

Further Submissions





**FURTHER SUBMISSION BY FONTERRA CO-OPERATIVE GROUP LTD ON
PROPOSED PLAN CHANGE 41 TO THE MATAMATA-PIAKO DISTRICT PLAN**

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

Name of Submitter: Fonterra Co-operative Group Limited

Contact Person: Adrian Pyne

Address for Service: Environmental Management Services Ltd
P O Box 1307
HAMILTON 3240
Attention: Lucy Smith

Telephone: 0-7-838-2150
Facsimile: 0-7-838-2170
Email: lucy.smith@emslimited.co.nz

Fonterra Co-operative Group Limited ("Fonterra") provides its further submission in the following table.

As a further submitter, Fonterra has an interest in the proposals on which it further submits that is greater than the interest of the general public, for the following reasons:

- Fonterra is New Zealand's major dairy co-operative and exports over 95% of its products in more than 140 countries.
- The company is owned by over 10,500 farmers throughout the country.
- Fonterra has significant assets, the value of which is in the order of \$14.1 billion.
- Annual turnover is over \$16 billion.
- Of the 25 Dairy Manufacturing Sites throughout New Zealand, two are located in the Matamata-Piako District, at Waitoa and Morrinsville.
- Changes proposed by Plan Change 41 relate directly to Fonterra's core activities and those of its shareholder suppliers.

Fonterra wishes to be heard in support of this submission.

If others make a similar submission, Fonterra would be prepared to consider preparing a joint case with them at any hearing.

Signature:



**Adrian Pyne
Environmental Manager North
Fonterra Dairy Co-Operative Group Limited**

Date: 1 June 2011

FURTHER SUBMISSION POINTS

Submission Number	Name of Submitter	Submission Reference	Support or Oppose	Reasons for Further Submission
41-1	NZ Transport Agency		Oppose	Submitter seeks to include a statement specifying that NZTA standards and guidelines take precedence over the provisions of the Development Manual in relation to State Highways and local road / State Highway intersections, in the event of a conflict between these provisions. Relief sought is <i>ultra vires</i> as it relies on a document prepared by a third party, that can be amended without any public consultation.
41-3	Barr + Harris Surveyors Ltd	Section 3.2 MPDC Development Manual 2010	Support in part	Agree that the altered engineering approval path needs specific timeframes and responsibilities.
41-3	Barr + Harris Surveyors Ltd	Section 1.4 Assessment Criteria for Restricted Discretionary et al Resource Consent Applications	Support	Agree that consideration of restricted discretionary activities in terms of environmental impacts should be addressed primarily with respect to those matters Council has reserved control over.





30 May 2011

Matamata-Piako District Council
 35 Kenrick Street
 PO Box 266
 TE AROHA 3342

File No.	11/420
Document No.	

Matamata-Piako District Council - Further Submission to Proposed Plan Change 41 - To Integrate Development Manual and Urban Design Elements

S&L Consultants Ltd (formally Shrimpton & Lipinski) are a well established land development firm who have been involved in a wide range of projects throughout the North Island including the Matamata-Piako District. We submit this further submission to proposed Plan Change 41 as we are active users of this District Plan. In the form it has been notified, we believe that the requested changes are required to improve plan effectiveness and efficiency.

We would like to present at the Council planning hearing. We would be prepared to present a joint case at the hearing with other making a similar submission.

1. Further submission in support of:

Submission Ref Number: 41-2
 Name of Original Submitter: GeoMetrix
 Original Submitters Address: PO Box 152, Te Aroha, 3320



The part of the submission I support is:

That the Urban Design Guidelines should be finalised first before being adopted into the District Plan.

The reasons for my support are:

Until the Urban Design Guidelines are finalised, it is too difficult to consider how these would be adapted into subdivision proposals.

I seek the following decision from Council:

That these guidelines be finalised prior to being adopted into the District Plan

2. Further submission in support of:

Submission Ref Number: 41-3
Name of Original Submitter: Barr & Harris Surveyors Ltd
Original Submitters Address: PO Box 112, Matamata, 3400

The part of the submission I support is:

The objection to the proposed inclusion of the new section 6.2 Performance Standards.

The reasons for my support are:

The proposed new provisions within Section 6.2.1 are set out as "Performance Standards" to be met for subdivision proposals within Residential, Rural Residential, Industrial and Business Zones, and for retirement villages. Performance Standards should be measurable, or quantifiable, or at least definitive for example:

- Max height of buildings shall be 8.0m; or
- 2 car parks shall be provided; or
- vehicle access to be 2.7m wide; or
- landscaping to be provided to X, Y Z dimensions and to be this type.

The proposed performance standards use terms including:

- "integrated with existing urban context"; and
- "layout and pattern of development to be traditionally representative of existing urban area";
- "subdivision design shall retain key visual linkages between neighbourhoods"; and
- "safe pedestrian and cycle routes should be generally integrated within road reserve"; and
- "orientation of lots should maximise solar access"; and
- "design and lot layout to achieve casual surveillance of public open space".

Use of the proposed terms and phrases above creates immense ambiguity as to what extent an applicant seeking subdivision consent needs to provide in order to demonstrate compliance with these performance standards. These performance standards appear to be applicable for all types of subdivisions too (boundary adjustment, infill, green field, unit title). Unless the performance standards provide clear direction as to what Council wants to be achieved through subdivision, then the performance standards as proposed will result in significant additional money and time delays costs to applicants.

From a perusal of the New Zealand Urban Design Protocol document (NZUDP), it appears that proposed Plan Change 41 attempts to adopt the fundamental elements of the NZUDP. It is however believed that not enough analysis or specific research has been undertaken to be able to apply these elements into effectively controlling performance standards i.e. numerous subdivision proposals of different types should have been hypothetically run through the proposed performance standards and the outcome of each then assessed for efficiency and effectiveness.

I seek the following decision from Council:

That proposed new provisions within Section 6.2.1 be withdrawn and redrafted such to be appropriately separated out into the purposely different areas available in a District Plan as follows:

1. What is the **Issue** for Council?

That Council are a signatory to the "New Zealand Urban Design Protocol" and "Crime Prevention through Environmental Design" initiatives whereby it is desired to integrate aspects of these initiatives into the District Plan so that these elements are then incorporated into the design of subdivision proposals where possible.

2. What is Council's **Objective** to address this Issue?

That applicants seeking subdivision consent include "New Zealand Urban Design Protocol" and "Crime Prevention through Environmental Design" elements within subdivision proposals where applicable and appropriate.

3. What will Council's **Policies** be to achieve the Objective?

3(a) Where applicable and appropriate, applicant's seeking subdivision consent will be encouraged to incorporate "New Zealand Urban Design Protocol" and "Crime Prevention through Environmental Design" elements into their subdivision proposals.

3(b) Urban design guidelines specific for the different District townships, and activity zones within these, will be produced for applicants to utilise as guidance for when designing and preparing subdivision proposals.

3(c) Where appropriate, provide performance standards for subdivision proposals to comply with to avoid potential adverse effects attributed to subdivision proposals not in accordance with the specified Urban Design Guidelines.

3(d) To have regard to the functional, operational and technical restraints of subdivision activities when incorporating urban design and crime prevention through environmental design elements into subdivision proposals.

4. What **Methods** will be utilised to achieve the Policies?

4(a) Prescribed definitive and measurable **Performance Standards** within the different activity zones / environments within the District;

4(b) Assign different status of **Rules** depending on the activity being undertaken, or the Performance Standard / Rule not being met:

- i. **Controlled Activity** – Can allow Council to impose conditions of consent specific to incorporating Urban Design Guidelines where appropriate given there are many different situations and forms of subdivision.
 - ii. **Restricted Discretionary Activity** – Council can impose same conditions of consent as enabled by Controlled Activities, but can now also decline proposal or identify affected parties.
- 4(c) **Assessment Criteria** – It is considered that many of proposed performance standards within 6.2.1 would actually be more appropriate to be included as assessment criteria. These are what Council would utilise to consider whether a subdivision application should be granted or declined under Section 104 of the RMA, and if granted, then they would also provide guidance as to what conditions of consent may be appropriate under Section 108 of the RMA to be imposed.
5. **Other methods** – Preparation of structure planning documents to be adopted by Council for applicant's to utilise for guidance as to what, where, when and how Council envisages development to occur in particular area's in the future. These documents will provide a framework and thereby assistance and direction for subdivision and development to be undertaken in a coordinated and compatible manor.
6. **Definitions** should be also be included for "*integrated*", "*traditionally representative*", "*key visual linkage*", "*landscape elements*", "*maximisation of solar access*", "*casual surveillance*" and include the exact qualifications required to be a "*suitably experienced professional in the urban design field*". Use of effective definitions reduces ambiguity of what specific is intended to mean. This assists both applicants in preparing applications and Council staff when administering the District Plan.

3. Further submission in support of:

Submission Ref Number: 41-7
Name of Original Submitter: Wolfgang Goldbach-Faber
Original Submitters Address: 40 Shakespeare Street, Te Aroha, 3320

The part of the submission I support is:

That the proposed new Section 6.2.1 should sit outside of the District Plan and contained within a non-statutory document such as a Urban Design Development Guide.

The reasons for my support are:

The proposed new provisions within Section 6.2.1 are set out as "Performance Standards" to be met for subdivision proposals within Residential, Rural Residential, Industrial and Business Zones, and for retirement villages.

Performance Standards should be measurable, or quantifiable, or at least definitive for example:

- Max height of buildings shall be 8.0m; or
- 2 car parks shall be provided; or
- vehicle access to be 2.7m wide; or
- landscaping to be provided to X, Y Z dimensions and to be this type.

The proposed performance standards use terms including:

- "integrated with existing urban context"; and
- "layout and pattern of development to be traditionally representative of existing urban area";
- "subdivision design shall retain key visual linkages between neighbourhoods"; and
- "safe pedestrian and cycle routes should be generally integrated within road reserve"; and
- "orientation of lots should maximise solar access"; and
- "design and lot layout to achieve casual surveillance of public open space".

Use of the proposed terms and phrases above creates immense ambiguity as to what extent an applicant seeking subdivision consent needs to provide in order to demonstrate compliance with these performance standards. These performance standards appear to be applicable for all types of subdivisions too (boundary adjustment, infill, green field, unit title). Unless the performance standards provide clear direction as to what Council wants to be achieved through subdivision, then the performance standards as proposed will result in significant additional money and time delays costs to applicants.

From a perusal of the New Zealand Urban Design Protocol document (NZUDP), it appears that proposed Plan Change 41 attempts to adopt the fundamental elements of the NZUDP. It is however believed that not enough analysis or specific research has been undertaken to be able to apply these elements into effectively controlling performance standards i.e. numerous subdivision proposals of different types should have been hypothetically run through the

proposed performance standards and the outcome of each then assessed for efficiency and effectiveness.

I seek the following decision from Council:

That proposed new provisions within Section 6.2.1 be withdrawn and either a non-statutory Urban Design Development Guide be produced for use by applicants seeking subdivision consent, or that proposed Section 6.2.1 be redrafted such to be appropriately separated out into the purposely different areas available in a District Plan as follows:

1. What is the **Issue** for Council?

That Council are a signatory to the "New Zealand Urban Design Protocol" and "Crime Prevention through Environmental Design" initiatives whereby it is desired to integrate aspects of these initiatives into the District Plan so that these elements are then incorporated into the design of subdivision proposals where possible.

2. What is Council's **Objective** to address this Issue?

That applicants seeking subdivision consent include "New Zealand Urban Design Protocol" and "Crime Prevention through Environmental Design" elements within subdivision proposals where applicable and appropriate.

3. What will Council's **Policies** be to achieve the Objective?

3(a) Where applicable and appropriate, applicant's seeking subdivision consent will be encouraged to incorporate "New Zealand Urban Design Protocol" and "Crime Prevention through Environmental Design" elements into their subdivision proposals.

3(b) Urban design guidelines specific for the different District townships, and activity zones within these, will be produced for applicants to utilise as guidance for when designing and preparing subdivision proposals.

3(c) Where appropriate, provide performance standards for subdivision proposals to comply with to avoid potential adverse effects attributed to subdivision proposals not in accordance with the specified Urban Design Guidelines.

3(d) To have regard to the functional, operational and technical restraints of subdivision activities when incorporating urban design and crime prevention through environmental design elements into subdivision proposals.

4. What **Methods** will be utilised to achieve the Policies?

4(a) Prescribed definitive and measurable **Performance Standards** within the different activity zones / environments within the District;

- 4(b) Assign different status of **Rules** depending on the activity being undertaken, or the Performance Standard / Rule not being met:
- i. Controlled Activity – Can allow Council to impose conditions of consent specific to incorporating Urban Design Guidelines where appropriate given there are many different situations and forms of subdivision.
 - ii. Restricted Discretionary Activity – Council can impose same conditions of consent as enabled by Controlled Activities, but can now also decline proposal or identify affected parties.
- 4(c) **Assessment Criteria** – It is considered that many of proposed performance standards within 6.2.1 would actually be more appropriate to be included as assessment criteria. These are what Council would utilise to consider whether a subdivision application should be granted or declined under Section 104 of the RMA, and if granted, then they would also provide guidance as to what conditions of consent may be appropriate under Section 108 of the RMA to be imposed.
5. **Other methods** – Preparation of structure planning documents to be adopted by Council for applicant's to utilise for guidance as to what, where, when and how Council envisages development to occur in particular area's in the future. These documents will provide a framework and thereby assistance and direction for subdivision and development to be undertaken in a coordinated and compatible manor.
6. **Definitions** should be also be included for "*integrated*", "*traditionally representative*", "*key visual linkage*", "*landscape elements*", "*maximisation of solar access*", "*casual surveillance*" and include the exact qualifications required to be a "*suitably experienced professional in the urban design field*". Use of effective definitions reduces ambiguity of what specific is intended to mean. This assists both applicants in preparing applications and Council staff when administering the District Plan.

4. Conclusion

If you would like to further discuss any of the above, please feel welcome to contact me.

Yours faithfully

S & L Consultants Limited



Pete Linde

Planning Consultant

Further Submitter's Details:

Name: S & L Consultants Ltd

Contact Person: Pete Linde

Address for Correspondence: S & L Consultants Ltd
P.O. Box 231
Tauranga 3140

Phone: 07 577 6069

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31 May 2011

File No. ... 11/4-20
 Document No.

BARR + HARRIS
 SURVEYORS LIMITED

Matamata Piako District Council
 P.O. Box 266
 TE AROHA

Matamata Piako District Council – Further Submission to Proposed Plan Change 41 – To Integrate Development Manual and Urban Design Elements

We would like to present at the Council planning hearing. We would be prepared to present a joint case at the hearing with others making a similar submission.

1. Further Submission in Support of:

Submission Ref Number: 41 – 4
 Name of Original Submitter: Fonterra Co-Operative Group Ltd
 Original Submitters address: C/O Environmental Management Services Ltd
 P.O. Box 1307, Hamilton, 3240

The parts of the submission I support are:

9.0 Section 9.1.2(iv) – Design and Location of Access Points

9.1 Submission

Subsection (iv), relating to the design and location of access points, requires that “*all accesses shall be designed and located to ensure relevant minimum sight distances and separation distances are not less than those specified in the MPDC Development Manual 2010*”. This appears to unnecessarily duplicate, and be in conflict with, 9.1.1(ii)(a)(iv) and 9.1.1(iii)(a), which deem an access to a state highway/arterial road or other road that cannot comply with these standards to be a discretionary activity.

The reasons for my support are:
 Agree with submissions context.

02 JUN 2011

I seek the following decision from Council:
 Delete 9.1.2(iv)

**10.0 Appendix 3 – Matamata Piako District Council Development Manual 2010
 - Section 1.6.2 – Design Criteria**

10.1 Submission

The tables in Section 1.6.2 provide criteria which will be considered when assessing an application for departure from the standards of the Development Manual. Under the Part 3 table, it states that there is no variation permitted for sight distances, with the comment that adequate sight distances should be provided in all cases. This is in conflict with Sections 9.1.1(ii)(a)(iv) and 9.1.1(iii)(a) which deem an access to a state highway/arterial road or other

road that cannot comply with the standards in the Development Manual to be a discretionary activity.

Fonterra submits that discretionary activity status provides Council with the ability to assess each case on its merits, and seeks that the Part 3 table be amended accordingly.

The reasons for my support are:
Agree with submissions context.

I seek the following decision from Council:

Amend Section 1.6.2, Part 3: Roading criteria table to clarify that variations may be sought to sight distances but will be assessed as discretionary activities.

2. Further Submission in Support of:

Submission Ref Number: 41 – 7
Name of Original Submitter: Wolfgang Goldbach-Faber
Original Submitters address: 40 Shakespeare Street, Te Aroha 3320

The part of the submission I support is:

Submission

Proposed Section 1.2.2(iii) of the new Plan contradicts Section 4 of the Manual (in my opinion the MPDC Stormwater Management Bylaw 2009 should be repealed).

Relief Sought

The reasons for my support are:
Agree that the standards should be consolidated and that Bylaw provisions should be excluded from development manual as they include contradictions to the standards.

I seek the following decision from Council:

Consolidate standards in development manual.

3. Further Submission Objecting to:

Submission Ref Number: 41 – 8
Name of Original Submitter: New Zealand Railways Corporation (KiwiRail)
Original Submitters address: Level 6, Wellington Railway Station, Bunny Street,
P.O. Box 593, Wellington 6140.
Attention: Aaron Hudson

The part of the submission I object to is:

Criteria in Section 2.1.

The following conditions will also need to be met to obtain KiwiRail approval:

- No new driveways or adjacent accessways are to be located within 30m of the level crossing
- No significant change in the number or type of vehicles using the level crossing.

- No significant change in the number or type of pedestrians (e.g. levels of impairment can be a factor in safe level crossing design) using the level crossing
- No increase in noise that may affect the ability of motor vehicle drivers to hear level crossing alarms
- The development shall not have the potential to cause driver confusion or distraction (e.g. traffic movements, lit signs (incl. with flashing lighting) noise).
- The development shall not have the potential to cause vehicles to queue over the crossing at certain times of day
- The angle (Z) on the existing level crossing shall not be less than 85° and not greater than 110°
- The degree of compliance with all other design guidelines in NZTA Part 9 – Appendix B (or its successor)

The reasons for my support are:

Requirement to alter type or number of vehicles/pedestrian traffic creates potential for elimination of any or all development.

I seek the following decision from Council:

Replace approval with consult in specific applications that directly affect rail crossings. NZ Railways Corporation should not become a secondary approval authority for all resource consent proposals.

If you would like to discuss further any of the above please contact me.

Yours faithfully

BARR + HARRIS SURVEYORS LTD



G.A. Harris

Registered Professional Surveyor
(Bachelor of Surveying, MCSNZ, MNZIS)



NZTA Further Submissions on Proposed Plan Change 41 to the Matamata-Piako Operative District Plan

Submitter No & Name (eg 95 NZ Transport Agency)	Name	Submission Details (Summary)	Support or Oppose	Reasons for Support or Opposition
41-6	Noel Harvey-Webb	<ul style="list-style-type: none"> District Plan, Part B, 3.5.4 Non-Complying Signage – May need to provide for animated signs on state highways eg flashing sign near the Murray Oaks Railway Bridge in Morrinsville. 	Oppose	The NZTA, in conjunction with Council, have well documented standards pertaining to signage in the vicinity of state highways. The NZTA considers that it is appropriate any departure from these standards should be at a minimum a Non-Complying activity.



District Plan Proposed Plan Change
Further Submission Form

Please read the notes overleaf before completing this form and use a separate form for each topic. You may use additional paper if needed.

Further Submitter's Details

Name: Mr Wolfgang GOLDBACH-FABER
Contact Person (including organisation if applicable):

Address for Correspondence: 40 SHAKESPEARE STREET
TE AROHA 3320

Phone: Home: 078844541

Fax: SAME

E-mail address: ACONITUM@XTRA.CO.NZ

This is my further submission in support of/in opposition to the submission of:

Submission Ref Number: 41-9

Proposed Plan Change Number: 41
Name of Original Submitter (from the summary form):

FEDERATED FARMERS OF NEW ZEALAND

Original Submitters Address (from the summary form):

P.BOX. 447
HAMILTON

The part of the submission I oppose is (from the summary of submissions):

ALL OF IT

Note: Your submission can not be considered if you have not included the submission number of the original submission you support/oppose.

The reasons for my opposition are (Attach additional pages if necessary):

THE SUBMISSION IS SELF SERVING THE LOBBY GROUP AND DOES NOTHING TO GIVE THE GENERAL PUBLIC BETTER SERVICE THROUGH THE PROPOSED CHANGES;

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

:

DO NOT IMPLEMENT THE PROPOSED CHANGES UNTIL THE PLANNED DEVELOPMENT GUIDELINES HAVE BEEN ADOPTED THROUGH A SUBMISSION PROCESS.

I wish to present at the council planning hearing (Please tick):

--
Yes .

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

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No

Signed: WOLFGANG GOLDBACH-FABER

Plan Change 41 to the Matamata Piako District Plan: Further Submissions.
 Submitter 8: KiwiRail

1st June 2011

Name of Submitter	Submission Number	Support/ Oppose	Reason	Decision Sought
Barr & Harris Surveyors Limited Submitter 3	Submission point 9.2	Neutral	<p>KiwiRail has clarified with the submitter that their submission seeks to encourage network utilities and developers to install multiple utility crossings or ducts across the railway corridor as part of a project.</p> <p>The submitter's reasoning for this is to promote greater efficiencies in the supply of future utility connections to new development.</p> <p>The submitter did not specify any relief for their submission. Therefore we cannot support or oppose this submission. However we acknowledge that the submitter's request to install large capacity utility crossings or ducts across the rail corridor saves time and expense.</p> <p>Ad-hoc installations of these crossings/ducts may require KiwiRail to close the railway or impose speed restrictions each time one of these is installed. Adopting a co-ordinated approach reduces operational impacts on KiwiRail and is good planning.</p>	<p>As the submitter has not specified any relief it is difficult to see how a supporting provision could be adopted by the Council. However it would be beneficial to encourage a coordinated approach toward the installation of utility crossings or ducts across the railway corridor.</p> <p>In the absence of relief provided by the submitter, we suggest the following (or similar) wording:</p> <p><u>"Where a developer is required to install underground ducts or crossings across railway corridors these should be sized according to the anticipated future demand from the development."</u></p>