

# **WAIKATO DISTRICT COUNCIL**

## **Hearings of Submissions on the Proposed Waikato District Plan**

### **Report and Decisions of Independent Commissioners**

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#### **Decision Report 28C: Zoning - Matangi Dairy Factory**

**17 January 2022**

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##### **Commissioners**

Dr Phil Mitchell (Chair)

Mr Paul Cooney (Deputy Chair)

Councillor Jan Sedgwick

Councillor Janet Gibb

Mr Dynes Fulton

Ms Linda Te Aho

Mr Weo Maag

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## **1. Introduction**

- 1.1 This report relates to submissions received by the Waikato District Council (Council) which sought to change the zoning of the Matangi Dairy Factory site from Industrial Zone to a bespoke Matangi mixed use zone and insert a new chapter into the PDP containing objectives, policies and rules for the new zone.

## **2. Hearing**

- 1.2 The hearing was held on 3 June 2021 via Zoom. All of the relevant information pertaining to this hearing including the Section 42A report, legal submissions and evidence is contained on the Council website.
- 1.3 We heard from the following parties regarding the Matangi Dairy Factory zoning:

Council	Betty Connolly, author of Section 42A report on Zone Extents, Mixed use zone - Matangi.
Mowbray Group	Harry Mowbray Fraser McNutt - Planning Trisha Simonson - Wastewater Cameron Inder - Transportation
Heritage New Zealand Pouhere Taonga	Carolyn McAlley - Planning Robyn Byron - Conservation architect

## **3. Rezoning proposal**

- 1.4 The subject land is the former Matangi Dairy Factory site located at 452, 452B, 456 and 462 Tauwhare Road, Matangi comprising 5.2 ha in six titles (the Site).
- 1.5 In the PDP, as notified, three zones apply to the Site. Most of the Site falls within the Industrial Zone, as shown on Map 1 below. An area of the site on the Tauwhare Road frontage is within the Business Zone. The Rural Zone applies to a strip separated from the bulk of the Site by the Cambridge Branch Railway (designation L3) and a small area at the rear of the Site. The properties to the southwest of the Site (Good Street) are zoned Residential, the land on the opposite side of Tauwhare Road is a mixture of Business and Residential Zones and the properties to the east and south of the Site are zoned Rural.
- 1.6 The proposal is to change the zoning of the Site to a mixed use zone, as shown on Map 1 below. The proposed uses of the Site are commercial, residential, light industrial and community activities. Visitor accommodation located in heritage cottages moved to the Site is included within the residential activities, along with some existing dwellings on the Site. Other existing buildings would be redeveloped to accommodate an increased commercial and light industrial activity.

- 1.7 Commercial activities at the Site are proposed to be concentrated in a commercial precinct near the Tauwhare road frontage. A draft objective proposed provides that new commercial and office activities will operate primarily within this precinct, and draft policies discourage detached and ground floor dwellings in this area.
- 1.8 Map 1 compares the zoning notified in the PDP with the proposed new zone, including its commercial precinct.

Map I: Zoning of Matangi dairy factory site



#### **4. Overview of issues raised in Submissions**

1.9 In the section 42A report, Ms Betty Connolly set out the full list of submissions on the subject matter of the hearing. The primary submissions requesting rezoning were:

- a) Mowbray Group: Retain the Industrial Zone but work towards Business Town Centre zoning;
- b) Mowbray Group: Retain the Industrial Zone but develop the zoning for the property at 456 Tauwhare Road to Business Town Centre;
- c) Mowbray Group: Retain the Industrial Zone for 452B Tauwhare Road, with special and flexible zoning to allow development of a historic business town centre;
- d) Andrew Mowbray: Amend the zoning of the property at 452 Tauwhare Road, Matangi, from Business Zone to Industrial Zone, and amend the PDP provisions in order to “create a special flexible zoning so the site can move towards a Business Town Centre zoning”;
- e) Matangi Community Committee: Amend the zoning of the former Matangi Dairy Factory site to incorporate the intent of the Mowbray Group's submission; and
- f) Amy and Andrew De Langen: Amend the zoning of the parts of the submitter's property at 436B Tauwhare Road which partly comprises the Site from Industrial Zone to Rural Zone to end the proposed Industrial zoning.

1.10 We separately heard other submissions from Mowbray Group Limited (Mowbray Group)<sup>1</sup> and Mr Andrew Mowbray in Hearing 28 Other Matters.<sup>2</sup> These submissions sought provision in the PDP for historic railway cottages to be relocated to 452B Tauwhare Road. The section 42A report author for Hearing 28 recommended that these submissions be accepted in part, subject to the provisions under the Matangi mixed use Zone being accepted.<sup>3</sup> These submissions are therefore considered as part of this decision.

1.11 In his evidence, Mr McNutt summarised that the Mowbray Group submissions opposed the proposed zoning of the Site in the PDP and sought a planning framework which enabled development within the Site that was consistent with non-industrial land use activities not currently provided for. Mr McNutt also considered that the Mowbray Group submissions sought to enable better development of the Site, predominantly through the reuse and repurposing of the current buildings already on site.<sup>4</sup> The specifics of the original submissions, including in relation to the Industrial Zone and the

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<sup>1</sup> Mowbray Group, Paragraph 404.1.

<sup>2</sup> Andrew Mowbray, Paragraph 563.2.

<sup>3</sup> Section 42A Report Hearing 28: Other Matters, Paragraph 102, dated June 2021.

<sup>4</sup> Statement of Evidence of Fraser McNutt on behalf of Mowbray Group Limited and Andrew Mowbray, Paragraph 3.5, dated 17 February 2021.

Business Town Centre Zone, were not pursued. We consider the outcomes sought in the evidence are within the scope of the submissions as a whole and read the relief sought together with the reasons given.

## **5. Overview of evidence**

- 1.12 Mr Harry Mowbray gave evidence for Mowbray Group as submitter and owner, covering the history of the former dairy factory site and their vision for a Matangi mixed use Zone. Mr Mowbray envisaged converting the site from primarily industrial uses to a historic mixed-use destination with employment, residential and community activities to complement the historic dairy factory buildings and railway heritage. Other historic buildings would be bought in to complement the existing buildings. The rear of the factory would contain small cottages (railway, farm workers and miners' cottages) to be used for visitor accommodation. Local community representatives supported this vision. Community events would be held on the site, the execution of which would be made more difficult under the PDP zonings.
- 1.13 Mr McNutt gave planning evidence for Mowbray Group. His said that the proposal would be consistent with the Waikato Regional Policy Statement (RPS), Future Proof 2017 (Future Proof) and the Waikato District Growth and Economic Development Strategy (Waikato 2070). Mr McNutt's evidence included draft plan provisions and a section 32AA evaluation of the rezoning proposal, concluding that the proposed Matangi mixed use zoning would be efficient and effective in achieving the objectives of the PDP.
- 1.14 Ms Trisha Simonson gave expert evidence for Mowbray Group about on-site wastewater servicing. She said the rezoned property could be serviced by a wastewater treatment system with discharge to the land, but only up to certain design flow limits. She concluded that the proposed mixed use zoning of the Site was appropriate and able to be supported by the on-site wastewater infrastructure which was more appropriate for the limitations of the Site than the Industrial Zoning proposed in the PDP. Ms Simonson's evidence also covered the separate need for Waikato Regional Council (WRC) consent. She supported the draft planning provisions provided by Mr McNutt, considering that these were appropriate and sufficient to ensure the effects of wastewater and stormwater discharges are managed on-site, with any development beyond the capacity of the Site able to be specifically addressed through future resource consents.
- 1.15 Mr Cameron Inder gave evidence for Mowbray Group on the transport assessment carried out for the rezoning proposal. On the basis of a Transportation Assessment and subject to the draft permitted, controlled and restricted discretionary rule provisions being adopted, he concluded that any resulting transport effects will be minor, if not negligible, in the mixed use zone, factoring in trip generation. He said that further land use activity that does not comply with the permitted activity limits, including the cumulative traffic generation caps, should trigger an activity specific Integrated Transport Assessment.

- 1.16 Ms Carolyn McAlley gave planning evidence for Heritage New Zealand Pouhere Taonga (Heritage NZ). Ms McAlley said that the two heritage components of the Site the “Glaxo Building”<sup>5</sup>, which is listed as heritage site by Heritage NZ, and the “Highlander Building”, which has been nominated as a heritage site, are interrelated parts of a wider historical complex at the Site. Collectively, these two buildings form an integral aspect of the physical and historical context and setting. She said Heritage NZ considered that this wider context could itself be considered to have significant heritage value. As a result Ms McAlley sought controls on buildings and activities within the setting of these heritage buildings and sought that the buildings intended for relocation be located as far away as possible from the heritage buildings. She also sought that the layout in Mr Mowbray's evidence be adopted into the PDP.
- 1.17 Ms Robyn Byron gave expert evidence for Heritage NZ as a conservation architect. Ms Byron supported controls on the setting of the heritage listed Glaxo building, which she considered was the dominant building on the site.
- 1.18 Details of Ms Byron's evidence is referred to further in relevant sections of this decision.

## **6. Panel Decisions**

- 1.19 Attachments 1, 2 and 3 contain our decisions on provisions and zoning. Where we have accepted the recommended decision and reasoning from the section 42A report, we have restated the reasons in this decision as seen below. We have provided more detailed discussion on the more contentious issues and also where we have not adopted the section 42A report recommendation.

## **7. Section 42A report analysis and recommendations**

- 1.20 Ms Connolly recommended acceptance of the Mowbray Group submissions in her section 42A report and recommended that the PDP be amended to include the proposed Matangi mixed use zone, along with the draft planning provisions and maps produced in evidence, with some amendments.
- 1.21 The section 42A report provided an analysis of the planning considerations relevant to the rezoning proposal which we discuss in the following sections.

## **8. Higher order documents**

- 1.22 The first consideration is to test the proposal against higher order documents.<sup>6</sup> We have described these documents in detail in other hearing decisions. In this decision, we will reference the documents only so far as they are relevant to our conclusions.

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<sup>5</sup> The Glaxo dairy factory building is heritage item 172 in Schedule 30.1 in the Proposed Waikato District Plan as notified (item 190 with decisions renumbering).

<sup>6</sup> Section 42A Report Hearing 25 Zone Extents Framework Report, Paragraph 6, dated 19 January 2021.

1.23 The section 42A report and submitter evidence listed the following documents as relevant to this hearing decision:

- a) National Policy Statement for Urban Development (NPS-UD);
- b) Vision and Strategy (Te Ture Whaimana) for the Waikato River (Vision and Strategy);
- c) Waikato Regional Policy Statement (RPS);
- d) Future Proof;
- e) Waikato 2070;
- f) Waikato-Tainui Environmental Plan (Tai Tumu, Tai Pari, Tai Ao); and
- g) Proposed District Plan Policy Direction - section 42A Framework Report (Framework Report).

## **9. National Policy Statement for Urban Development**

1.24 The NPS-UD primarily requires councils to plan for well-functioning urban environments and ensure the adequate provision of developable land. It also requires district plans to enable more people to live in, and more businesses and community services to be located in, urban environment areas in which certain criteria apply.

1.25 Mr McNutt stated that the proposal to accommodate a Matangi mixed use zone is not inconsistent with the NPS-UD and instead provides for additional housing and business capacity within the Matangi catchment. In his view, the Site could provide for sufficient development capacity without generating significant adverse environmental effects.<sup>7</sup>

1.26 Ms Connolly considered that the NPS-UD is not particularly relevant to the Site and any proposed development on it as Matangi is not an urban environment under the definition contained within the NPS-UD. Ms Connolly did however consider that the mixed use zone supported the intent of the NPS-UD, especially Objective 1.

1.27 In making a decision on the rezoning proposal, we needed to decide whether the proposal is required to give effect to anything in the NPS-UD, and if so, whether it achieves this. We consider that the NPS-UD is not concerned with development located in places like Matangi as it is aimed at improving the functioning of urban areas and Matangi is not an urban environment area as defined in the NPS-UD.<sup>8</sup> We consider that so long as the proposed Matangi rezoning does not obstruct the outcomes sought by the NPS-UD, we do not need to consider it further. We find that

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<sup>7</sup> Mr McNutt's evidence, Paragraph 6.4.

<sup>8</sup> "Urban environment" definition, National Policy Statement on Urban Development, Paragraph 1.4.

the Matangi mixed use zone would not adversely affect the functioning of urban areas elsewhere because of its modest scale.

## 10. Vision and Strategy for the Waikato River

- 1.28 The Vision and Strategy aims to enable positive outcomes and prevent adverse outcomes for the Waikato River.
- 1.29 Mr McNutt stated that the Matangi mixed use zone would give effect to the Vision and Strategy, particularly as the Site is already operational and functioning with considerable built form. Rezoning would not directly result in physical development and its associated effects. In relation to the Site, Mr McNutt said that soakage will be promoted as the primary stormwater treatment efficiency with a new onsite wastewater system that will replace the existing discharge.<sup>9</sup>
- 1.30 Ms Connolly considered that the proposed provisions for the new zone would ensure that the effects on the water system are managed appropriately. Stormwater via on-site soakage will be enhanced and a new on-site wastewater system will replace the old systems. Ms Connolly considered that these methods aligned with the vision of restoring and protecting the health and well-being of the Waikato River.<sup>10</sup>
- 1.31 We agree that the proposal gives effect to the Vision and Strategy for all of the reasons above.

## 11. Waikato Regional Policy Statement

- 1.32 Chapter 6 – Built Environment of the RPS requires councils to consider the principles listed in section 6A when reviewing district plans however the RPS states that these principles are not absolutes. The RPS instead recognises that some developments will be able to support certain principles more than others, and that certain principles may need to be traded off against others. However, all principles are to be appropriately considered.<sup>11</sup>
- 1.33 In his evidence, Mr McNutt provided an assessment of the proposal against the section 6A principles.<sup>12</sup> We have summarised Mr McNutt's conclusions on the most relevant principles below:

WRS 6A Principle	Evidence (summary points)
a) support existing urban areas in preference to creating new ones	Consistent – Matangi is an established urban environment using the definition of the RPS.
b) delineate urban and rural areas	Achieved – urban areas to the west and rural areas to the east.
c) intensify urban - minimise the need for greenfield urban development	Is intensifying and not a greenfield area.

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<sup>9</sup> Mr McNutt's evidence, Paragraphs 6.30-6.32.

<sup>10</sup> Section 42A Report Hearing 25 Zone Extents Mixed Use Zone - Matangi, Paragraph 28, dated 16 April 2021.

<sup>11</sup> Waikato Regional Policy Statement, Explanation after Policy 6.1.10.

<sup>12</sup> Mr McNutt's evidence, Appendix 6 and Paragraph 6.16.

d) not compromise existing and planned infrastructure	Not affected.
e) connect well with existing and planned development	Connected and close to other Matangi businesses.
f) identify water requirements and ensure availability	Water use is less than expected from the permitted uses in the PDP.
i) promote compact urban form, design and location to: ... minimise private motor vehicle use; ...	Public transport is readily available, and the Site is accessible to most transport modes.
q) consider effects on tangata whenua relationships, values, aspirations, roles and responsibilities	Rezoning will not generate adverse cultural effects.
r) support the Vision and Strategy.	As above.

- 1.34 We generally accept Mr McNutt's analysis, however we do not agree with his view of some of the principles with respect to matters of detail. We have addressed these differences below.
- 1.35 Principle b) requires a clear delineation between urban areas and rural areas, and we see this is blurred somewhat by the inclusion of the strip of land north-east of the railway which is zoned Rural in the PDP, as notified. Principle b) can easily be addressed with an adjustment of the submitted zone boundaries, which we consider later in this decision.
- 1.36 Principle c) promotes making use of opportunities for urban intensification and redevelopment in order to minimise the need for urban development in greenfield areas. The current proposal is largely in relation to intensification, but the conversion of greenfield areas (the notified Rural Zone areas) needs to be acknowledged and evaluated. We will return to this issue in our discussion of Future Proof below.
- 1.37 Principle i) in relation to minimising private car use is not entirely addressed by Mr McNutt's comments regarding the availability of public transport. The likely extent of private car use is reflected in the areas identified for onsite parking however, it is difficult to see how this principle could be fully addressed at the Site.
- 1.38 We conclude that overall the mixed use zone sufficiently supports the principles. Our reason for this conclusion is that the rezoning proposal satisfies some of the listed principles and we have decided to give greater weighting to these principles rather than the principles in which the proposal does not support. We also note that the proposal would primarily result in switching the development potential of the Site from purely industrial to a mix of light industrial, commercial and residential activities of modest scale. We believe this will not unduly impact on the immediate locality nor on urban areas elsewhere.
- 1.39 The RPS also contains specific requirements in regard to infrastructure, which we discuss in more detail in the infrastructure section below.

## **12. Future Proof**

- 1.40 Future Proof 2009, which has been adopted by the RPS, and its revision in 2017 are discussed in detail in the Framework Report and other key decisions.<sup>13</sup> In his evidence, Mr McNutt acknowledged that Future Proof does not recognise Matangi as a key future growth cell and therefore gives no specific guidance on how Matangi village should be developed in the future. Mr McNutt concluded that the general principles of Future Proof were supported by the rezoning proposal.<sup>14</sup>
- 1.41 Ms Connolly agreed that Matangi was not an identified growth area however stated that the rezoning of the Site is consistent with RPS Policy 6.1, which calls for development to occur in a planned and co-ordinated manner. Ms Connolly considered that the change to a mixed use zone would satisfy this Policy, noting that the Site had operated as a “pseudo mixed-use zone” for some time with a variety of small businesses existing alongside residential accommodation.<sup>15</sup>
- 1.42 We accept that majority of the Site has had longstanding urban zoning and use and that a mixed use zoning would not be contrary to the RPS or Future Proof. We accept Mr McNutt’s evidence that the reduction of industrial land at Matangi is not significant in a district-wide context.<sup>16</sup> We also note that in other decisions, we have accepted rezoning for new industrial land, resulting in an overall increase of the Waikato District’s industrial land resource.
- 1.43 However, we note we have received little evidence analysing constraints of the RPS and/or Future Proof on the urban expansion into the two greenfield areas in the PDP, as notified, as within the Rural Zone (see Map 1 above). The strip of rural land on the Site located north-east of the railway line is the larger of the two rural areas. This land has frontage onto Tauwhare Road, and appears to be severed from the main part of the Site by the railway. We have received no evidence as to whether there is legal access across the railway directly between the severed parts of the Site. We note the smaller rural area at the rear of the Site appears to be land-locked.
- 1.44 Mr McNutt referenced Future Proof’s “indicative village limit” for Matangi, which extends east of the railway line and includes the rural strip of the Site. This limit does not assist us here as Future Proof indicates that land within an indicative village limit may be developed to a rural-residential density only. We are not aware of any Council plan to adopt Future Proof’s indicative village limit.
- 1.45 District plans can consider an alternative residential or industrial land release if the criteria in RPS Method 6.14.3 are met. The first criterion is that the release of the land will maintain or enhance the safe and efficient function of existing or planned infrastructure. Ms Simonson indicated that the rural land located north-east of the

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<sup>13</sup> Section 42A Zone Extents Framework Report - Ohinewai Decision, Paragraphs 115-122.

<sup>14</sup> Mr McNutt’s evidence, Paragraph 6.19.

<sup>15</sup> Section 42A report, Paragraph 28.

<sup>16</sup> Mr McNutt’s evidence, Paragraph 6.26-7.

railway is the main area for onsite treatment of wastewater and soakage fields making it an essential part of the overall development of the Site. For this reason, we consider that Method 6.14.3 is satisfied only in respect of the rural land on the south-west side of the railway, at the rear of the Site. Accordingly, this land can be released to form part of the mixed use zone. We consider that the strip of rural land on the Site located north-east of the railway should remain in the Rural Zone, and not be rezoned as mixed use. As rural land, this land is still available to be used for the soakage fields.

- 1.46 We conclude that the above modified version of the proposed Matangi mixed use zone would give effect to the RPS. The proposed scale and intensity of the residential, business and light industrial activities on the main part of the Site, which replace and potentially reduce the adverse effects of the notified Industrial Zoning of the Site, were a key consideration for us in making this conclusion.

### **13. Waikato 2070**

- 1.47 We are required to “have regard” to Waikato 2070, which is the growth and economic development strategy adopted in 2020 for the Waikato District.<sup>1718</sup> It encourages partnering with local iwi to help realise their social, cultural, economic and environmental aspirations.
- 1.48 In this evidence, Mr McNutt stated that the mixed use zone would support the economic and social growth of Matangi village by providing additional space through predominantly existing, and potentially some new, buildings which will be used for commercial and/or commercial service purposes in order to serve the community.
- 1.49 Ms Connolly concluded in her section 42A report that the mixed use zone provisions were designed to deliver well-planned and people-friendly environments through a range of activities. She considered this would then support the Waikato 2070 focus areas as well as supporting the Matangi community to maintain their village lifestyle.<sup>19</sup>
- 1.50 We conclude that the proposed Matangi rezoning is consistent with Waikato 2070.

### **14. Waikato-Tainui Environmental Plan (Tai Tumu, Tai Pari, Tai Ao)**

- 1.51 Ms Connolly described the Waikato-Tainui Environmental Plan in her section 42A report as being concerned with adverse effects of development on the environment, customary activities, culturally and/or spiritually significant sites and communities. Ms Connolly considered that the change to a mixed use zone would not greatly alter the existing environment, but that the proposed development as a result of the rezoning would be more sustainable and, with proposed upgrades to infrastructure, would

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<sup>17</sup> Section 42A Report Hearing 25 Zone Extents Framework Report, Paragraphs 123-139, dated 19 January 2021.

<sup>18</sup> Resource Management Act 1991, section 74(2).

<sup>19</sup> Section 42A Report Hearing 25 Zone Extents Mixed Use Zone - Matangi, Paragraph 28, dated 16 April 2021.

ultimately help achieve the goal of the Waikato-Tainui Environmental Plan.<sup>20</sup> We accept Ms Connolly's evidence and agree that the mixed use zone is not at odds with the Waikato-Tainui Environmental Plan.

## **15. Conclusion on higher order documents**

- 1.52 Overall, we conclude that the Matangi rezoning proposal gives effect to both the NPS-UD and the RPS. We have had regard to the other relevant higher-order documents and believe the proposal is consistent with these too. We also adopt the section 42A report analysis of certain non-statutory community plans.<sup>21</sup> Our reasons for this conclusion are outlined in the above analysis, and we also adopt the reasoning of the section 42A report on these matters.

## **16. Specific planning considerations**

### Infrastructure

- 1.53 We received evidence regarding infrastructure from several sources at the hearing. The Framework Report also contains information about Council plans for infrastructure development<sup>22</sup> and technical reports on water and transport infrastructure to service the Site were supplied in evidence.
- 1.54 In his evidence, Mr McNutt stated that an onsite wastewater management system is key to unlocking the potential of further use of the Site in the medium to short-term, remembering that this piece of land currently has a different zoning.
- 1.55 Ms Simonson considered in her evidence that wastewater could be managed on-site, with any development beyond the Site's capacity being addressed specifically through future resource consents. Connection to public reticulation would be required through the draft mixed use zone provisions. She further stated that the rezoned Site could be serviced by a wastewater treatment system with discharge to land, up to certain design flow limits. Ms Simonson's evidence also covered the separate need for WRC consent for this and said that in her opinion the relevant WRC discharge consents would be forthcoming.<sup>23</sup>
- 1.56 The section 42A report included a memorandum from Ms Anna Fraser, a civil engineer who reviewed the information contained in the evidence of Ms Simonson and Mr McNutt on storm water, wastewater and freshwater services (three waters).<sup>24</sup> Ms Fraser's memorandum highlighted design details that were not available and the need for KiwiRail consent for any pipes under the railway line. She concluded that the

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<sup>20</sup> Ibid, Paragraph 28.

<sup>21</sup> Ibid, Section 3.1.

<sup>22</sup> Section 42A Report Hearing 25 Zone Extents Framework Report, Appendix 5: Assessment of Growth Cell Servicing, dated 19 January 2021.

<sup>23</sup> Ms Simonson's evidence, Paragraph 5.4.

<sup>24</sup> Section 42A Report Hearing 25 Zone Extents Mixed Use Zone - Matangi, Appendix 6, dated 16 April 2021.

submitter's approach and findings were reasonable with regard to on-site wastewater disposal.

- 1.57 We accept that the on-site wastewater treatment system described above is a feasible solution. However, this system is not currently in place and depends on a regional consent being obtained from WRC in the future. While we respect Ms Simonson's expertise and no doubt genuine confidence that such consent can be obtained, there is always uncertainty with these matters. Relevant to this, RPS Policy 6.3 and Method 6.3.1 require that district plans ensure new development does not occur until provision for the appropriate infrastructure necessary to service the development is in place.
- 1.58 In our decision regarding the Ohinewai Hearing, we addressed a similar situation.<sup>25</sup> In this case, the first stage of development relied on an on-site wastewater treatment system and subsequent discharge to land which had been consented to prior to our rezoning decision.<sup>26</sup> Later stages of the development relied on connections to a public wastewater system, which depended on consents being obtained in the future. Our decision for Ohinewai was to include planning provisions restraining the later stages of development until the wastewater issues were resolved and implemented. The same approach would be appropriate to apply in this case. We consider this issue can be addressed by requiring that any new and relocated buildings must provide for on-site wastewater disposal treatment approved by Council.
- 1.59 Regarding stormwater, Ms Fraser considered that more information would be required on stormwater to ensure the disposal area identified in Ms Simonson's report was sufficient. In rebuttal, Ms Simonson said that currently stormwater generated from impervious surfaces on the Site is managed through a private pipeline into the Matangi drainage system. She noted she was unaware of any adverse effects from flooding or stormwater quality as a result of the existing discharge, however, to limit the future effects of further development, she considered that stormwater generated from any new impervious surfaces would need to be managed through on-site soakage. She advised that the soil type was suitable for this.<sup>27</sup>
- 1.60 Regarding water supply to the Site, we accept Mr McNutt's evidence that the development would continue utilising the existing trickle feed. We consider that any limitations on water supply would have minimal adverse effects beyond the Site.
- 1.61 We accept the evidence provided that it is feasible to service the mixed use zone with suitable three waters infrastructure along the pipelines described above. We consider that the uncertainty around obtaining regional consent for the onsite disposal systems, KiwiRail consent for pipes and any other residual issues can be adequately addressed in plan provisions which require the availability of three waters to be resolved prior to development occurring.

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<sup>25</sup> Report and Decisions of the Waikato District Plan Hearings Panel - Ohinewai Rezoning, Section 5, dated 24 May 2021.

<sup>26</sup> Ibid, Paragraph 53.

<sup>27</sup> Ms Simonson's rebuttal evidence, Paragraph 2.3.

### Transport

- 1.62 In relation to transport, Mr Inder concluded that, on the basis of the Transportation Assessment and subject to the draft rule provisions being adopted, any resulting transport effects of the mixed use zone trip generation will be minor, if not negligible. He said that further land use activity that does not comply with the permitted activity limits, including the cumulative traffic generation caps, should trigger an activity-specific Integrated Transport Assessment.
- 1.63 Mr McNutt summarised the draft planning provisions on traffic movements, saying that traffic movements generated by land use activities would be managed with a permitted activity cap of 250 vehicle movements per day (VPD) for each individual activity, and a maximum total of 2200 VPD for the whole Site. Additionally, peak hour movements would be managed and capped at 330 vehicles per hour. Heavy commercial vehicle movements are also limited to promote the light industry / non-industrial mixed use within the Site. Failure to meet these standards results in a restricted discretionary resource consent coupled with an Integrated Traffic Assessment.<sup>28</sup>
- 1.64 We are satisfied that transport for the development can be appropriately serviced by the existing road network and that the draft planning provisions ensure cumulative transport effects are captured and that the transport effects of incremental development are controlled. We will discuss our amendments to clarify the draft rule later in this decision.

### Site contamination risks

- 1.65 Because additional residential activity is contemplated, it is appropriate to consider if activities on the Hazardous Activities and Industries List (HAIL) are known to have been undertaken, or are considered likely to have been undertaken, within the Site. From the historical and current Site descriptions we have seen, it is possible that activities on the HAIL list may have occurred, but we have no specific information that this may be the case.
- 1.66 The risk to human health and safety from contaminated land is managed under the Resource Management (National Environmental Standard for Assessing and Managing Contaminates in Soil to Protect Human Health) Regulations 2011(NES-Contaminated Land). In order to address potential contaminated land issues that may arise, we consider an advice note would be appropriate to signal that the NES-Contaminated Land may apply to the Site.

### Additional locational criteria for commercial / industry

- 1.67 The Framework Report provides additional considerations for the location of industrial and business activities.<sup>29</sup> For the Site, the mixed use zone would mean a reduction in industrial activity and an increase in business activity. Although not bound by them,

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<sup>28</sup> Mr McNutt's evidence, Paragraph 8.7b.

<sup>29</sup> Section 42A Report Hearing 25 Zone Extents Framework Report, Paragraph 162, dated 19 January 2021.

we are satisfied that the locational criteria in the Framework Report, which are relevant to Matangi, are satisfied.

#### Other matters

- 1.68 The section 42A report identified four other considerations relevant to Matangi, concluding that the Matangi mixed use zone would satisfy these considerations. We discuss each of these points in turn below.
- 1.69 Economic costs and benefits: While we received no detailed economic evidence, we agree with Ms Connolly that the rezoning would likely increase the opportunities on the Site, providing new or improved infrastructure, jobs and homes. The costs, including infrastructure provision and maintenance, are being met by the owner of the Site. There is no financial cost to the public in the rezoning of the Site.
- 1.70 Site features: The Site is flat, with access to public infrastructure. It has a substantial built form used by small businesses, industrial activities, and some residential uses. The Site is in the centre of the Matangi village and the activities that occur there have played a major part in the community for many years. The Site accesses Tauwhare Road which is an arterial route in the road hierarchy. We conclude that the Site is suitable for the proposed mixed use zone.
- 1.71 Defensible zone boundaries: Ms Connolly considered that the zone boundaries are defensible because the Site is not able to be extended north or west. She also stated that it would be very unlikely to extend the Site further south or east as it would be disconnected from the village and would impact on highly productive soils.
- 1.72 We consider that the boundaries to the east proposed by the submitter are not appropriate and the PDP, as notified, provides a more satisfactory buffer by adopting the railway line as the limit of the Industrial Zone.
- 1.73 We further consider the southern boundary to be acceptable, if not ideal. Our reasoning is that any future urban development on the south side of the Site would require road construction, providing an economic brake on ad hoc expansion and we find this a sufficient barrier.
- 1.74 Overall, with a boundary change to the east of the Site, we consider all of the rezoning proposal to be acceptable.

## **17. Heritage**

- 1.75 At the hearing Ms McAlley raised the “setting” issue which developed into a discussion. The outcome of the discussion was to preserve the “setting” of the Glaxo heritage building with a suitable setback for new development. Ms Connolly recommended a separation distance between 6 to 8m from the Glaxo building.<sup>30</sup> Mr McNutt in his rebuttal evidence agreed with those distances, but Ms McAlley sought

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<sup>30</sup> Section 42A Report Hearing 25 Zone Extents Mixed Use Zone - Matangi, Paragraph 106, dated 16 April 2021.

greater setbacks of around 30m from the loading dock area in front of the building, 8-11m along the north-east side and 6-9m at the rear.<sup>31</sup>

1.76 We are satisfied that the setbacks proposed by Mr McNutt are appropriate.

## **18. Overall decision**

1.77 Our decision is to accept the submissions and create a new Matangi Zone along the lines sought by submitters. Our reasoning is that the proposal, as described in evidence, meets the criteria for the creation of a mixed use zone gives effect to the national and regional policy statements, supports the other relevant high-level policy documents, and complies with the tests for good planning practice.

## **19. Proposed Plan Provisions**

1.78 We adopt the planning maps for the Matangi Zone, including the commercial precinct with its boundaries.

1.79 Plan objectives, policies, rules and maps were provided by the submitter and included in evidence. We have examined these and made amendments. The section below summarises our findings on the proposed planning provisions and changes made.

### Minor residential units

1.80 The rules as drafted allowed for seven detached residential units outside the commercial precinct, for each of which a “minor residential unit” was also permitted.<sup>32</sup> In her closing statement, Ms Connolly reported that post hearing discussions between Council and the submitter resulted in agreement that up to four minor units be allowed as a permitted activity.<sup>33</sup>

1.81 We prefer the original section 42A report recommendation that minor residential units not be permitted and that residential units of any kind beyond seven will be a restricted discretionary activity.

1.82 Our reasons are firstly, that the definition of minor residential unit in the National Planning Standards does not fit this form of development. The definition refers to the minor residential unit being ancillary to a principal residential unit on the same site, which will not be the reality in this case. We doubt that dependent person accommodation (the common use of minor residential units) or granny flats would be viable in the Matangi Zone.

1.83 Our second reason is that the draft rule allowed too many dwellings on the Site. We explored increasing the cap on the number of detached residential units instead of enabling minor residential units. However, we rejected this because it would not provide any allowance for the uncertainties around the capacity of the water treatment

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<sup>31</sup> Ms McAlley’s hearing presentation, Appendix 1.

<sup>32</sup> Mr McNutt’s Statement of Evidence, Appendix 3, draft rule 29.1.1.

<sup>33</sup> Ms Connolly’s Closing Statement, Paragraphs 12-14, dated 25 June 2021.

systems and in order to preserve the industrial heritage theme of the Matangi Zone. The number of residential units permitted by the draft rule would also detract from the industrial heritage setting by turning the Site into something of a historic heritage residential zone, which does not keep with the submitter's vision of the Site as shared with us at the hearing.

#### Visitor accommodation

- 1.84 Ms Connolly recommended that the number of buildings that can be used for visitor accommodation should be capped at four. Ms Connolly noted that the rule as drafted stated the number of guests per building, but did not have a maximum number of buildings that could be used for this purpose. This raised uncertainty about the number of visitors likely to be accommodated on the Site.
- 1.85 Mr McNutt in his rebuttal evidence disagreed, saying the use of refurbished railway buildings is at the heart of the vision for the Site and the visitor accommodation was akin to Air B&B type accommodation not a hotel / motel complex. There is already a diverse range of activities occurring on the Site and plenty of unused building gross floor area is yet to be converted. Mr McNutt further proposed that the cap be raised to accommodate nine visitor accommodation buildings with a maximum of six people per building to further manage the intensity of the use.
- 1.86 In her closing statement, Ms Connolly reported that discussions between Council and the submitter after the hearing had resulted in an agreement that nine visitor accommodation units would be acceptable with a total maximum gross floor area for all buildings of 1000m<sup>2</sup>. Ms Connolly considered this would allow the submitter to ensure their vision of encouraging heritage protection is secured, while the main focus of the Site and the amenity for the area is maintained and protected.<sup>34</sup>
- 1.87 We accept the agreed position and the amended rule now provides for nine visitor accommodation units with a total maximum gross floor area for all buildings of 1000m<sup>2</sup>.

#### Traffic rules

- 1.88 In her closing statement Ms Connolly reported that Council staff had further considered the draft traffic rule and recommended amendments to improve clarity. We adopt this revised and clarified wording.

#### Site coverage

- 1.89 In her closing statement Ms Connolly reported that there was ambiguity around the site coverage rule as drafted. Mr McNutt was also unclear whether the rule included impervious surface as well as buildings in the 60% maximum. Ms Connolly, with Mr McNutt's agreement, recommended that the rule be amended to use the term

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<sup>34</sup> Ms Connolly's Closing Statement, Paragraph 8, dated 25 June 2021.

“Building Coverage” instead of “Site Coverage”, with the 60% coverage control retained.<sup>35</sup>

- 1.90 We adopt this recommendation and makes the changes as a useful clarification of the rules.

#### Permeable surface

- 1.91 In her closing statement Ms Connolly noted her agreement with Mr McNutt that the rule be amended to clarify that the 20% permeable surface calculation is to apply to the developed part of the Site, west of the railway line.

- 1.92 We accept and adopt the recommended amendment.

#### Relocated railway houses

- 1.93 We separately heard other submissions from Mowbray Group and Andrew Mowbray in Hearing 28 Other Matters which sought provision for historic railway cottages to be relocated to 452B Tauwhare Road. Ms Connolly recommended that these submissions be accepted in part, and we address them as part of this decision.

- 1.94 The PDP, as notified, does not specifically control the re-siting of buildings as distinct from new builds and the same bulk and location conditions apply to both. As such, there are no extra consenting requirements for re-sited buildings, representing a change from the Operative Waikato District Plan.

- 1.95 Within this permissive overall plan context, we see no need for additional controls on re-sited buildings, except to the extent that these might support the historic industrial / railway vision for the mixed use zone. We also see no obstacle to relocating railway cottages to 452B Tauwhare Road, but note that in his submission, Mr Mowbray spoke more broadly of small cottages (railway, farm workers and miners’ cottages) to be used for visitor accommodation. Mr Mowbray also provided a site layout plan indicating where these accommodations would go on the Site. Ms McAlley sought that the site plan be part of the PDP, in order to ensure the locations of the imported cottages are away from the setting of the Glaxo building.

- 1.96 Our decision is to include the site plan in the PDP so as to indicate the locations of new and imported buildings within the new zone, both for heritage protection reasons and to separate these dwellings to some extent from the main business and industrial areas.

## **20. Conclusion**

- 1.97 We accept the section 42A report and the evidence filed by the submitters which collectively form the section 32AA assessment which informed this decision.
- 1.98 Overall, we are satisfied that the provisions, as amended in Attachments 1 and 2, provide a suitable framework for land use and development within the Matangi Zone.

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<sup>35</sup> Ms Connolly’s Closing Statement, Paragraph 9, dated 25 June 2021.

**For the Hearings Panel**

A handwritten signature in blue ink, appearing to read 'Phil Mitchell', followed by a period.

**Dr Phil Mitchell, Chair**

**Dated: 17 January 2022**

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## **21. Attachment 1: Amendment to PWDP Chapter 13**

### **Chapter 13 Definitions**

<u>Light industrial activity</u>	<u>Means small scale manufacturing, warehouse, storage, service and repair activities which do not involve the use of heavy machinery, are carried out indoors with no adverse effects (such as noise, odour, dust, fumes and smoke) on residential activities sensitive to these effects.</u>
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## **22. Attachment 2: New Chapter – Matangi Zone**

### **MTZ – Matangi zone**

The relevant district-wide chapter provisions apply in addition to this chapter.

#### **Overview**

The MTZ – Matangi zone is a mixed-use zone within Matangi village, covering the site of the former Matangi dairy factory, which includes listed heritage items. The intent of the zone is to enable the site to develop as a commercial hub whilst providing for community activities and some residential development. Issues include heritage conservation, maintenance of residential amenity within and outside the zone, and limitations on the onsite disposal of wastewater and stormwater. There is no public reticulated three waters infrastructure currently available at Matangi. Matangi is not identified as a primary commercial or industrial centre in the district plan or strategic documents. Commercial and industrial development at any significant scale at Matangi could weaken the viability of primary centres elsewhere.

#### **Objectives**

##### **MTZ-O1      Mixed use environment.**

Development that provides for commercial, residential, business and light industrial activities.

##### **MTZ-O2      Commercial and office activities.**

New commercial and office activities primarily operate from within the commercial precinct.

##### **MTZ-O3      Commercial and industrial centres.**

Development does not undermine the primacy, function and vitality of regional, district or local commercial or industrial centres.

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**MTZ-O4      Adverse effects of land use and development.**

The health and well-being of people and the environment are protected from the adverse effects of land use and development.

**MTZ-O5      Residential amenity.**

Industrial and commercial activities have minimal adverse effects on residential amenity within and outside the zone.

**MTZ-O6      Development scale.**

Development is of an appropriate scale to manage its adverse effects.

**MTZ-O7      Urban form.**

Development achieves a flexible and high-quality urban form.

**MTZ-O8      Wastewater and stormwater disposal areas.**

Adequate open space is reserved within the zone for onsite wastewater and stormwater disposal.

**SUB-O1 Subdivision and development in the MTZ – Matangi zone.**

Subdivision, layout and design maximises efficient use of the land and minimises any adverse effects.

## **Policies**

**MTZ-P1      Range of activities.**

- (1) Enable mixed uses, a diverse range of activities, services and trading formats that provide employment opportunities;
- (2) Maintain and enhance residential amenity by managing non-residential activities which generate high levels of noise, motor vehicle traffic and activities operating outside normal business hours;
- (3) Discourage activities, which have noxious, offensive, or undesirable qualities;
- (4) Promote the zone as a focal point for local community activities and events through built form, size, scale, and diversity of activity in a manner that serves the local community; and
- (5) Maintain heritage through the repurposing and reusing of existing buildings where possible.

**MTZ-P2      Provide for a mixture of commercial activities.**

- (1) Commercial activity in the identified commercial precinct provides for small scale convenience retail and community activities;

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(2) Detached residential units are discouraged from establishing in the Commercial Precinct; and

(3) Maintain the commercial viability within the commercial precinct while:

- (a) Providing for mixed use developments ensuring that residential activities are located above ground floor; and
- (b) Avoiding residential activity located at ground level.

MTZ-P3 Range of commercial activities.

- (1) Provide for a range of commercial activities that meet the needs of the local community;
- (2) Ensure commercial development and activity is at a scale that will not compromise the function, role and amenity of commercial and centre zones; and
- (3) Commercial activities enhance vitality and amenity while providing for a range of commercial and community activities and facilities at a scale for the local community.

MTZ-P4 Light industry activities.

- (1) Enable development of light industrial activities;
- (2) Development of industrial activities is at a scale that will not compromise the function or role of industrial zones;
- (3) Manage new building scale and design to limit shading and building dominance on neighbouring residential and rural zones; and
- (4) Manage adverse effects of light industry to minimise the effects on amenity in other zones, particularly the GRZ – General residential zone, GRUZ – General rural zone and public interface on Tauwhare Road.

MTZ-P5 High quality urban form.

- (1) Ensure development enhances the Tauwhare Road frontage;
- (2) Require buildings with street frontages to promote street activation, provide building continuity along the frontage, pedestrian amenity and safety and visual quality;
- (3) Utilise urban design and Crime Prevention through Environmental Design (CPTED) principles in the design of development;
- (4) Development addresses, responds and is sympathetic to the heritage values of the site;
- (5) On-site parking is to be located and designed in such a manner as to avoid or mitigate adverse effects on pedestrian amenity and the streetscape; and
- (6) Landscaping is used for buffering and boundary softening.

MTZ-P6 Managing development scale.

- (1) Development is of a scale and size that will minimise the potential adverse effects on surrounding residential, rural, roading and public infrastructure;
- (2) The scale and form of new development is to:

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- (a) Provide for a safe, accessible and attractive environment;
- (b) Facilitate the integration of retail shopping, administration and commercial services, residential, community activities and light industrial activities;
- (c) Maintain small scale focussed retail activities appropriate for the Matangi community;
- (d) Manage adverse effects on the surrounding environment, particularly at the interface with residential areas; and
- (e) Ensure wastewater and stormwater can be disposed of within the zone, by provision of appropriate onsite disposal systems and open space.
- (3) Maintain amenity of adjoining GRZ – General residential and GRUZ – General rural zoned properties by:
  - (a) Requiring buildings to be setback from boundaries; and
  - (b) Ensuring buildings adjacent to boundaries adjoining GRZ – General residential and GRUZ – General rural zoned land will be of a form and scale that will enable the effects of activities in the building to be managed.

MTZ-P7 Managing adverse effects.

- (1) Minimise the adverse effects of land use and development on internal and external residential and rural amenity by:
  - (a) Ensuring that the noise levels are compatible with the surrounding residential environment;
  - (b) Limiting the timing and duration of noise-generating activities, including construction and demolition activities;
  - (c) Maintaining appropriate setback distances between high noise environments and sensitive land uses;
  - (d) Managing the location of sensitive land uses, particularly in relation to lawfully established noise generating activities;
  - (e) Requiring acoustic insulation where sensitive activities are located within high noise environments;
  - (f) Managing the adverse effects of glare and lighting to adjacent sites;
  - (g) Managing the location, colour, content, and appearance of signs directed at traffic to ensure signs do not distract, confuse or obstruct road users;
  - (h) Discouraging signs with adverse effects from illumination, light spill, flashing or reflection;
  - (i) Providing for signage that is compatible with the character and sensitivity of the surrounding environment;
  - (j) Managing adverse visual effects of outdoor storage through screening or landscaping;

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- (k) Ensuring that development does not compromise the safety and efficiency of the local road and rail networks; and
- (l) Ensuring that wastewater and stormwater from each land use or development is managed through adequate disposal systems.

SUB-P9 Subdivision development and design in the MTZ – Matangi zone.

- (1) Avoid subdivision that does not connect to public reticulated services;
- (2) Ensure subdivision and development provides integrated three waters infrastructure and services to each allotment;
- (3) Ensure subdivision and development maintains the setting of heritage items; and
- (4) Adverse effects of subdivision, use and development activities on the transport network are minimised with particular regard to:
  - (a) Reverse sensitivity effects of land uses sensitive to adverse transport effects (e.g. noise);
  - (b) Protecting strategic and arterial transport networks, rail crossings and associated intersections; and
  - (c) Maintaining the safety of pedestrians and cyclists.

## **Rules**

Advice note:

Additional consent may be required for subdivision and change of use where contaminated soil is reasonably likely to harm human health, under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

Land use – activities

<b>MTZ-R1</b>	<u>Community facility</u>
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>MTZ-R2</b>	<u>Light industry</u>
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> <ul style="list-style-type: none"> <li>(a) <u>The activity is not located in the PREC19 – Matangi commercial precinct; and</u></li> <li>(b) <u>Ancillary retail associated with Light Industry is limited to the greater of 150m<sup>2</sup> per tenancy or 20% of the total gross floor area per tenancy.</u></li> </ul>	<b>(2) Activity status where compliance not achieved: RDIS</b> <b>Council's discretion is restricted to the following matters:</b> <ul style="list-style-type: none"> <li>(a) <u>Adverse effects of non-compliance with activity-specific standards;</u></li> <li>(b) <u>Positive effects on the community or the natural environment;</u></li> </ul>

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	<p>(c) <u>The extent to which the activity is able to avoid, remedy or mitigate adverse effects on the existing and foreseeable future amenity of the area, particularly in relation to noise, traffic generation, material deposited on roads, dust, odour and lighting; and</u></p> <p>(d) <u>The extent to which the proposal, development, excavation or subdivision of a historic heritage site or place is consistent with the identified heritage values, including scale, design, form, style, bulk, height, materials and colour, and retains, protects or enhances the historic setting.</u></p>
<b>MTZ-R3</b>	<u>Childcare facility</u>
<p><b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> (a) <u>Maximum gross floor area is 300m<sup>2</sup>.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b> <b>Council's discretion is restricted to the following matters:</b> (a) <u>Adverse effects of non-compliance with activity-specific standards;</u> (b) <u>Positive effects on the community or the natural environment;</u> (c) <u>The extent to which the activity is able to avoid, remedy or mitigate adverse effects on the existing and foreseeable future amenity of the area, particularly in relation to noise, traffic generation, material deposited on roads, dust, odour and lighting; and</u> (d) <u>The extent to which the proposal, development, excavation or subdivision of a historic heritage site or place is consistent with the identified heritage values, including scale, design, form, style, bulk, height, materials and colour, and retains, protects or enhances the historic setting.</u></p>
<b>MTZ-R4</b>	<u>Educational facility (not including childcare facility)</u>
<p><b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> (a) <u>Maximum of 9 students.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b> <b>Council's discretion is restricted to the following matters:</b> (a) <u>Adverse effects of non-compliance with activity-specific standards;</u> (b) <u>Positive effects on the community or the natural environment;</u></p>

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		<p>(c) <u>The extent to which the activity is able to avoid, remedy or mitigate adverse effects on the existing and foreseeable future amenity of the area, particularly in relation to noise, traffic generation, material deposited on roads, dust, odour and lighting; and</u></p> <p>(d) <u>The extent to which the proposal, development, excavation or subdivision of a historic heritage site or place is consistent with the identified heritage values, including scale, design, form, style, bulk, height, materials and colour, and retains, protects or enhances the historic setting.</u></p>
<b>MTZ-R5</b>	<u>Home business</u>	
<p><b>(1) Activity status: PER</b>  <b>Activity-specific standards:</b></p> <p>(a) <u>It is wholly contained within a residential unit;</u></p> <p>(b) <u>No more than 2 people who are not permanent residents of the site are employed at any one time;</u></p> <p>(c) <u>Unloading or loading of vehicles and receiving of customers or deliveries only occur between 7.30am and 7.00pm on any day; and</u></p> <p>(d) <u>Machinery may only be operated between 7.30am and 9pm on any day.</u></p>		<p><b>(2) Activity status where compliance not achieved: RDIS</b>  <b>Council's discretion is restricted to the following matters:</b></p> <p>(a) <u>Adverse effects of non-compliance with activity-specific standards;</u></p> <p>(b) <u>Positive effects on the community or the natural environment;</u></p> <p>(c) <u>The extent to which the activity is able to avoid, remedy or mitigate adverse effects on the existing and foreseeable future amenity of the area, particularly in relation to noise, traffic generation, material deposited on roads, dust, odour and lighting; and</u></p> <p>(d) <u>The extent to which the proposal, development, excavation or subdivision of a historic heritage site or place is consistent with the identified heritage values, including scale, design, form, style, bulk, height, materials and colour, and retains, protects or enhances the historic setting.</u></p>
<b>MTZ-R6</b>	<u>Public amenity</u>	
<p><b>(1) Activity status: PER</b>  <b>Activity-specific standards:</b>  <u>Nil.</u></p>		<p><b>(2) Activity status where compliance not achieved: n/a</b></p>
<b>MTZ-R7</b>	<u>Health facility</u>	
<p><b>(1) Activity status: PER</b>  <b>Activity-specific standards:</b>  <u>Nil.</u></p>		<p><b>(2) Activity status where compliance not achieved: n/a</b></p>
<b>MTZ-R8</b>	<u>Visitor accommodation</u>	

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<p><b>(1) Activity status: PER</b> <b>Activity-specific standards:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Not located in PREC19 – Matangi commercial precinct;</u></li> <li>(b) <u>Maximum of nine visitor accommodation units within the zone;</u></li> <li>(c) <u>Maximum gross floor area of 1000m<sup>2</sup> in all visitor accommodation units combined; and</u></li> <li>(d) <u>Maximum occupancy of 6 guests per visitor accommodation unit.</u></li> </ul>	<p><b>(2) Activity status where compliance not achieved: RDIS</b> <b>Council's discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Adverse effects of non-compliance with activity-specific standards;</u></li> <li>(b) <u>Positive effects on the community or the natural environment;</u></li> <li>(c) <u>The extent to which the activity is able to avoid, remedy or mitigate adverse effects on the existing and foreseeable future amenity of the area, particularly in relation to noise, traffic generation, material deposited on roads, dust, odour and lighting; and</u></li> <li>(d) <u>The extent to which the proposal, development, excavation or subdivision of a historic heritage site or place is consistent with the identified heritage values, including scale, design, form, style, bulk, height, materials and colour, and retains, protects or enhances the historic setting.</u></li> </ul>
<p><b>MTZ-R9</b></p>	<p><u>Residential</u>  Includes occupation of a single residential unit for short term rental.</p>
<p><b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u></p>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>
<p><b>MTZ-R10</b></p>	<p><u>Construction or alteration of a building for a sensitive land use</u></p>
<p><b>(1) Activity status: PER</b> <b>Activity-specific standards:</b></p> <ul style="list-style-type: none"> <li>(a) <u>The construction or alteration of a building for a sensitive land use that complies with all of the following standards:</u> <ul style="list-style-type: none"> <li>(i) <u>It is set back a minimum of 10m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of up to 110kV; or</u></li> <li>(ii) <u>It is set back a minimum of 12m from the centre of line of any electrical distribution or transmission lines, not associated with the National Grid, that operate at a voltage of 110kV or more.</u></li> </ul> </li> </ul>	<p><b>(2) Activity status where compliance not achieved: RDIS</b> <b>Council's discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Effects on the amenity values of the site;</u></li> <li>(b) <u>The risk of electrical hazards affecting the safety of people;</u></li> <li>(c) <u>The risk of damage to property; and</u></li> <li>(d) <u>Effects on the operation, maintenance and upgrading of the electrical distribution or transmission lines.</u></li> </ul>

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<b>MTZ-R11</b>	<u>Construction or demolition of, or alteration or addition to, a building or structure</u>
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> <u>Nil.</u>	<b>(2) Activity status where compliance not achieved: n/a</b>
<b>MTZ-R12</b>	<u>Any activity that is not listed as permitted, restricted discretionary or discretionary</u>
<b>Activity status: DIS</b>	

Land use – activities for PREC19 – Matangi commercial precinct

<b>PREC19-R1</b>	<u>Commercial activity</u>
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> <ul style="list-style-type: none"> <li>(a) <u>Located within the PREC19 – Matangi commercial precinct, except commercial activities ancillary to light industry; and</u></li> <li>(b) <u>Maximum floor area total of 1600m<sup>2</sup> GFA within the zone.</u></li> </ul>	<b>(2) Activity status where compliance not achieved: RDIS</b> <b><u>Council's discretion is restricted to the following matters:</u></b> <ul style="list-style-type: none"> <li>(a) <u>The extent to which the proposed activity (having regard to its size, composition and characteristics), in conjunction with other established or consented commercial or office activity;</u></li> <li>(b) <u>Avoids adverse effects on the vitality, function and amenity of sub-regional centres that go beyond those effects ordinarily associated with competition on trade competitors; and</u></li> <li>(c) <u>Minimises conflicts between users both within the site and any adjoining transport corridor.</u></li> <li>(d) <u>The extent to which the activity and the traffic (including nature and type of the traffic, volume and peak flows, travel routes) generated by the proposal:</u> <ul style="list-style-type: none"> <li>(i) <u>Requires improvements, modifications or alterations to the transport network and infrastructure to mitigate its effects; and</u></li> <li>(ii) <u>Adversely affects the streetscape amenity, particularly in relation to the Tauwhare Road frontage.</u></li> </ul> </li> </ul>
<b>PREC19-R2</b>	<u>Office</u>
<b>(1) Activity status: PER</b> <b>Activity-specific standards:</b> <ul style="list-style-type: none"> <li>(a) <u>Located within the PREC19 – Matangi commercial precinct; and</u></li> <li>(b) <u>Maximum floor area per tenancy 300m<sup>2</sup> up to a total of 1600m<sup>2</sup> GFA within the</u></li> </ul>	<b>(2) Activity status where compliance not achieved: RDIS</b> <b><u>Council's discretion is restricted to the following matters:</u></b> <ul style="list-style-type: none"> <li>(a) <u>The extent to which the proposed activity (having regard to its size, composition and characteristics), in</u></li> </ul>

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<p><u>zone.</u></p>	<p><u>conjunction with other established or consented commercial or office activity;</u></p> <p>(b) <u>Avoids adverse effects on the vitality, function and amenity of sub-regional centres that go beyond those effects ordinarily associated with competition on trade competitors; and</u></p> <p>(c) <u>Minimises conflicts between users both within the site and any adjoining transport corridor.</u></p> <p>(d) <u>The extent to which the activity and the traffic (including nature and type of the traffic, volume and peak flows, travel routes) generated by the proposal:</u></p> <p>(i) <u>Requires improvements, modifications or alterations to the transport network and infrastructure to mitigate its effects; and</u></p> <p>(e) <u>Adversely affects the streetscape amenity, particularly in relation to the Tauwhare Road frontage.</u></p>
<p><b>PREC19-R3</b>   A multi-unit development</p>	
<p><b>(1) Activity status: RDIS</b></p> <p><b><u>Activity-specific standards:</u></b></p> <p>(a) <u>A multi-unit development within the PREC19 – Matangi commercial precinct that complies with these activity-specific standards:</u></p> <p>(i) <u>The standards set out in MTZ-S17; and</u></p> <p>(ii) <u>All apartments are located at least one storey above ground floor level.</u></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(b) <u>The extent to which the development is consistent with CPTED principles;</u></p> <p>(c) <u>The extent to which the development contributes to and engages with adjacent streets and public open space;</u></p> <p>(d) <u>The extent to which the development creates visual quality and interest through the separation of buildings, variety in built form and architectural detailing, glazing, and materials;</u></p> <p>(e) <u>The extent to which the design of the development incorporates energy efficiency measures such as passive solar</u></p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>

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<p><u>principles; and</u></p> <p>(f) <u>Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout.</u></p>	
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Land use – effects

<b>MTZ-S1</b>	<u>Servicing and hours of operation</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>The loading and unloading of vehicles and the receiving of customers and deliveries associated with any industrial or commercial activity may occur only between 6.00am and 10.30pm.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Effects on residential amenity values;</u></p> <p>(b) <u>Timing, duration and frequency of adverse effects; and</u></p> <p>(c) <u>The means to avoid, remedy or mitigate adverse effects on adjoining sites.</u></p>
<b>MTZ-S2</b>	<u>Onsite parking areas – landscaping</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Onsite car parking area for 5 or more parking spaces located within 6m of a road boundary, must comply with the following standards:</u></p> <p>(i) <u>The car parking area must be separated from the road by a 1.5m wide planting strip, with the exception of vehicle access points;</u></p> <p>(ii) <u>The landscaping must comprise of a mix of trees, shrubs and ground cover plants; and</u></p> <p>(iii) <u>Landscaping shall be selected, located and maintained in a manner so as not to create adverse traffic safety effects.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Effects on amenity values and safety.</u></p>
<b>MTZ-S3</b>	<u>Outdoor storage</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Outdoor storage of goods or materials must:</u></p> <p>(i) <u>Be ancillary to an activity operating from the site;</u></p> <p>(ii) <u>Not encroach onto parking or loading areas;</u></p> <p>(iii) <u>Not be located between the building and the front boundary.</u></p> <p>(iv) <u>Be fully screened from view by a</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Visual amenity;</u></p> <p>(b) <u>Effects on loading and parking areas;</u></p> <p>(c) <u>Size and location of storage area; and</u></p> <p>(d) <u>Measures to mitigate adverse effects.</u></p>

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<p><u>close boarded fence, solid fence, wall to a height of 1.8m, fencing or landscaping from any:</u></p> <p>(1) <u>Public road;</u></p> <p>(2) <u>Public reserve; and</u></p> <p>(3) <u>Adjoining site in another zone.</u></p>	
<b>MTZ-S4</b>	<u>Traffic</u>
<p><b>(1) Activity status: PER</b></p> <p><b><u>Where:</u></b></p> <p>(a) <u>The following average maximum volume limits are not exceeded:</u></p> <p>(i) <u>250 vehicle movements per day per individual activity within the zone;</u></p> <p>(ii) <u>2200 vehicle movements per day for all activities within the zone;</u></p> <p>(iii) <u>330 vehicle movements per peak hour for all activities within the zone;</u></p> <p>(iv) <u>no more than 1% of all vehicle movements are Heavy Commercial Vehicles (HCV); and</u></p> <p>(v) <u>average maximum volumes shall be derived by a suitably qualified traffic engineer using no less than one week of appropriate surveyed count data, at the cost of the developer.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>The outcomes and recommendations in the Integrated Transport Assessment that must be provided with the application;</u></p> <p>(b) <u>The effects of the activity on the safety, efficiency and effectiveness of the local and wider transport network, including consideration of cumulative effects with other activities (including those consented but not yet constructed or operational) in the vicinity, proposed infrastructure, and construction work associated with the activity;</u></p> <p>(c) <u>Whether the use is of an appropriate intensity and scale;</u></p> <p>(d) <u>Any alternative locations and methods considered to avoid, remedy and mitigate any adverse effects, while recognising practical constraints and any benefits generated by the activity;</u></p> <p>(e) <u>The duration, staging and scheduling of construction activity and resultant vehicle movements;</u></p> <p>(f) <u>The extent to which the number, pattern and timing of construction traffic movements is likely to adversely affect the amenity values of the immediate and surrounding area; and</u></p> <p>(g) <u>The temporary nature of construction traffic movements and any positive effects enabled by the activity.</u></p>
<b>MTZ-S5</b>	<u>Any new vehicle crossing within 30m of the railway level crossing.</u>
<p><b>(1) Activity status: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>The potential for adverse effects on the safety and efficiency of the railway resulting from the nature, use, location and design of the</u></p>	<p><b>(2) Activity status where compliance not achieved: n/a</b></p>

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<p>vehicle access point to a subdivision or land use activity;</p> <p>(b) <u>Whether alternative accesses are feasible;</u></p> <p>and</p> <p>(c) <u>The outcome of any consultation with KiwiRail.</u></p>	
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Land use – building

<b>MTZ-S6</b>	<u>Tauwhare Road interface</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Buildings and structures within 10m of Tauwhare Road must comply with the following standards:</u></p> <p>(i) <u>At least 50% of the building front facade at the ground floor shall be clear glazing;</u></p> <p>(ii) <u>At least 25% of the building front facade above the ground floor is clear glazing; and</u></p> <p>(iii) <u>There are no roller doors (except security grills which allow views from the street into the premises) along the site frontage.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>The extent to which the development creates visual quality and interest through the separation of buildings, variety in built form and architectural detailing, glazing, and materials;</u></p> <p>(b) <u>The extent to which the development contributes to and engages with adjacent streets and public open space; and</u></p> <p>(c) <u>The extent to which new development is consistent with CPTED principles.</u></p>
<b>MTZ-S7</b>	<u>Detached residential units</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Detached residential units are not located in the PREC19 – Matangi commercial precinct;</u></p> <p>(b) <u>Detached residential units are located within Records of Title:</u></p> <p>(i) <u>Lot 1 DPS 61203 and SEC 2 SOP 465505;</u></p> <p>(ii) <u>Lot 2 DPS 72565 and SEC. 1 SOP 465505; and</u></p> <p>(iii) <u>Lot 2 DPS 319280.</u></p> <p>(c) <u>The zone contains no more than seven detached residential units.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>The extent to which the development contributes to and engages with adjacent streets and public open space;</u></p> <p>(b) <u>The extent to which the development creates visual quality and interest through the separation of buildings, variety in built form and architectural detailing, glazing, and materials;</u></p> <p>(c) <u>The extent to which the design of the development incorporates energy efficiency measures such as passive solar principles;</u></p> <p>(d) <u>Amenity values for occupants and neighbours in respect of outlook, privacy, noise, light spill, access to sunlight, living court orientation, site design and layout;</u></p> <p>(e) <u>Effects on onsite wastewater and stormwater disposal;</u></p> <p>(f) <u>Extent to which connection to public</u></p>

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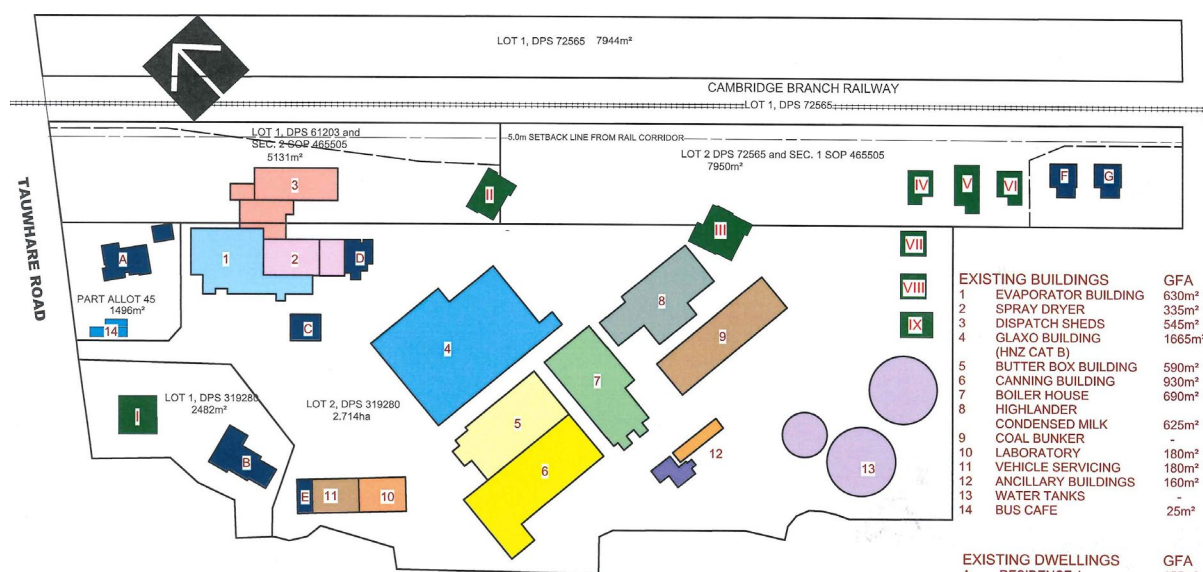
		reticulated infrastructure is provided; and (g) <u>Reverse sensitivity effects in relation to existing land uses, including effects on vehicle movement.</u>
<b>MTZ-S8</b>	<u>Building coverage</u>	
<b>(1) Activity status: PER</b> <b>Where:</b> (a) <u>Building coverage for buildings and structures must not exceed 60% across the entire zone.</u> (b) <u>MTZ-S8(1)(a) does not apply:</u> (i) <u>To a structure that is not a building; or</u> (ii) <u>Eaves of a building that project less than 750mm horizontally from the exterior wall of the building.</u>		<b>(2) Activity status where compliance not achieved: RDIS</b> <b><u>Council's discretion is restricted to the following matters:</u></b> (a) <u>Extent to which development promotes quality design and layout;</u> (b) <u>Extent to which development provides for adequate servicing provision, including onsite disposal of wastewater and stormwater; and</u> (c) <u>Extent to which development adversely impacts the built heritage.</u>
<b>MTZ-S9</b>	<u>Buildings and structures height</u>	
<b>(1) Activity status: PER</b> <b>Where:</b> (a) <u>Buildings and structures shall not exceed a height, measured from the natural ground level immediately below that part of the structure, of:</u> (i) <u>15m, or</u> (ii) <u>12m within 20m of the Tauwhare Road Boundary.</u> (b) <u>Chimneys not exceeding 1m in width and finials shall not exceed a height, measured from the natural ground level immediately below that part of the structure, of</u> (i) <u>17m, or</u> (ii) <u>14m within 20m of the Tauwhare Road Boundary.</u>		<b>(2) Activity status where compliance not achieved: RDIS</b> <b><u>Council's discretion is restricted to the following matters:</u></b> (a) <u>Extent to which development provides for quality design and layout;</u> (b) <u>Extent to which development adversely impacts on traffic safety and efficiency; and</u> (c) <u>Extent to which the effects of building dominance both cumulatively and individually are mitigated.</u>
<b>MTZ-S10</b>	<u>Permeable surfaces</u>	
<b>(1) Activity status: PER</b> <b>Where:</b> (a) <u>Permeable surfaces must be maintained over at least 20% of the land area of the zone west of the railway.</u> (b) <u>The land area east of the railway (Lot 1 DPS 72565) is excluded from this calculation.</u>		<b>(2) Activity status where compliance not achieved: RDIS</b> <b><u>Council's discretion is restricted to the following matters:</u></b> (a) <u>Extent to which development provides for quality design and layout; and</u> (b) <u>Extent to which development can provide for adequate stormwater attenuation and disposal.</u>
<b>MTZ-S11</b>	<u>Gross floor area</u>	
<b>(1) Activity status: PER</b> <b>Where:</b>		<b>(2) Activity status where compliance not achieved: DIS</b>

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(a) <u>The combined maximum gross floor area for buildings used for office and commercial activities in the MTZ – Matangi zone shall not exceed 3200m<sup>2</sup>.</u>	
<b>MTZ-S12</b>	<u>Height in relation to boundary</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Buildings and structures shall not protrude through a height control plane rising at an angle of 45 degrees commencing at an elevation of 3m above ground level at every point of the site boundary where it adjoins a GRZ – General residential zone or GRUZ – General rural zone.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Height of building or structure;</u>  (b) <u>Design and location of the building;</u>  (c) <u>Level of shading on an adjoining site;</u>  (d) <u>Privacy on other site; and</u>  (e) <u>Amenity values of the locality.</u></p>
<b>MTZ-S13</b>	<u>Building setbacks</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Buildings and structures shall be setback a minimum of:</u></p> <p>(i) <u>3m from side or rear boundaries adjoining a GRZ – General residential zone or GRUZ – General rural zone;</u>  (ii) <u>5m from the rail corridor boundary; and</u>  (iii) <u>0m from Tauwhare Road.</u>  (iv) <u>Side and rear setbacks adjoining the GRZ – General residential zone and used for non-residential activities shall be planted with an average of one tree per 10m or planted with a hedge maintained at a minimum height of 2m for the length of the boundary.</u></p> <p>(b) <u>MTZ-S13(1)(a) does not apply to a structure which is not a building.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Effects on amenity values;</u>  (b) <u>Design and location of the building;</u>  (c) <u>Privacy; and</u>  (d) <u>Planting and landscaping.</u></p>
<b>MTZ-S14</b>	<u>Servicing</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>New and relocated buildings must provide for onsite wastewater disposal and treatment to the satisfaction of council.</u></p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>
<b>MTZ-S15</b>	<u>Servicing</u>
<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>New and relocated buildings must provide for onsite stormwater disposal via soakage.</u></p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>
<b>MTZ-S16</b>	<u>Historic heritage item - site development</u>

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<p><b>(1) Activity status: PER</b> <b>Where:</b> (a) <u>Development must comply with the following standard:</u> (i) <u>Be set back at least 8m from the Glaxo building listed in SCHED I – Historic heritage items.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b> <b>Council's discretion is restricted to the following matters:</b> (a) <u>Effects on the values, context and setting of the heritage item;</u> (b) <u>Location, design, size, materials and finish;</u> (c) <u>Landscaping; and</u> (d) <u>The relationship of the heritage item with the setting including the area between the heritage item and the road.</u></p>
<p><b>MTZ-S17</b>      <u>New residential buildings</u></p>	
<p><b>(1) Activity status: PER</b> <b>Where:</b> (a) <u>New and relocated buildings must be located generally in accordance with the locations shown on Figure 24 – Indicative site plan A</u></p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>



**Figure 24 – Indicative site plan A**

**Table 15 – Indicative location of future buildings**

Indicative location of future buildings: green shading	
I. M.O.W office 340m²	VI. Railway house 90m²
II. BOP Maori School 150m²	VII. Farm cottage 90m²
III. Paihiatua Club 225m²	VIII. Farm cottage 90m²

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IV. Railway house 90m <sup>2</sup>	IX. Art deco house 100m <sup>2</sup>
V. Railway house 130m <sup>2</sup>	

<b>TEMP-R9</b>	<b>Temporary event</b>	
<b>MTZ – Matangi zone</b>	<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>(a) <u>The event occurs no more than 4 times per consecutive 12 month period;</u></li> <li>(b) <u>The event may operate between 7.30am and 8:30pm Monday to Sunday; and</u></li> <li>(c) <u>Temporary structures are:</u> <ul style="list-style-type: none"> <li>(i) <u>Erected no more than 2 days before the event occurs; and</u></li> <li>(ii) <u>Removed no more than 3 days after the end of the event;</u></li> </ul> </li> <li>(d) <u>The site is returned to its previous condition no more than 3 days after the end of the event.</u></li> </ul>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Adverse effects of non-compliance with activity-specific standards;</u></li> <li>(b) <u>Positive effects on the community or the natural environment;</u></li> <li>(c) <u>The extent to which the activity is able to avoid, remedy or mitigate adverse effects on the existing and foreseeable future amenity of the area, particularly in relation to noise, traffic generation, material deposited on roads, dust, odour and lighting; and</u></li> <li>(d) <u>The extent to which the proposal, development, excavation or subdivision of a historic heritage site or place is consistent with the identified heritage values, including scale, design, form, style, bulk, height, materials and colour, and retains, protects or enhances the historic setting.</u></li> </ul>

**Noise**

<b>NOISE-R38</b>	<b>Noise – general</b>	
<b>MTZ – Matangi zone rules</b>	<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Noise generated within the MTZ – Matangi zone when measured at the zone boundary must meet the permitted noise levels for the neighbouring zone;</u></li> <li>(b) <u>Noise measured within any new or relocated building must not exceed:</u></li> </ul>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Effects on amenity values;</u></li> <li>(b) <u>Hours and days of operation;</u></li> <li>(c) <u>Noise levels;</u></li> <li>(d) <u>Timing and duration; and</u></li> <li>(e) <u>Methods of construction.</u></li> </ul>

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	<p>(i) <u>75dB L<sub>Aeq</sub> (7am to 10pm);</u></p> <p>(ii) <u>55dB L<sub>Aeq</sub> and 85Db L<sub>Amax</sub> 10pm to 7am the following day; and</u></p> <p>(iii) <u>Rule NOISE-R38(1)(b) does not apply to buildings within 20m of the Rail Corridor.</u></p> <p>(c) <u>Noise levels shall be measured in accordance with the requirements of NZS 6801:2008 Acoustics - Measurement of Environmental Sound; and</u></p> <p>(d) <u>Noise levels shall be assessed in accordance with the requirements of NZS 6802:2008 Acoustic- Environmental noise.</u></p>	
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**Glare and artificial light spill**

<b><u>LIGHT-RI</u></b>	<b><u>Glare and artificial light spill</u></b>	
<p>• <u>MTZ – Matangi Zone</u></p>	<p><b><u>(3) Activity status: PER</u></b> <b><u>Where:</u></b></p> <p>(a) <u>Illumination from glare and artificial light spill shall not exceed 10 lux measured horizontally and vertically within any other site.</u></p>	<p><b><u>(4) Activity status where compliance not achieved: RDIS</u></b> <b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Effects on amenity values;</u></p> <p>(b) <u>Light spill levels on other sites;</u></p> <p>(c) <u>Road safety;</u></p> <p>(d) <u>Duration and frequency;</u></p> <p>(e) <u>Location and orientation of the light source; and</u></p> <p>(f) <u>Mitigation measures.</u></p>

**Earthworks**

<b><u>EW-R55</u></b>	<b><u>Earthworks – general</u></b>	
<p><u>MTZ – Matangi zone</u></p>	<p><b><u>(5) Activity status: PER</u></b> <b><u>Where:</u></b></p> <p>(a) <u>Earthworks within a site must meet the following standards:</u></p> <p>(i) <u>Not exceed a volume of more than 2,500m<sup>3</sup>;</u></p> <p>(ii) <u>Not exceed an area of more than 10,000m<sup>2</sup> within a 12 month period;</u></p>	<p><b><u>(6) Activity status where compliance not achieved: RDIS</u></b> <b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Amenity values and landscape effects;</u></p> <p>(b) <u>Volume, extent and depth of earthworks;</u></p> <p>(c) <u>Nature of fill material;</u></p>

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	<ul style="list-style-type: none"> <li>(iii) <u>Earthworks associated with any activity requiring building consent (including associated site works) shall not exceed 500m<sup>3</sup>;</u></li> <li>(iv) <u>any excavation or filling does not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</u></li> <li>(v) <u>Not be located within 1.5m of the KiwiRail designated corridor;</u></li> <li>(vi) <u>Areas exposed by earthworks are re-vegetated to achieve 80% ground cover within 6 months of the commencement of the earthworks, or finished with a hardstand surface;</u></li> <li>(vii) <u>Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls; and</u></li> <li>(viii) <u>Do not divert or change the nature of natural water flows, water bodies or onsite disposal systems for wastewater and stormwater.</u></li> </ul>	<ul style="list-style-type: none"> <li>(d) <u>Effects on waterbodies, and significant indigenous vegetation and habitat;</u></li> <li>(e) <u>Compaction of the fill material;</u></li> <li>(f) <u>Volume and depth of fill material;</u></li> <li>(g) <u>Geotechnical stability;</u></li> <li>(h) <u>Flood risk, including natural water flows and established drainage paths;</u></li> <li>(i) <u>Land instability, erosion and sedimentation;</u></li> <li>(j) <u>Proximity to underground services and service connections; and</u></li> <li>(k) <u>Effects on onsite disposal systems for wastewater and stormwater.</u></li> </ul>
<b>EW-R56</b>	<u>Earthworks – general</u>	
<u>MTZ – Matangi zone</u>	<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Earthworks for the purpose of creating a building platform within a site, using imported fill material (excluding cleanfill), must meet the following standards:</u> <ul style="list-style-type: none"> <li>(i) <u>Must not exceed a total volume of 500m<sup>3</sup>;</u></li> <li>(ii) <u>The slope of the resulting filled area in stable ground must not exceed a maximum slope of 1:2 (1 vertical to 2 horizontal);</u></li> <li>(iii) <u>Areas exposed by filling are revegetated to achieve 80% ground cover within 6 months of the</u></li> </ul> </li> </ul>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <ul style="list-style-type: none"> <li>(a) <u>Amenity values and landscape effects;</u></li> <li>(b) <u>Volume, extent and depth of earthworks;</u></li> <li>(c) <u>Nature of fill material;</u></li> <li>(d) <u>Effects on waterbodies, and significant indigenous vegetation and habitat;</u></li> <li>(e) <u>Compaction of the fill material;</u></li> <li>(f) <u>Volume and depth of fill material;</u></li> <li>(g) <u>Geotechnical stability;</u></li> <li>(h) <u>Flood risk, including natural water flows and established drainage paths;</u></li> </ul>

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	<p><u>commencement of the earthworks, or finished with a hardstand surface;</u></p> <p>(iv) <u>Sediment resulting from the filling is retained on the site through implementation and maintenance of erosion and sediment controls; and</u></p> <p>(v) <u>Do not divert or change the nature of natural water flows, water bodies or established drainage paths, or onsite disposal systems for wastewater and stormwater.</u></p>	<p>(i) <u>Land instability, erosion and sedimentation;</u></p> <p>(j) <u>Proximity to underground services and service connections; and</u></p> <p>(k) <u>Effects on onsite disposal systems for wastewater and stormwater.</u></p>
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## Signs

<b><u>SIGN-R51</u></b>	<b><u>Signs – general</u></b>	
<b><u>MTZ – Matangi zone</u></b>	<p><b><u>(3) Activity status: PER</u></b></p> <p><b><u>Where:</u></b></p> <p>(a) <u>A sign must comply with all of the following standards (excluding where not visible from outside of the site on which they are located):</u></p> <p>(i) <u>The sign is wholly contained on the site;</u></p> <p>(ii) <u>The sign height must not exceed 10m;</u></p> <p>(iii) <u>Where the sign is illuminated it must:</u></p> <p>(1) <u>Not have a light source that flashes or moves;</u></p> <p>(2) <u>Not contain moving parts or reflective materials; and</u></p> <p>(3) <u>Be focused to ensure that it does not spill light beyond the site.</u></p> <p>(iv) <u>Where the sign is attached to a building, it must:</u></p> <p>(1) <u>Not extend more than 400mm from the building wall; and</u></p> <p>(2) <u>Not exceed the height of the building.</u></p> <p>(3) <u>Where the sign is a freestanding sign and can</u></p>	<p><b><u>(4) Activity status where compliance not achieved: RDIS</u></b></p> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Amenity values;</u></p> <p>(b) <u>Effects on traffic safety;</u></p> <p>(c) <u>Effects of glare and artificial light spill;</u></p> <p>(d) <u>Content, colour and location of the sign;</u></p> <p>(e) <u>Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; and</u></p> <p>(f) <u>Effects on notable architectural features of the building.</u></p>

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	<p><u>be viewed from a public space, it must:</u></p> <p>(4) <u>Not exceed an area of 3m<sup>2</sup> for one sign per site, and 1m<sup>2</sup> for one additional freestanding sign on the site; and</u></p> <p>(5) <u>Be set back at least 5m from the boundary of any adjoining RLZ – Rural lifestyle zone.</u></p> <p>(v) <u>The sign is not attached to a heritage item listed in SCHED I – Historic heritage items) except for the purpose of identification and interpretation; and</u></p> <p>(vi) <u>The sign relates to:</u></p> <p>(1) <u>Goods or services available on the site; or</u></p> <p>(2) <u>A property name sign (which includes tenants of the site).</u></p>	
<b>SIGN-R52</b>	<b>Signs – general</b>	
<u>MTZ – Matangi zone</u>	<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>A real estate sign must comply with all of the following standards:</u></p> <p>(i) <u>It relates to the sale of the site on which it is located;</u></p> <p>(ii) <u>There is no more than 3 signs per site;</u></p> <p>(iii) <u>The sign is not illuminated; and</u></p> <p>(iv) <u>The sign does not contain any moving parts, florescent, flashing or revolving lights or reflective materials.</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council’s discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Amenity values;</u></p> <p>(b) <u>Effects on traffic safety;</u></p> <p>(c) <u>Effects of glare and artificial light spill;</u></p> <p>(d) <u>Content, colour and location of the sign;</u></p> <p>(e) <u>Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; and</u></p> <p>(f) <u>Effects on notable architectural features of the building.</u></p>
<b>SIGN-R53</b>	<b>Signs – effects on traffic</b>	
<u>MTZ – Matangi zone</u>	<p><b>(1) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Any sign directed at road users must meet the following standards:</u></p> <p>(i) <u>Not imitate the content,</u></p>	<p><b>(2) Activity status where compliance not achieved: RDIS</b></p> <p><b><u>Council’s discretion is restricted to the following matters:</u></b></p> <p>(a) <u>Amenity values;</u></p> <p>(b) <u>Effects on traffic safety;</u></p>

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	<p><u>colour or appearance of any traffic control sign;</u></p> <p>(ii) <u>Be located at least 60m from controlled intersections, pedestrian crossings and any other sign;</u></p> <p>(iii) <u>Not obstruct sight lines of drivers turning into, or out of, a site entrance and intersections or at a railway level crossing; and</u></p> <p>(iv) <u>Contain no more than 40 characters and no more than 6 symbols; and</u></p> <p>(v) <u>Have lettering that is at least 150mm high.</u></p>	<p>(c) <u>Effects of glare and artificial light spill;</u></p> <p>(d) <u>Content, colour and location of the sign;</u></p> <p>(e) <u>Effects on the heritage values of any heritage item due to the size, location, design and appearance of the sign; and</u></p> <p>(f) <u>Effects on notable architectural features of the building.</u></p>
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## Heritage

<b>HH-R3</b>	<u>Alterations or addition in the MTZ – Matangi zone</u>	
<u>MTZ – Matangi zone</u>	<p><b>(3) Activity status: PER</b></p> <p><b>Where:</b></p> <p>(a) <u>Maintenance or repair of a Historic Heritage Item listed in SCHED I – Historic heritage items must comply with the following standards:</u></p> <p>(i) <u>No significant feature of interest is destroyed or damaged; and</u></p> <p>(ii) <u>Replacement materials are the same as, or similar to, the originals in terms of form, style and appearance.</u></p>	<p><b>(4) Activity status where compliance not achieved: RDIS</b></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>(a) <u>Form, style, materials and appearance; and</u></p> <p>(b) <u>Effects on heritage values.</u></p>

## Subdivision

*MTZ – Matangi zone*

*Advice note:*

*Additional consent may be required for subdivision where contaminated soil is reasonably likely to harm human health, under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.*

<b>SUB-R130</b>	<u>Subdivision – fee simple</u>	
<u>MTZ –</u>	<b>(5) Activity status: RDIS</b>	<b>(6) Activity status</b>

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<u>Matangi zone</u>	<p><b><u>Activity-specific standards:</u></b></p> <ul style="list-style-type: none"> <li>(a) <u>Subdivision must comply with all of the following standards:</u> <ul style="list-style-type: none"> <li>(i) <u>Proposed lots must have a minimum net site area (excluding access legs) of 1,000m<sup>2</sup>, except where the proposed lot is an access allotment, utility allotment or reserve to vest; or where the site area aligns with the notional boundaries of an approved land use consent;</u></li> <li>(ii) <u>Proposed lots must have an average area of at least 2,000m<sup>2</sup>; and</u></li> <li>(iii) <u>Proposed lots must be connected to public-reticulated water supply and wastewater; and</u></li> <li>(iv) <u>Proposed lots must provide for onsite stormwater disposal via soakage within the MTZ – Matangi zone.</u></li> </ul> </li> </ul> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <ul style="list-style-type: none"> <li>(b) <u>Subdivision layout;</u></li> <li>(c) <u>Shape of lots and variation in lot sizes;</u></li> <li>(d) <u>Likely location of future buildings and their potential effects on the environment;</u></li> <li>(e) <u>Vehicle and pedestrian networks;</u></li> <li>(f) <u>Provision of infrastructure; and</u></li> <li>(g) <u>The extent to which the subdivision design impacts on the operation, maintenance, upgrade and development of existing infrastructure.</u></li> </ul>	<b><u>where compliance not achieved: NC</u></b>
<b>SUB-R131</b>	<b>Subdivision – unit title</b>	
<u>MTZ – Matangi zone</u>	<p><b>(1) Activity status: RDIS</b></p> <p><b><u>Activity-specific standards:</u></b></p> <ul style="list-style-type: none"> <li>(a) <u>Unit title subdivision must comply with all of the following standards:</u> <ul style="list-style-type: none"> <li>(i) <u>Subdivision for multi-unit developments must include an application for land use consent or have been granted resource consent for the land use; and</u></li> <li>(ii) <u>Be connected to public wastewater and water reticulation.</u></li> </ul> </li> </ul> <p><b><u>Council's discretion is restricted to the following matters:</u></b></p> <ul style="list-style-type: none"> <li>(b) <u>Subdivision layout including notional boundaries for the multi-unit developments</u></li> </ul>	<b>(2) Activity status where compliance not achieved: NC</b>

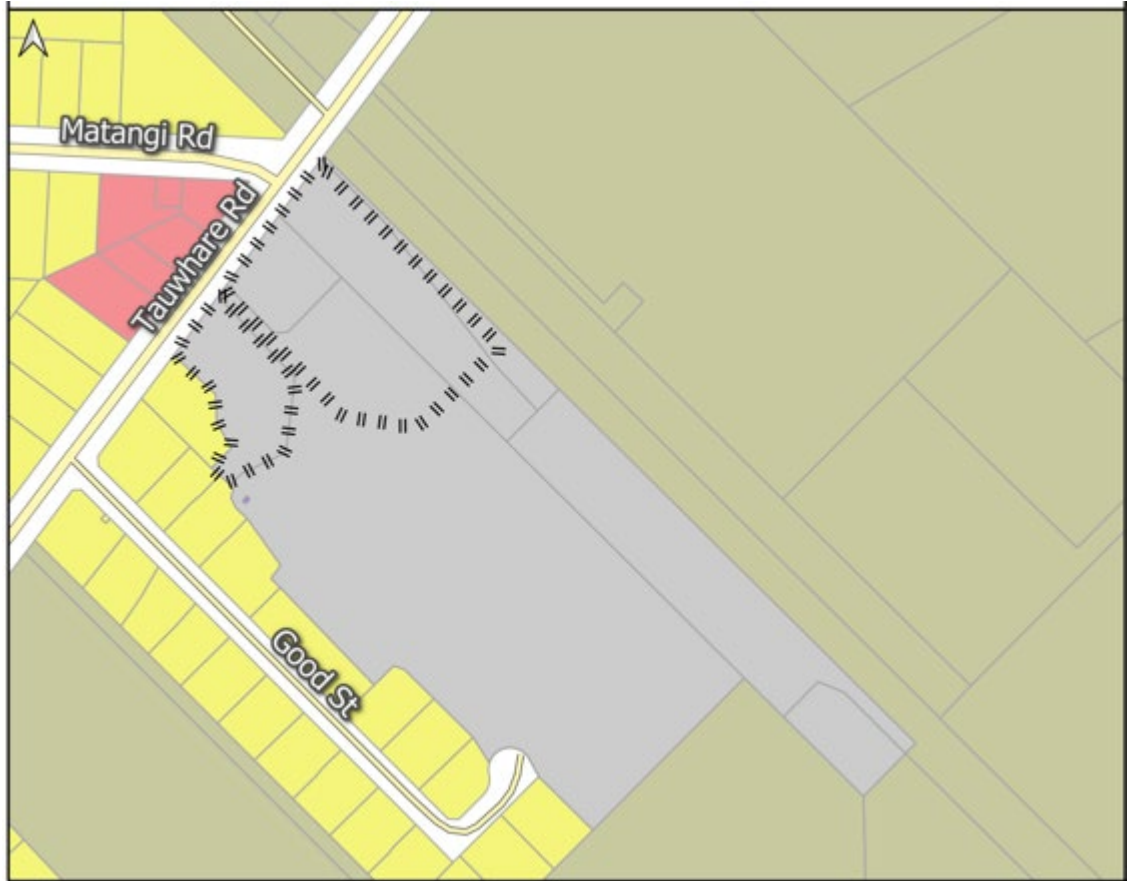
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	<p><u>or apartment developments;</u></p> <p>(c) <u>Provision of common areas for shared spaces, access and services;</u></p> <p>(d) <u>Amenity values and streetscape;</u></p> <p>(e) <u>The extent to which a range of future business and residential activities can be accommodated;</u></p> <p>(f) <u>Vehicle, pedestrian and cycle networks; and</u></p> <p>(g) <u>Safety, function and efficiency of road networks and any internal roads or accessways.</u></p>	
<b>SUB-R132</b>	<b>Boundary adjustments</b>	
<u>MTZ – Matangi zone</u>	<p><b>(1) Activity status: RDIS</b></p> <p><b>Activity-specific standards:</b></p> <p>(a) <u>Boundary adjustments must comply with all of the following standards:</u></p> <p>(i) <u>The standards specified in SUB-R130 (Subdivision – fee simple); or</u></p> <p>(ii) <u>The standards specified in SUB-131 (Subdivision – unit title);</u></p> <p>(iii) <u>The boundary to be adjusted is a common boundary between two existing Records of Title within the zone;</u></p> <p>(iv) <u>The new lot boundaries do not generate any additional building infringements to those that legally existed prior to the boundary adjustment; and</u></p> <p>(v) <u>The adjustment does not result in any additional lot.</u></p> <p><b>Council's discretion is restricted to the following matters:</b></p> <p>(b) <u>Subdivision layout; and</u></p> <p>(c) <u>Shape of title and variation in title size.</u></p>	<p><b>(2) Activity status where compliance not achieved: NC</b></p>
<b>SUB-R133</b>	<b>Subdivision – road frontage</b>	
<u>MTZ – Matangi zone</u>	<p><b>(1) Activity status: RDIS</b></p> <p><b>Activity-specific standards:</b></p> <p>(a) <u>Subdivision of land with a road frontage must comply with the following standard:</u></p> <p>(b) <u>Every allotment other than an access allotment or utility allotment must provide a width along the road boundary of at least 15m</u></p> <p><b>Council's discretion is restricted to the following matters:</b></p>	<p><b>(2) Activity status where compliance not achieved: DIS</b></p>

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	(c) <u>Traffic effects; and</u> (d) <u>Amenity and streetscape.</u>	
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23. Attachment 3: Zone Map



Legend	
	Commercial Precinct
Decision_Rezone	
	MTZ – Matangi zone
	GRUZ – General rural zone
	GRZ – General residential zone
	LCZ – Local centre zone
	RLZ – Rural lifestyle zone
	Parcel boundary