter opposes the submission by Barr and Harris Surveyors Ltd (31-12) because the relief sought in the submission is not consistent with Part 2 of the Resource Management Act 1991, the New Zealand Urban Design Protocol, Proposed Plan Change 31 or the Section 32 Analysis.

2.12.3 Further submission 31-18 – Matamata-Piako District Council Utilities

Further submission withdrawn.

Discussion

Stormwater has been raised as an issue and as a result further investigations of this are continuing as it was felt that if there is a need to identify any further structures within the structure plan then this should be done at this stage. In saying that there are a number of different ways in which stormwater can be dealt with and it may be that an overland flowpath is one option, along with the use of stormwater detention ponds through the design of development – for example the use of amenity areas such as lake lets or the design of an overland flowpath within the roadway of Station Road which could be undertaken when rehabilitation is undertaken as part of our roading program with additional works. Further information will be available at the hearing in terms of the further work that has been undertaken so that we have a better understanding of the soakage issues in the Precinct.

- To assist in overcoming this issue to ensure that development considers the wider catchment issues it is suggested that the criteria under section 1.4.20A (2)(e)(i) now 1.4.21(2)(e)(i) is amended to read “Whether the sites can be adequately serviced for stormwater (*whilst managing cumulative effects on a catchment wide basis*), wastewater, water supply and utilities”.

The same applies to adding in the italic words to 1.4.31(2)(d)(i) now “1.4.32 ----” for Neighbourhood Node and 1.4.33 (2)(c) (i) Comprehensive Residential Development.

The roading pattern on the structure plan is an issue raised and NZTA support such a concept to assist in the distribution of traffic away from the State Highway. As identified at the pre-hearing the line drawn on the map is not absolute and as stated within Appendix 13.2 of the proposed plan change is clearly states that “*the alignment of roads shown on the Structure Plan is indicative and may change due to factors such as development patterns or retention of significant vegetation.*”

The issue raised regarding the Broomhall and Pippins property regarding providing additional density is dealt with as part of the Broomhall submission whereby additional density is provided for.

Precinct F provides a unique set of criteria as part of the structure plan bringing into play good urban design and structure layout with criteria that not only deals with good urban design but also sustainability issues and climate change. It is therefore appropriate that the criteria be retained for this development and in the future maybe Councils plan will synchronise into this type of approach for different places rather

than the one we have at present which relies on traditional methods which now need to take account of future directions.

2.13 Submission 31-13 – Federated Farmers of New Zealand, Further Submission 31-16 Eldonwood Ltd

The submitter opposes the proposed plan change in its current form. The key issue raised by the submitter is reverse sensitivity on adjoining farmers. They recommend that the buffer zone width be increased and that no-complaint covenants are used to mitigate the effect.

The submitter also raised servicing of properties, removal of soil contamination and proposed zoning boundaries as issues.

The decision sought from the Council is to decline the proposed plan change.

2.13.1 Further Submission 31-16 – Eldonwood Ltd

The further submitter opposes in part that submission by Federated Farmers of New Zealand (31-13) as the matter of reverse sensitivity has been addressed through the proposed objectives, policies, methods and section 32 analyses for the proposed plan change.

Discussion

The submitter raised questions about the location on the zone boundaries in relation to property boundaries. Eldonwood Ltd has consulted extensively with property owners affected by the Proposed Plan Change and the zone boundaries have been put in logical areas to allow for development, and not just following property boundaries.

Concern was raised over the potential for reverse sensitivity issues to arise in the future as residential development encroaches closer to rural zoned land/rural activities. Reverse sensitivity has been addressed in the proposed, policies, methods and section 32 for the Plan Change. It is proposed to provide a 20 meter wide walkway/cycleway adjoining the rural zone and the precinct and the zone along the majority of the southern boundary of the precinct is proposed to be rural residential (minimum lot size 2500m²) in order to decrease the density of development. In addition to this there will also be a 20m buffer strip along the southern boundary of these lots to increase the separation of the precinct and rural activities. To make this clear within the rules a 40m yard requirement has been agreed to be included within the rules.

In addition to the methods proposed Federated Farmers have suggested the use of no-complaints covenants. Council considers covenants to be an effective tool to deal with reverse sensitivity and as such provision has been made under 1.4.21 (2) (n) (Appendix E).

The submitter suggests that rainwater collection tanks are utilized in residential areas for onsite use. This has already been considered and the subdivision requirements include the provision of consent notices to ensure that all development provides rainwater tanks.

2.14 Submission 31–14 – Cleavedale Farms Ltd, Further Submission 31-16 Eldonwood Ltd

The submitter opposes the proposed plan change in its current form. They are concerned about the potential implications reverse sensitivity could have on their organic dairy business. In addition to general farming activities that may create noise and light pollution as part of their operation is spreading organic compost and dairy shed effluent. They are concerned that residents of Precinct F may find odour, noise and light unpleasant resulting in complaints.

2.14.1 Further Submission 31-16 – Eldonwood Ltd

Eldonwood opposes in part the submission by Cleavedale Farms Ltd (31-14) because the matter of reverse sensitivity has been addressed through the proposed objectives, policies, methods and section 32 for the Plan Change.

Discussion

The submitter is primarily concerned with reverse sensitivity. This matter is similar to what is discussed above in relation to Federated Farmers submission and that a 40 meter wide buffer has been provided for, whereby 20 meters of this will be managed by Council.

Council's Parks department has indicated they are willing to create a management plan that would deal with spraying that would not affect Cleavedale Farms Organic accreditation.

In addition the concerns that relate to activities already undertaken on the rural property have been granted a Certificate of Compliance and Existing Use Certificate. This shows that the farming activities and spray irrigation either comply with the relevant provisions of the Operative District Plan or otherwise was lawfully established before the rules became operative. Therefore protection has been given to the submitter for continued farming of his property as it stands.

2.15 Further Submission 31-20 – Ross Sainsbury

This further submission has been withdrawn.

3.0. PRE-HEARING MEETINGS

Three pre-hearing meetings were held on the 22 September 2009. The aim of these meetings was to resolve the issues and concerns raised in the submissions and further submissions. A copy of the minutes of these meetings is attached in Appendix C.

From the feedback received the majority of submitters are satisfied with the results achieved through the submission process. Most of the issues raised have been resolved or can be resolved with minor amendments to the proposed plan change.

4.0 STATUTORY REQUIREMENTS

Resource Management Act 1991 (RMA)

The Proposed Plan Change needs to be considered under the requirements of the RMA and in particular as to whether or not it promotes the sustainable management of natural and physical resources.

Growth for Matamata is at a crossroads whereby additional zoned land needs to be provided for future growth. Current infrastructure is near its limits for the town and no matter where development occurs it needs addressing to provide for growth.

The proposed plan change has worked through the consultation process of the provisions of the RMA including an assessment of the alternatives, benefits and costs (Section 32 Analysis).

Council then resolved to publicly advertise the proposed plan change inviting submissions. As stated previously, 14 submissions with six further submissions were received. The pre hearing process has been successful in that many of the issues have been resolved and agreed wording is submitted to Council for final determination along with those issues that are not resolved whereby Council needs to hear the submitters.

Council now needs to consider all submissions and make a decision on these.

5.0 CONCLUSION

Councils Adopted Growth Strategy indicates that growth be concentrated around our towns along with the need for future zoned land. This proposal would provide development for the next 20 years in Matamata taking into account land that has already been granted approvals in recent times.

The proposed plan change will provide for a mix of future development in Matamata in a manner that provides for the future based on some of the best practice in terms of providing for a set of criteria as part of the structure plan bringing into play good urban design, structure layout for this, along with criteria that not only deals with good urban design but also sustainability issues and climate change.

As such it is recommended that Council approve of the changes to the proposal.

RECOMMENDATIONS ON PROPOSED PLAN CHANGE 31

From the submissions received, the pre-hearing meetings held and a discussion on each issue where relevant, it is recommended:

That Council Pursuant to Clause 10 of Schedule 1 of the Resource Management Act approve Proposed Plan Change 31 subject to the amendments listed and accepts or does not accept the following submissions for the reasons given below:

1a) That Council accepts in part the submission of P& M Equipment Hire Ltd and accepts in full the further submission by Eldonwood Ltd for the following reasons;

- **There is no obligation for land owners to construct roads or have roads running through their property as part of this plan change.**
- **The ability to maintain existing land use is provided for under the existing use rights provisions of the Resource Management Act 1991.**

b) That Council accepts in part the submission and further submission of P & M Equipment Hire Ltd for the following reasons:

- There is potential for a change in rates as a result of re-zoning land but this won't happen for another 3 years unless they develop their land.
- Lot size is a matter of assessment at the time of subdivision. The proposed plan change allows for a variety of lot sizes.
- The summary of submissions does not preclude a further submitter submitting on anything within a submission.

2a) That Council accepts in full the submission by Corvette Finance Ltd, the further submission from Eldonwood Ltd and the further submission from New Zealand Transport Agency due to the support provided for the proposed plan change.

3a) That Council does not accept the submission by W and C Liddicoat and accepts in full the further submission by Eldonwood Ltd for the following reasons;

- Connectivity is a key principle of the New Zealand Urban Design Protocol to which Council is a signatory. Retaining Jellicoe Road as a dead end road is not consistent with the principle of connectivity.

4a) That Council accepts the submission by Matamata-Piako District Council and the further submission from Eldonwood Ltd with the following amendments to Proposed Plan Change 31 – Precinct F Structure Plan and plan provisions as shown in Appendix E;

- Insert new Appendix 13.2 Matamata Precinct F Structure Plan Area.
- Add words to 1.4.21 Subdivision-restricted discretionary activities. 2.(f).
- Add words to 4.14.2.
- Add words to 4.14.45(v).
- Renumber the document inline with the amendments.

Reasons

That the amendments make a clearer structure plan for all to see and the wording tidies up some minor anomalies in the proposal.

5a) That Council accepts in full the submission by Te Manawhenua Forum mo Matamata-Piako and the further submission by Eldonwood Ltd with the following amendments to Proposed Plan Change 31 – Precinct F Structure Plan and plan provisions as shown in Appendix E;

- 1.4.21 (2)(b)(i) bullet point 5.
- 1.4.21 (2)(b)(ii).
- 1.4.32 (2) (c) (i) bullet point 2.

Reasons

That Maori culture is recognised as required under section 6 of the Resource Management Act 1991.

6a) That Council accepts in part the submission by Eldonwood Ltd with the following amendments to Proposed Plan Change 31 – Precinct F Structure Plan and plan provisions as shown in Appendix E;

- **Activity Status 3.2.**
- **Activity Status 3.4.**
- **Activity Status 3.14.**
- **Activity Status 3.15.**
- **Activity Status 3.16.**
- **4.13.5(iv).**
- **7.1(viii).**

Reason

The amendments tidy up some minor anomalies within the proposed plan.

7a) That Council accepts in full the submission by New Zealand Fire Service and the further submission by Eldonwood Ltd .with the following amendment made to Proposed Plan Change 31 – Precinct F plan provisions as shown in Appendix E;

- **1.4.21 Subdivision – Restricted Discretionary Activities (2)(e).**

Reason

That the additional wording within the plan provisions meets the submitters concerns.

8a) That Council accepts in full the submission by A Shaw and the further submission by Eldonwood Ltd due to the support for the proposed plan change.

9a) That Council accepts in part the submission by SJ and R Broomhall Pippins Ltd and accepts the further submission by Eldonwood Ltd for the following reasons;

- **The submission is supportive of the proposed zoning adjacent to Beatty Road and Haig Road and that Council accepts a greater density on the structure plan as shown on the plans in Appendix E to make use of land in the vicinity of this area where drainage is good.**
- **The collector road as shown on the notified Structure Plan allows for greater connectivity and provides for development on both sides of the road and provides for a buffer between rural and rural-residential development through the provision of a walkway/cycleway.**

10a) That Council accepts in part the submission by New Zealand Transport Agency and the further submission from Eldonwood Ltd with the following amendments to the plan provisions as shown in Appendix E for the following reasons listed below;

- 3.4.2 P5 (ii).
- 3.4.2 Explanation (iii).
- 1.4.21(b)(i).
- Appendix 13.2.

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Reasons

- The submission is generally supportive of the proposed plan change.
- The submission is supportive of the use of Structure Plans.
- The above amendments to the plan provisions provide for the consideration of the safety of the state highway intersection as apart of any future application whereby an agreement has already been reached as to the minor works to be undertaken.
- Council supports the monitoring of the State Highway/Hinuera Road intersection.

Council supports a future plan change to put in place a road structure within the District Plan to connect Station Road through to Peria Road so as to enable dispersal of traffic.

11a) That Council accept in part the submission by Barr and Harris Surveyors Ltd for with the following amendment to Proposed Plan Change 31 Plan provisions as shown in Appendix E.

- 1.4.21(2)(e)(i).
- 1.4.32(2)(d)(i).
- 1.4.33(2)(c)(i).

Reasons

- The Proposed Plan provisions provide for consideration of stormwater on a catchment wide basis and provides the opportunity to consider a range of methods.
- The roading within the structure plan is indicative only and this is clearly spelt out in Appendix 13.2.
- The Structure Plan brings into play good urban design, structure layout and criteria that not only deals with good urban design but also sustainability issues and climate change.
- Additional density has been provided in the south-eastern corner of the Precinct.

12a) That Council accepts in part the submission by Federated Farmers of New Zealand and the further submission by Eldonwood Ltd with the following amendments to Proposed Plan Change 31 – Precinct F Structure Plan and Plan Provisions as shown in Appendix E;

1.4.21 (1)(n).

1.4.21 (2)(n).

Reasons

- had a reverse sensitivity rule has been accepted within the plan provisions for those sites adjoining the rule zone.
- Zone boundaries have been put in logical areas to allow for development.
- The submission supports the provision of consent notices to ensure that all development provides rainwater tanks.
- The submission reinforces that soil contamination and remediation be included in the assessment criteria matter to be considered at the time of subdivision.

13a) That Council accepts in full the submission by Cleavedale Farms Ltd and the further submission form Eldonwood Ltd for the following reasons.

- The submission reinforces the need for provisions to avoid, remedy or mitigate the potential effects reverse sensitivity.
- The reverse sensitivity has been addressed in the provisions of the Proposed Plan Change through the insertion of rule 1.4.21 (2)(n).
- That Council accept to create a management plan for the buffer reserve so as to ensure it doesn't have an affect on Cleavedale Farms organic accreditation.

6 URGENT ADDITIONAL BUSINESS

7 EXCLUSION FROM THE PUBLIC

8 CLOSURE