

**Kelly Moulder**

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

Hi Patrick

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

Regards  
**Gillian Cockerell**  
Principal Planner  
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**SUBMISSION TO PLAN CHANGE 43 (TRANSPORTATION) AND  
PLAN CHANGE 44 (WORKS AND NETWORK  
UTILITIES)**

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

26th November 2013

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

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

**ADDRESS FOR SERVICE:** Gillian Cockerell  
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gillian.cockerell@aecom.com



## 1.0 INTRODUCTION AND BACKGROUND

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

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

## 2.0 THE SUBMISSION

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

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

Various amendments are sought to the DCP as follows:

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

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

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

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

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

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

#### **Relief Sought**

The relief sought via this plan change is that:

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

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

## **2.2 SUBMISSION 2 – 5.9 INFRASTRUCTURE AND SERVICING**

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

#### **Relief Sought**

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

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

## **2.3 SUBMISSION 3 - 5.9 INFRASTRUCTURE AND SERVICING**

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

#### **Relief Sought**

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

## **2.4 SUBMISSION 3 - 5.9 INFRASTRUCTURE AND SERVICING**

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

### **Relief Sought**

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

## **3.0 CONCLUSION**

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

Gillian Cockerell

Authorised Agent for Kaimai Properties Ltd and Matamata Metal Supplies Ltd

26<sup>th</sup> November 2013



## IB AND JP DIPROSE – BARTON ROAD OKAUIA DEVELOPMENT CONCEPT PLAN

## ACTIVITY SCHEDULE

## FARMING AREA

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

## PERMITTED ACTIVITY

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

## CONTROLLED ACTIVITY

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

## RESTRICTED DISCRETIONARY ACTIVITY

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

Councils discretion is limited to the following criteria:

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

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

## DISCRETIONARY ACTIVITY

- Second hand or pre-used buildings relocated from off-site
- Those activities listed as Discretionary in the Kaitiaki (Conservation) *Rural Zone in the Activity Tables in Sections 8.1 to 8.9 (Works and Network Utilities), and subject to the relevant assessment criteria for discretionary activities in Sections 8.1 to 8.9*
- Formal/active recreation, adventure tourism activities, educational and accommodation facilities, which in aggregate would cater for more than 10 persons (excluding any staff) at any time
- Cleanfill and earthworks activities involving the depositing or removal/extraction of 1000m<sup>3</sup> or more of material at any one time

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

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

### CONSERVATION AREA

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

#### PERMITTED ACTIVITY

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

#### CONTROLLED ACTIVITY

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

#### RESTRICTED DISCRETIONARY ACTIVITY

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

Council's discretion is limited to the following criteria:

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

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

#### DISCRETIONARY ACTIVITY

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

### NETWORK UTILITIES AREA

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

#### PERMITTED ACTIVITY

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

#### CONTROLLED ACTIVITY

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

#### **RESTRICTED DISCRETIONARY ACTIVITY**

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

#### **DISCRETIONARY ACTIVITY**

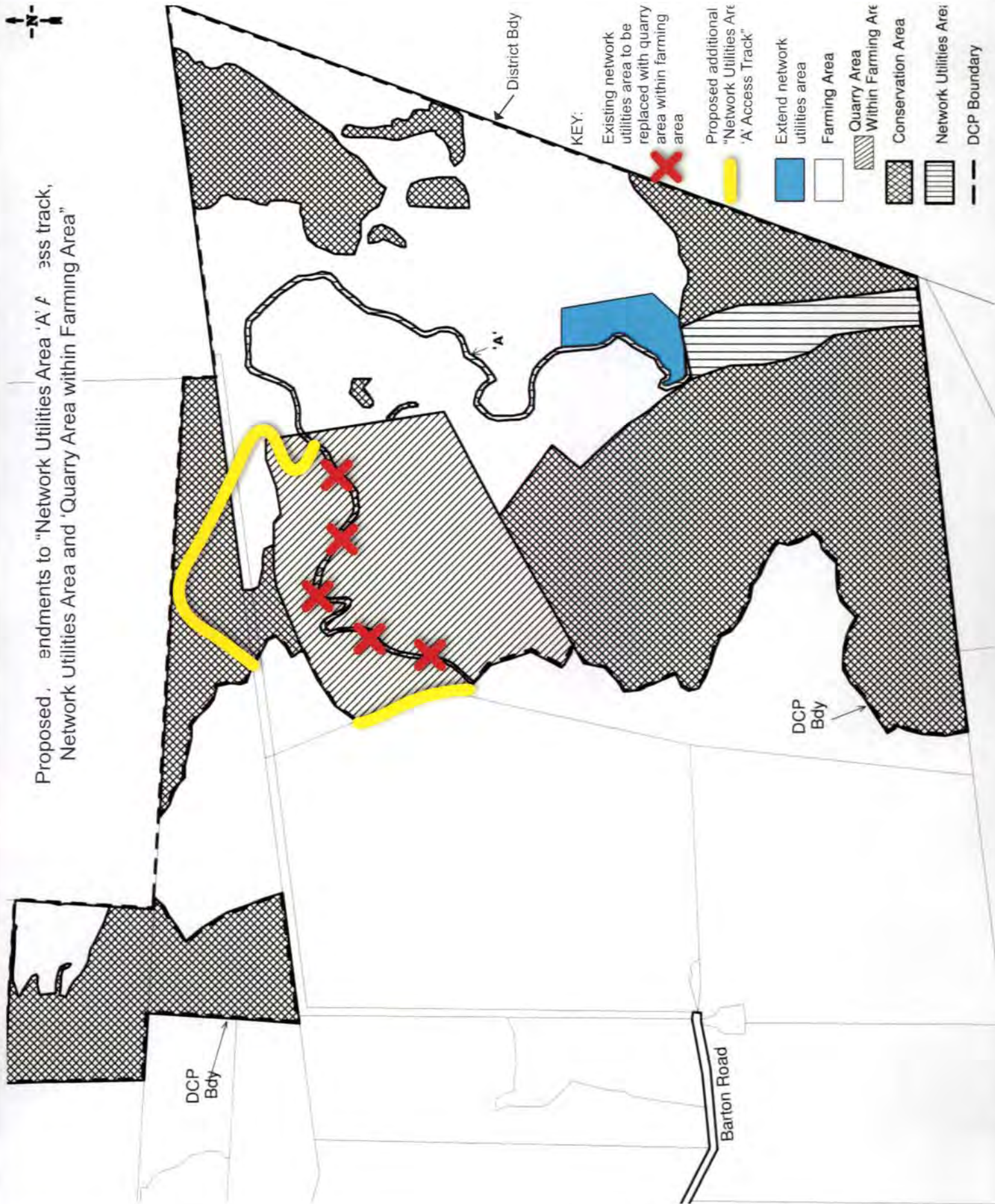
- Those activities listed as discretionary activities in the rural zone in *the* Activity Tables in **Sections 8.1 to 8.9** (Works and Network Utilities), **and subject to the relevant assessment criteria for discretionary activities in Sections 8.1 to 8.9**
- The upgrading of Airways Corporation Infrastructure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

#### **NON-COMPLYING ACTIVITIES FOR ALL AREAS**

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



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



## **Kelly Moulder**

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

Hi Patrick

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

Regards

**Gillian Cockerell**

Principal Planner

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

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

**To:** Cockerell, Gillian

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

Hi Gillian,

We received the two submissions from you, attached.

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

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

Regards,

**Patrick Clearwater** | Environmental Policy Planner

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

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

**Posted At:** Wednesday, 27 November 2013 14:18

**Posted To:** Submissions (Corporate Planning)



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

Hi Patrick

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

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

26th November 2013

---

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

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

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

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



## 1.0 INTRODUCTION AND BACKGROUND

The following is a submission made by D and L Swap to Plan Change 43 (Transportation ) and Plan Change 44 (Works and Network Utilities) of the Matamata Piako District Plan pursuant to clause 6 of the first schedule of the Resource Management Act 1991 (RMA).

The submission to Plan Change 43 and 44 relates to those provisions that may affect D and L Swap's land interests and operations within the Kaitiaki Zone Development Concept Plan (being Part Section 126, Block II, Tapapa East Survey District) of the Matamata Piako District Plan.

## 2.0 THE SUBMISSION

### 2.1 SUBMISSION 1 – AMENDMENTS TO DL AND JL SWAP DEVELOPMENT CONCEPT PLAN

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

Various amendments are sought to the DCP as follows:

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

Making the proposed amendments under this plan change is considered appropriate as pursuant to Section 79 of the RMA, Council is undertaking their District Plan review on a rolling section by section basis and indications are that the Kaitiaki Zone and associated DCPs in Schedule 5 of the District Plan will not be subject to a District Plan review in the foreseeable future.

This piecemeal approach to reviewing the DCP is of concern and frustration to the submitter as considerable time and cost is involved in reviewing individual plan changes to ensure the DCP is appropriately updated/amended and to ensure any cross referencing to other District Plan provisions remains correct and relevant. The Council should be more transparent and upfront on the District Plan Review process and provide an indicative timeline for the review of all the sections of the District Plan, so that the public has a clearer understanding of the intended process and can plan accordingly.

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

#### **Relief Sought**

The relief sought via this plan change is that:

- i. The DCP text be amended as shown in Attachment 1 to this submission. Amendments shown as bold italics for additions and strikethroughs for deletions

## 2.2 SUBMISSION 2 – 5.9 INFRASTRUCTURE AND SERVICING

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

### **Relief Sought**

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

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

## 2.3 SUBMISSION 3 - 5.9 INFRASTRUCTURE AND SERVICING

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

### **Relief Sought**

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

## 2.4 SUBMISSION 3 - 5.9 INFRASTRUCTURE AND SERVICING

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

### **Relief Sought**

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

## 3.0 CONCLUSION

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

Gillian Cockerell  
Authorised Agent for D and L Swap  
26<sup>th</sup> November 2013



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

**ACTIVITY SCHEDULE**

**FARMING AREA**

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

**PERMITTED ACTIVITY**

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

**CONTROLLED ACTIVITY**

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

**RESTRICTED DISCRETIONARY ACTIVITY**

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

Council's discretion is limited to the following criteria:

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

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

**DISCRETIONARY ACTIVITY**

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

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

### CONSERVATION AREA

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

#### PERMITTED ACTIVITY

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

#### CONTROLLED ACTIVITY

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

#### RESTRICTED DISCRETIONARY ACTIVITY

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

#### DISCRETIONARY ACTIVITY

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

### NETWORK UTILITIES AREA

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

#### PERMITTED ACTIVITY

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

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

#### CONTROLLED ACTIVITY

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

#### RESTRICTED DISCRETIONARY ACTIVITY

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

#### DISCRETIONARY ACTIVITY

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

#### CONTROLLED ACTIVITIES FOR ALL AREAS

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

#### DISCRETIONARY ACTIVITIES FOR ALL AREAS

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

#### NON-COMPLYING ACTIVITIES FOR ALL AREAS

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

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