

WAIKATO DISTRICT COUNCIL

Hearings of Submissions on the Proposed Waikato District Plan

Report and Decisions of Independent Commissioners

Decision Report 32: Miscellaneous Matters

17 January 2022

Commissioners

Dr Phil Mitchell (Chair) (Hearings 2, 3 and 28)

Mr Paul Cooney (Deputy Chair) (Hearings 2, 3 and Hearing 28)

Mr Dynes Fulton (Hearing 2 and 3)

Ms Janet Gibb (Hearings 2 and 3)

Ms Jan Sedgwick (Hearings 2, 3 and Hearing 28)

Ms Linda Te Aho (Hearings 2, 3 and Hearing 28)

Mr Weo Maag (Hearings 2 and 3)

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1 Introduction

- 1.1 This report addresses miscellaneous matters that were mostly heard at Hearings 2 and 28 and which otherwise are not addressed in other decisions.
- 1.2 Hearing 2: All of Plan related to the submissions received by the Waikato District Council (Council) on high level aspects of the Proposed Waikato District Plan (PDP), including plan structure and general content. Many of these submission points were ancillary to other submission points seeking more specific relief which were heard at subsequent hearings.
- 1.3 Hearing 28: Other Matters was the final hearing held on the PDP, and covered the following:
- a) submissions that did not fall neatly under one of the other hearings;
 - b) submissions which were deferred to another topic by a section 42A author;
 - c) erroneously numbered submissions;
 - d) submissions that did not relate to a district plan matter; and
 - e) submissions accidentally omitted during the process.
- 1.4 This decision report also covers the objectives and policies for urban subdivision and development from Chapter 4 of the PDP, which were heard as part of Hearing 3: Strategic Objectives, but are being relocated to the new Subdivision chapter, consistent with the National Planning Standards 2019 (NPS).

2 Hearing Arrangements

- 2.1 Hearing 2 was held on 14 and 15 October 2019, and Hearing 3 was held on 6 and 7 November 2019, both at the Council Offices, Ngaaruawaahia. Hearing 28 was held on 12 July 2021 via Zoom. All of the relevant information pertaining to the hearings (i.e. section 42A reports, legal submissions and evidence) is contained on the Council website.
- 2.2 At Hearing 2, we heard from the following parties on the All of Plan topic for the PDP:

Submitter organisation	Attendee at the hearing
Council	Grant Eccles (author of section 42A report)
Kāinga Ora	Dr Claire Kirman and Daniel Sadlier – Legal counsel Matt Lindenberg – Planning
Bernard Brown	In person

Andrew and Christine Gore	In person
Waikato-Tainui	Gavin Donald
Waikato Regional Council	Miffy Foley
Ethan Findlay	In person
TA Reynolds Limited	Peter Reynolds
Linda Silvester	In person
Jeremy Buxton	In person
Department of Conservation	Andrew Riddell
Waka Kotahi	Michael Wood
Mowbray Group	Harry Mowbray
Gareth Wigmore	In person
TaTa Valley Limited	Chris Scafton
Ports of Auckland Limited	Mark Arbuthnot
Pokeno Village Holdings	Adam Jellie
The Surveying Company	Chanel Hargrave

2.3 Although these parties did not attend Hearing 2, evidence was filed by:

- a) Stephen Colson on behalf of Mercury Energy;
- b) Richard Matthews on behalf of Genesis Energy;
- c) Mark Tollemache on behalf of Havelock Village Limited (joint rebuttal with Christopher Scafton on behalf of TaTa Valley Limited);
- d) Andrew Barber and Vance Hodgson on behalf of Horticulture New Zealand;

- e) Carolyn McAlley on behalf of Heritage New Zealand Pouhere Taonga; and
- f) Pam Butler on behalf of KiwiRail.

2.4 At Hearing 3, we heard from the following parties on the urban subdivision and development objectives and policies of the PDP:

Submitter organisation	Attendee at the hearing
Council	Alan Matheson (author of section 42A Report)
Hamilton City Council	Alice Morris
Horticulture New Zealand	Lynette Wharfe
Kāinga Ora	Alex Devine
Havelock Village Limited	Mark Tollemache
TaTa Valley Limited	Christopher Scrafton
Waka Kotahi	Tanya Running
Heritage New Zealand Pouhere Taonga	Carolyn McAlley
Ports of Auckland	Mark Arbuthnot
Perry Group	Aaron Collier
Waikato Regional Council	Miffy Foley

2.5 Although these parties did not attend Hearing 3, evidence relevant to objective and policies 4.7.1 - 4.7.14, 4.1.8 and 4.1.9 was filed by:

- a) Alec Duncan on behalf of Fire and Emergency New Zealand;
- b) Pauline Whitney on behalf of Transpower NZ Limited; and
- c) Pam Butler on behalf of KiwiRail.

2.6 At Hearing 28, we heard from the following parties on the Other Matters – General topic of the PDP:

Submitter organisation	Attendee at the hearing
Council	Susan Chibnall (author of section 42A report: Other Matters – General)
Andrew Wilson	In person
John Cunningham	In person
Khuswin Limited	David Lawrie
William Smeed	In person
Fonterra Limited	Mark Chrisp
New Zealand Defence Force	Rebecca Davies – Institutional Darran Humpheson – Acoustics Sara McMillan – Planning
Michael Wells	In person

- 2.7 Although these parties did not attend Hearing 28, evidence in relation to Other Matters – General was filed by:
- a) Mark Arbuthnot on behalf of Ports of Auckland; and
 - b) Georgina McPherson on behalf of The Oil Companies.

3 Overview of issues raised in Submissions

- 3.1 In the section 42A report for Hearing 2, Mr Eccles set out the full list of submissions received pertaining to the ‘All of Plan’ hearing topic. These were generally summarised as follows:
- a) Defer the PDP process and/or amend the PDP provisions and maps to give effect to the NPS;
 - b) Defer the PDP process, and/or amend the PDP provisions and maps to provide for the outcomes identified in the Auckland-Hamilton Corridor/Spatial Plan, Stage 2 of the Future Proof Strategy and associated changes to the Waikato Regional Policy Statement (RPS);

- c) Amend the PDP to give effect to the (since superseded) National Policy Statement – Urban Development Capacity (NPS-UDC), the Vision and Strategy for the Waikato River, and the provisions of Proposed Plan Change 1 (“Healthy Rivers”) to the Waikato Regional Plan; and
 - d) Amend the PDP to ensure greater consistency of rule and activity status application across the PDP and enhance the clarity of PDP provisions.
- 3.2 In addition to these, a number of submissions sought either the withdrawal of Stage 1 of the PDP or the deferral of the hearing of submissions on Stage 1 until Stage 2 Natural Hazards had been notified, submissions had been received, and Stage 1 and 2 submissions could then be heard together.
- 3.3 Sections 31 to 45 of Mr Matheson’s section 42A report for Hearing 3: Strategic Objectives set out the list of submissions received pertaining to the urban subdivision and development objectives and policies 4.7.1 - 4.7.14 of the PDP, while sections 20 and 21 addressed Policy 4.1.8 – Integration and connectivity and Policy 4.1.9 – Maintaining Landscape Characteristics. Submissions covered a variety of specific changes sought to wording, and support for majority of the provisions.
- 3.4 There were three different section 42A reports prepared for Hearing 28 – Other Matters, being:
 - a) General – by Ms Susan Chibnall;
 - b) Natural Hazards – by Ms Yvonne Legarth; and
 - c) Rural – by Mr Jonathan Cleese.
- 3.5 The natural hazards submissions have been included within the Natural Hazards decisions reports (29 and 29A-E) and the rural submissions have been included within Decision Report 22: Rural Zone. This report addresses the Other Matters – General submissions.
- 3.6 In the section 42A report for Hearing 28: Other Matters – General, Ms Chibnall set out the full list of submissions received pertaining to that topic. The submissions covered were highly varied in terms of the matters they addressed. Ms Chibnall stated that many of the submissions related to issues not managed via a district plan, such as beach access, types of development within Raglan, rates, roading maintenance and parking issues.

4 Overview of evidence – Hearing 2

Kāinga Ora

- 4.1 Dr Claire Kirman and Mr Daniel Sadlier presented legal submissions on behalf of Kāinga Ora and provided an update on the new role of Kāinga Ora since the original

submission was lodged in the name of Housing New Zealand, noting that Kāinga Ora would seek to play a greater role in urban development.

- 4.2 Mr Matthew Lindenberg provided planning evidence on behalf of Kāinga Ora. Mr Lindenberg considered that the current district plan review process was the most opportune and appropriate time and process for amending the PDP to be consistent with the NPS.
- 4.3 In relation to building setbacks for sensitive land uses, Mr Lindenberg supported the deletion of all such rules. In his view, it was not always appropriate for the 'sensitive use' to bear the cost of managing the incompatibility issues generated by transport corridors or rail. It was his opinion that the most appropriate method for managing this issue was through the application of noise insulation and ventilation standards, which could be set out within a dedicated noise chapter of the PDP.¹ He also considered that noise standards should be contained in this dedicated chapter, rather than the zone chapters.
- 4.4 Mr Lindenburg further supported a restricted discretionary status being applied where activities fail to meet a development standard, rather than discretionary or non-complying which he saw as overly restrictive.

Bernard Brown

- 4.5 Mr Bernard Brown considered that the PDP is not user friendly. His presentation at Hearing 2 did not elaborate on this particular point, but covered submission points on specific properties in Raglan that were allocated to later hearings.

Andrew and Christine Gore

- 4.6 Mr Andrew Gore and Mrs Christine Gore, who live on rural land in Horsham Downs, gave a presentation at the hearing. They considered that the district plan structure should clearly link to the introduction and strategic directions. They identified, apparently, conflicting overlays on their property, and were concerned with a lack of consistent overall plan and strategy. Mr and Mrs Gore considered that it is important for the PDP to show its integration with other documents such as Future Proof, Hei Awarua ki te Oranga, the Waikato District Economic Development Strategy (2015) and the Waikato Regional Plan. Their presentation also covered a range of other submission points allocated to other hearings.

Waikato-Tainui (endorsed by Turangawaewae Marae Trust)

¹ Evidence of Matthew Lindenberg on behalf of Kāinga Ora, Paragraphs 5.10-5.13, dated 23 September 2019.

- 4.7 Mr Gavin Donald provided evidence on behalf of Waikato-Tainui. Mr Donald acknowledged the plan review process was a collaborative one where effort was made to include mana whenua in the discussion. At the All of Plan level, Waikato-Tainui generally sought amendments to the PDP to improve its usability and to ensure appropriate environmental protections as sought by the Waikato-Tainui Environmental Plan, Tai Tumu, Tai Pari, Tai Ao.
- 4.8 Waikato-Tainui also sought that a holistic approach be taken to setbacks from the Waikato River for both buildings and earthworks activities, and a greater inclusion of maatauranga Maaori in the PDP. In this respect, Mr Donald considered that the objectives and policies in Chapter 2 (Tangata Whenua) of the PDP provided a basis for the recognition of maatauranga Maaori at the rule level, for example, through inclusion in the matters of discretion for subdivision.
- 4.9 Mr Donald expressed concern that notifying the PDP without a hazards section presented risks and challenges particularly in regard to introducing the hazards topic in a coherent manner. He also considered that the Waikato District Blueprint process should have commenced ahead of notification of the PDP in order to inform growth planning and zoning, and that such documents should be acknowledged within the PDP.

Waikato Regional Council

- 4.10 Ms Miffy Foley presented planning evidence on behalf of Waikato Regional Council (WRC). The focus of her evidence was on the management of activities that have the potential to affect the health and wellbeing of the Waikato River. Ms Foley further stated that this is a key area of interest to WRC as well as an area that requires further strengthening in terms of alignment with the RPS, particularly in relation to Te Ture Whaimana o Te Awa o Waikato, Vision and Strategy for the Waikato River.
- 4.11 Specifically, Ms Foley sought:
- a) a minimum 5m earthworks set back from waterbodies, open drains and overland flow paths across all zones to minimise the risk of sediment entering waterbodies;
 - b) a minimum 10m building setback across all zones for the purpose of maintaining the natural functioning and ecological health of fresh water; and
 - c) the amendment of permitted earthworks standards to require revegetation of exposed areas within 2 months of completion (rather than 6 months from commencement).

Horticulture New Zealand

- 4.12 Mr Vance Hodgson filed planning evidence on behalf of Horticulture New Zealand (HortNZ) in opposition to the earthworks and building setback amendments sought by WRC as described above. HortNZ's primary concern was the potential impacts on

ancillary farming earthworks, which may be included within the definition of earthworks. Mr Hodgson stated that if this was the case, the greater setbacks and revegetation requirement sought by WRC would not be workable for rural production activities. He therefore agreed with Mr Eccles' recommendation to reject WRC's submissions.

- 4.13 Mr Andrew Barber presented agricultural evidence for HortNZ focusing on the implications of WRC's proposals, should they apply to ancillary farming earthworks. Mr Barber stated that the implementation of a farm environment plan would achieve considerably better environmental outcomes than single "one size fits all" mitigation measures such as a minimum 5m setback distance from any waterbody or overland flow path. He considered that such a setback would result in a considerable loss of productive land, and poorer environmental outcomes than taking a farm environment plan approach. Mr Barber also expressed concerns with the prospect of a revegetation requirement within 2 months of earth exposure as proposed by WRC, describing that fallow periods are a genuinely important tool in a vegetable grower's crop rotation. While cover crops are used extensively to reduce the fallow period, Mr Barber considered that a compulsory maximum 2-month fallow period was not appropriate in all situations.

T A Reynolds Limited

- 4.14 Mr Peter Reynolds presented on behalf of T A Reynolds Limited, a family owned farming business operating in Tuakau. Mr Reynolds sought a western access road for Tuakau that was able to be planned in a location that would not disrupt all of the agricultural land in the area. He also anticipated that enabling greater access would result in very positive outcomes for the town.

Department of Conservation

- 4.15 Mr Andrew Riddell presented planning evidence on behalf of the Director-General of Conservation. Firstly, Mr Riddell sought the inclusion of introductions, zone descriptions and anticipated outcomes in each zone chapter to provide better guidance to users. He also considered that further descriptions of indigenous biodiversity, natural character, landscape and coastal environment were required in Chapter 1 of the PDP.
- 4.16 Regarding setbacks, Mr Riddell considered that a setback to waterbodies should be required in all zones, to support public access, natural character, riparian habitats and amenity and landscape values. He identified that most zones do require a setback of at least 10m from waterbodies but noted that there was a gap in the notified setback rules for the Reserves Zone where the setback only applied to rivers greater than 3m in width.

- 4.17 Mr Riddell also discussed the integration of Stage 1 and Stage 2 of the PDP and considered that the PDP would be more cohesive if Stage 1 and Stage 2 had been notified together, as Stage 2 could have wider implications on the Stage 1 provisions.

New Zealand Transport Agency

- 4.18 Mr Michael Wood presented planning evidence on behalf of the New Zealand Transport Agency (NZTA). He stated that he generally agreed with the section 42A report as it related to NZTA's submissions. In particular, Mr Wood supported the reporting planner's recommendation to retain building setbacks from state highways for sensitive activities, as annoyance and sleep disturbance from traffic noise on existing state highways can result in adverse health effects on building occupants.

Mowbray Group

- 4.19 Mr Harry Mowbray gave a presentation on behalf of Mowbray Group which related to a special zoning sought for the Matangi Dairy Factory site, rather than matters within the scope of Hearing 2. This matter was thoroughly addressed at a later rezoning hearing and our decisions are contained within Decision Report 28C.

TaTa Valley Limited

- 4.20 Mr Christopher Scafton presented planning evidence on behalf of TaTa Valley Limited. He emphasised that there was a pressing need to review the PDP and did not consider that the PDP process should be put on hold to implement the NPS, the Waikato District Blueprint or Future Proof Stage 2. Mr Scafton did however support the partial implementation of the NPS where the opportunity existed. He considered that each zone chapter should include a purpose and anticipated outcomes, in order to add useful context.
- 4.21 Mr Scafton also supported a restricted discretionary status as being appropriate where activities failed to meet a development standard, where the effects of infringements could be easily identified and were relatively limited. In relation to setbacks for earthworks from waterways, Mr Scafton agreed with Mr Eccles that these rules did not need to be aligned with regional council setbacks.

Ports of Auckland Limited

- 4.22 Mr Mark Arbuthnot presented planning evidence on behalf of Ports of Auckland Limited (POAL) particularly in relation to the POAL inland port facility at Horotiu Industrial Park. Mr Arbuthnot sought the retention of Appendix 1: Acoustic Insulation of the PDP as notified. He stated that Appendix 1 addressed effects that are within the ambit of the Resource Management Act 1991 (RMA), and in his opinion, the Building

Act 2004 could not be relied upon to mitigate potential reverse sensitivity effects. Mr Arbuthnot therefore considered it was appropriate to impose minimum acoustic insulation standards to manage potential reverse sensitivity effects on the Horotiu Industrial Park.

Pokeno Village Holdings Limited

- 4.23 Mr Adam Jellie presented planning evidence on behalf of Pokeno Village Holdings Limited. He supported a clear plan structure that had the cascade of objectives, policies and implementation methods within the same section of the PDP. He also considered it feasible and beneficial to implement the NPS in full through the PDP process, particularly the definitions, and identified a number of costs and difficulties with implementing the NPS through a second Schedule 1 process.

The Surveying Company Limited

- 4.24 Ms Chanel Hargrave provided planning evidence on behalf of The Surveying Company Limited. She supported Mr Eccles' recommendation not to withdraw or defer the PDP in response to submissions, as this would impact on development (in particular in Tuakau) and also delay land supply for the Waikato District. However, she did seek some amendments to improve plan usability and alignment with the NPS.² Ms Hargrave also sought that the PDP ensure adequate densities and intensification around existing Town Centres, through the inclusion of a Medium Density Residential Zone.

Other submitters

- 4.25 The following submitters appeared at Hearing 2 to speak to their original submissions, without filing any accompanying evidence:
- a) Mr Ethan Findlay, who supported relocatable or second-hand buildings being provided for as permitted activities where all relevant standards are met.
 - b) Ms Linda Silvester, who sought amendments to all earthworks rules that prescribe a time period (such as within a consecutive 12-month period) to add limits to the total development consistent with maintaining the values of the site.
 - c) Mr Jeremy Buxton, who sought no specific relief but stated that it is imperative to provide housing and infrastructure to the growing community.

² Statement of Evidence of Chanel Hargrave on behalf of The Surveying Company, Paragraphs 8 and 21, dated October 2019.

- d) Mr Gareth Wigmore, who submitted that the noise limits applying at the notional boundary within any zone should be amended to reflect the World Health Organisation's limits db (LAMax), excluding noise generated by farming and noise generated by emergency generators and emergency sirens.

Mercury NZ Limited

- 4.26 Mr Steven Colson tabled planning evidence on behalf of Mercury NZ Limited (Mercury). Mercury had an interest in flood risk issues because of its role in assisting the Waikato Regional Council as the Statutory Flood Manager and operating the Waikato Hydro Scheme. Mr Colson expressed significant concerns with Stage 1 of the PDP being notified and processed ahead of Stage 2, which contained natural hazards provisions and flood mapping. It was his position that understanding flood risks was a necessary precursor to making strategic decisions about appropriate land use in areas of potential flood risk. Mr Colson stated that Mercury was unable to contribute constructively to Stage 1 of the PDP without these provisions first being available.
- 4.27 Mr Colson noted that Mercury lodged further submissions on over 4,000 submission points as almost all land use zones may be relevant to areas potentially affected by flooding, or residual flooding risk (including areas located behind stop banks).
- 4.28 If Stage 1 of the PDP was not withdrawn, then, in Mr Colson's view, all the urban growth and land use intensification provisions should be revisited to manage flood hazard risk at Stage 2. Mr Colson also considered that all landowners and submitters should be made aware of the impact, so they could speak to this at the Stage 1 hearings.

Genesis Energy

- 4.29 Mr Richard Matthews filed planning evidence on behalf of Genesis Energy Limited (Genesis) in support of Genesis' Huntly Power Station being explicitly identified as a Regionally Significant Industry in the PDP. In his opinion, the Huntly Power Station was a regionally significant industry and needed to be recognised as such in the PDP, in order to ensure it met the definition in the RPS and therefore benefit from the relevant RPS policies.
- 4.30 Mr Matthews also agreed with the section 42A report recommendation to adjust Appendix 1 to add mechanical ventilation as a permitted activity standard.

TaTa Valley Limited and Havelock Village Limited

- 4.31 Mr Christopher Scafton and Mr Mark Tollemache filed a joint rebuttal statement on behalf of TaTa Valley Limited and Havelock Village Limited respectively, in relation to the primary evidence of Mr Colson on behalf of Mercury. Mr Scafton and Mr Tollemache agreed that the down-zoning of land was an option to address flood hazards but were also of the view that interim measures could be utilised to address

'potential conflicts' between land use and flooding in a manner which gives effect to the RPS. They stated that this could include the use of site-specific flood assessments at the time of resource consent as an information requirement, supported by appropriate discretions and assessment criteria for subdivision and development for affected sites across the District.

Heritage New Zealand Pouhere Taonga

4.32 Ms Carolyn McAlley presented evidence on behalf of Heritage New Zealand Pouhere Taonga (Heritage NZ) who had sought separate chapters for historic heritage and Tangata Whenua containing all relevant objectives, policies and rules (as per the NPS structure), or clear cross referencing between these provisions. Ms McAlley accepted that implementing the NPS was not required at this point in time, but continued to seek additional cross referencing. She suggested the following:

- a) additional cross references within the zone chapters confirming that Chapter 2 (Tangata Whenua) and Chapter 7 (Historic Heritage) objectives and policies apply across all zones; and
- b) cross references within Chapter 7 (and other broader chapters) outlining where the rules giving effect to those objectives and policies are located.

KiwiRail

4.33 Ms Pam Butler tabled evidence on behalf of KiwiRail and agreed with Mr Eccles' recommendation on KiwiRail's submission and further submission in relation to Hearing 2. The submission was to retain Policy 5.3.7(c) on Reverse sensitivity effects.

5 Overview of evidence related to urban subdivision and development – Hearing 3

5.1 Ms Lynette Wharfe filed planning evidence on behalf of HortNZ and discussed the provisions in Section 4.7 in the context of HortNZ's overall view that the PDP does not adequately assess the reverse sensitivity effects on horticulture and provide for horticulture to operate efficiently and effectively. This included a detailed discussion of Policy 4.7.11 – Reverse Sensitivity. Ms Wharfe sought changes to Policy 4.7.11 to ensure that reverse sensitivity effects on farming and horticulture (not just intensive farming) are avoided, and mitigated where avoidance is not reasonably possible. She further supported 'sensitive land uses' being referred to, rather than just dwellings, in the policy.

5.2 Ms Wharfe also suggested that Policy 4.7.2 could be amended by adding 'rural production activities' so that reverse sensitivity consideration also applied to such activities. To provide for intensification of urban areas rather than encroaching onto rural production land, she supported adding the rural zone boundary as part of the

consideration of setbacks in Policy 4.7.4. Ms Wharfe supported “addresses issues at the rural interface” being added to Policy 4.7.14, as she stated that the structure and master planning process was the key time to consider such issues.

5.3 Ms Tanya Running filed evidence on behalf of NZTA and provided comments on a number of policies, as follows:

- a) Policy 4.7.6(a)(i) Co-ordination between servicing and development and subdivision – amendments sought to ensure that development utilising the capacity of infrastructure was consistent with the activities and land uses identified by the relevant structure plan.
- b) Policy 4.7.7(b) Achieving sufficient development density to support the provision of infrastructure services – amendments sought to reflect that it is not just geotechnical or topographical constraints that restrict potential yield. Urban design outcomes and land transport infrastructure can also affect the yield.
- c) Policy 4.7.11 Reverse Sensitivity – that the policy should include infrastructure.
- d) Policy 4.7.14 Structure and master planning – the retention of this policy is supported as structure planning is a useful tool in promoting land use and infrastructure provisions.

5.4 Mr Aaron Collier provided rebuttal evidence on behalf of Perry Group and considered that Policy 4.7.11 should be amended to acknowledge that reverse sensitivity effects can be mitigated in many circumstances. He disagreed with the amendments sought by Ms Wharfe for HortNZ and the adoption of an ‘avoidance’ approach to reverse sensitivity.

5.5 Mr Mark Arbuthnot filed evidence on behalf of Ports of Auckland Limited. Although he supported the intent of Mr Matheson’s amendments to Policy 4.7.2, he observed that “regionally significant industry” is not defined in the PDP and considered this has the potential to raise interpretation issues. He agreed with Mr Matheson’s recommended changes to Policy 4.7.11 and Policy 4.1.8.

5.6 Ms Carolyn McAlley filed evidence on behalf of Heritage NZ, who had sought that a new clause be added to Policy 4.7.2 Subdivision location and design, to “(viii) avoid adverse effects on historic heritage and cultural values.” Mr Matheson had recommended alternative wording, and on reflection following the hearing, Ms McAlley considered this wording was acceptable.

5.7 Ms Miffy Foley filed evidence on behalf of WRC. She supported clarifying and refining the objectives to ensure that they give effect to the RPS, in particular:

- a) Policy 4.7.4 – she sought that where village zoned land is able to be serviced, smaller lot sizes are provided for. She considered these should be encouraged to promote a more compact form as per the RPS.

- b) Policy 4.7.13 – she sought that the natural features and landscapes of the Whangamarino Wetland and Lake Waikare be “protected” rather than “promoted”.
 - c) Policy 4.7.14 – she expressed concern that Mr Matheson stated the only structure plan of relevance was the Rangitahi Peninsula, and believed that there were other recently adopted structure plans of relevance.
- 5.8 Mr Mark Tollemache presented planning evidence on behalf of Havelock Village Limited. He agreed with much of the content of Policy 4.7.2 but considered the drafting could be significantly improved and that clause (iii) should be deleted. With respect to Policy 4.7.7, Mr Tollemache considered that the wording directing that maximum potential yield is to be achieved does not provide for a variety of lots to achieve a variety of housing types and price points nor address environmental constraints.³
- 5.9 Mr Tollemache was concerned about the wording of Policy 4.1.9 – Maintaining landscape characteristics and its implications in practice and considered it should be significantly narrowed to only address landscapes which have the merit to be maintained. If applied to all land, he considered the policy would frustrate development and create a conflict with engineering standards and anticipated changes to the environment. Mr Tollemacher was comfortable with the recommendations made by Mr Matheson on Policies 4.1.8, 4.7.3, 4.7.4, 4.7.5, 4.7.6, 4.7.8, 4.7.11, and 4.7.14.
- 5.10 Mr Christopher Scrafton provided planning evidence on behalf of TaTa Valley Limited and did not consider that the objectives and policies within Section 4.7 should be identified as “strategic”. Additionally, although this was not within the scope of TaTa Valley’s submissions, he considered that precincts should also be referred to in Policy 4.7.14, in addition to structure plans and master plans, given that they are an appropriate method of incorporating refined place making provisions.
- 5.11 Mr Matthew Lindenberg filed planning evidence on behalf of Kāinga Ora. Mr Lindenberg considered that the Urban Design Guidelines in Appendix 3 should not be referred to within the wording of Policy 4.7.3. In his view, the intent of Policy 4.7.3 Residential Subdivision and Urban Design Guidelines (Appendix 3) could be achieved without the need for a specific reference to the Design Guidelines themselves within the policy.⁴ Mr Daniel Sadlier also presented legal submissions on behalf of Kāinga Ora and stated that Kāinga Ora did not oppose the use of urban design guidelines in providing further detail and guidance regarding best practice design outcomes, but opposed statutory weight being accorded to such documents through a district plan.
- 5.12 Ms Pam Butler filed evidence on behalf of KiwiRail and noted that KiwiRail accepted the section 42A recommendations in relation to Policy 4.1.8 and 4.7.11. Ms Butler considered Policy 4.7.11 should refer to ‘regionally significant infrastructure’ so as to provide for both strategic roads and rail.

³ Summary Statement of evidence Mr Tollemache on behalf of Havelock Village, Paragraph 17.

⁴ Evidence in chief of Matt Lindenburg on behalf of Kāinga Ora, Paragraphs 6.22-6.29.

- 5.13 Ms Alice Morris noted in her planning evidence for Hamilton City Council (HCC) that HCC remained in support of Section 4.7 as a whole and the retention of Objective 4.7.1. She also sought an additional matter be added to Policy 4.1.8 as part of a wider provisions package proposed in relation to a Hamilton “Area of Interest”.
- 5.14 Ms Alec Duncan tabled evidence on behalf of Fire and Emergency New Zealand, and accepted Mr Matheson’s recommendations for Policy 4.7.5, Policy 4.7.2 and Policy 4.7.6.⁵

6 Overview of evidence – Hearing 28

- 6.1 Mr Mark Chrisp presented planning evidence on behalf of Fonterra seeking the identification of a Noise Control Boundary for the Te Rapa Dairy Manufacturing Facility, located just outside of Waikato District boundaries in the Hamilton City jurisdiction. While no plan provisions would be associated with this control, he supported it being shown in order to provide a clear signal to those within the area that Fonterra is authorised to generate a certain level of noise. In Mr Chrisp’s view, the amendment would give effect to the RPS, and ensure that the potential for reverse sensitivity effects on the Te Rapa Fonterra site is minimised.
- 6.2 Ms Rebecca Davies presented institutional evidence on behalf of the New Zealand Defence Force (NZDF) and provided a description of Temporary Military Training Activities (TMTA) which she stated are essential in maintaining capability for NZDF to respond to a wide range of situations. She stated that TMTA are not similar in nature to large-scale temporary events such as concerts, and therefore should not be subject to the same permitted activity conditions. She further sought to simplify and modernise the rules applying to TMTA, to ensure that activities that are carried out in the Waikato District remain lawful, and to provide consistency across the country wherever practicable.
- 6.3 Mr Darran Humpheson presented acoustics evidence on behalf of the NZDF and explained that the noise generated by TMTA can include impulsive noise – live and blank firing and explosions; mobile sources, such as vehicles and earth moving equipment; fixed sources, such as power generators and water pumps; and helicopter landings. He supported a setback distance from noise sensitive activities for TMTA involving the firing of weapons or use of explosives of 500m (daytime) and 1,250m (night time), and stated that these distances would ensure the appropriate noise limits were met with a factor of safety built into them. He further explained that the use of set distances would also allow NZDF personnel to plan activities more easily without having acoustics knowledge, while a second tier noise limit would provide an alternative control for TMTA taking place within these setbacks.
- 6.4 Ms Sara McMillan presented planning evidence on behalf of the NZDF. She considered that TMTA could be provided for as a permitted activity (across all zones)

⁵ Evidence in chief of Alec Duncan on behalf of Fire and Emergency NZ, dated 9 October 2019.

subject to appropriate standards, which she set out in the attachment to her evidence. In her opinion these amendments would provide more efficient and effective standards for the NZDF to comply with, and for Council to administer and enforce. She also supported the classification of a TMTA that did not meet the permitted activity standards as a restricted discretionary activity.

6.5 A number of submitters whose submission points had been allocated to other hearings, but who had missed the opportunity to appear at those hearings, also appeared at Hearing 28. These included:

- a) Mr Andrew Wilson;
- b) Mr John Cunningham, Chairman of Te Kauwhata Retirement Trust Board;
- c) Mr David Lawrie on behalf of Khuswin Limited;
- d) Mr Michael Wells; and
- e) Mr William Smeed.

6.6 Ms Georgina McPherson filed planning evidence on behalf of the Oil Companies and agreed with the recommendations in the section 42A report, however clarified that the Oil Companies did not support submission 738.8 to amend the definition of contaminated land.⁶ The Oil Companies further supported the adoption of the definition of 'contaminated land' contained within Section 2 of the RMA, as recommended by the reporting planner at Hearing 5: Definitions.

6.7 Mr Mark Arbuthnot filed evidence on behalf of Ports of Auckland Limited confirming that the relevant submission points allocated to this hearing had been adequately addressed in previous hearings and the section 42A report.

7 Panel Decisions

7.1 **Attachment 1** contains the changes made to the provisions resulting from this decision. We note that 239 primary submission points were received on the All of Plan topic, while 237 primary submission points were received on the Other Matters – General hearing topic. 131 primary submission points were received on the urban subdivision and development objective and policies within the Strategic Objectives hearing topic. These were considered in comprehensive section 42A reports and rebuttal evidence prepared by Mr Eccles, Ms Chibnall and Mr Matheson respectively.

Hearings procedure

7.2 We consider that the process followed, which involved the separate notification of Stage 1 and Stage 2 (Natural Hazards) of the PDP with an integrated hearing

⁶ As was recorded in Hearing 28 Other Matters – General section 42A report, Page 77.

schedule, has allowed for a robust consideration of natural hazards constraints at a critical point in time; this being when urban growth and rezoning proposals were considered. Stage 2 of the PDP was notified in July 2020, so the PDP provisions and hazard mapping were available well before the rezoning hearings for Stage 1 of the PDP commenced in 2021. Hearings on Stage 2 Natural Hazards were also held in May 2021 ahead of all rezoning hearings (except Te Kowhai Airpark). We are satisfied that we have been able to consider the whole PDP in an integrated and comprehensive manner, with all relevant information having been made available to us.

- 7.3 In respect of the Auckland – Hamilton Corridor Plan, the Waikato District Blueprint and the draft updated Future Proof Strategy, we see no need to further delay our decisions on the PDP.

Plan structure

- 7.4 We agree with submitters seeking the implementation of the NPS plan structure through the PDP. On 20 February 2020 we issued a direction that the NPS structure should be implemented for single-topic chapters, and that Chapters 4 and 5 should be deconstructed into either the zone chapters or new chapters. We also directed that Council should aim towards full implementation of the NPS, to the extent that this was practically achievable and within the scope of submissions. Council staff subsequently prepared a re-structured version of the PDP for feedback from interested parties.
- 7.5 Our decisions version of the PDP is in the NPS format, which we consider will address many of the submitters' concerns around seeking clear linkages between objectives, policies and rules; avoidance of duplication; consistency of wording and numbering; and ease of navigation. As the objectives and policies have largely been incorporated into the same chapters as the relevant rules, there is now a reduced need for the cross referencing sought by submitters.
- 7.6 Under the NPS, the inclusion of a zone purpose/introduction, issue statements, and anticipated outcomes are not required. We have not included issues or outcomes within the PDP, in the interests of keeping the PDP concise. However, we do see merit in including brief zone descriptions at the start of each chapter, as this will provide useful context to the use of each zone within the Waikato District. These descriptions have been included within the relevant zone decision reports.
- 7.7 We have also decided to delete the design guides and town centre character statements from the Appendices to the PDP, including the deletion of all references to these within the PDP provisions. We see implementation difficulties with the application of such descriptive, detailed documents as matters for discretion or policy assessment for resource consent applications. Additionally, when used as matters of discretion, these appendices often overlap with other matters of discretion and would create the potential for confusion and inconsistency. We consider it more appropriate to limit discretion (where appropriate) to consideration of the design and/or its consistency with the character of the area.

Plan application

- 7.8 We consider there will be less potential confusion if the PDP refers to activity 'standards' rather than activity 'conditions' and therefore make all amendments to that effect.
- 7.9 We consider that the activity status when an activity does not meet a land use - building standard (such as height, coverage and setbacks) should generally be restricted discretionary, with discretion retained over the effects of not meeting those standards. In these situations, the environmental effects of concern can clearly be identified from the content of the standards. We have also decided that the default activity status of activities not otherwise listed should generally be discretionary, rather than non-complying as specified in the notified PDP.

Setbacks and earthworks across all zones

- 7.10 We support retaining building setback requirements for sensitive land uses from key infrastructure in the PDP, in order to manage the amenity of sensitive land uses (including the health of occupants) and minimise reverse sensitivity issues. We do not see the setbacks as being particularly restrictive in the context of the Waikato District.
- 7.11 We generally agree with Ms Foley that a building setback from waterbodies is appropriate across all relevant zones to assist in implementing Te Ture Whaimana (Vision and Strategy) for the Waikato River. However, as usefully set out in Mr Riddell's analysis,⁷ the only 'gap' in the notified PDP provisions where no building setback applies is for streams less than 3m wide in the Reserves Zone. We do not see a significant issue that needs resolving, given the very limited development activities contemplated in the Reserves Zone.
- 7.12 We agree with Mr Eccles that instead of requiring a greater setback for earthworks from waterbodies, the permitted activity earthworks standards should require that sediment does not enter waterways, open drains or overland flow paths. We have therefore amended the new earthworks chapter accordingly (see **Attachment 1**). We also consider that, for practical purposes, revegetation/stabilisation of earthworks should be required within 2 months of completion instead of a timeframe from commencement. We do not see any need to remove the time period applying to the calculation of permitted earthworks areas, as sought by Ms Silvester, given that a maximum permitted volume of earthworks also applies (which is not subject to the time control).
- 7.13 Regarding HortNZ's concerns, ancillary farm earthworks are confirmed to be excluded from the definition of earthworks as the NPS definition of earthworks is being applied, which excludes cultivation. Ancillary rural earthworks are a permitted activity in the Rural Zone and are not subject to setback and revegetation standards.

Noise limits and acoustic insulation

⁷ Evidence of JA Riddell for Director-General of Conservation, Paragraphs 42-44, dated 23 September 2019.

- 7.14 We agree with Mr Eccles that no amendment is required to the PDP noise limits to reflect World Health Organisation limits, as sought by Mr Wigmore.
- 7.15 We agree with Waikato District Health Board's submission that mechanical ventilation should be required when windows need to be closed to meet acoustic requirements. We have therefore amended PDP Appendix 1: Acoustic Insulation to add new permitted activity conditions in relation to mechanical ventilation. In response to Waikato District Health Board's submission, we have amended Table 13 of Appendix 1 to replace the internal design sound level for the Waikato Gun Club noise control boundary with 40 dB LAFmax (instead of using the "Composite Noise Rating" measurement method).
- 7.16 We have further amended Appendix 1 to rename Waikato Regional Airport to Hamilton Airport. The amendments to Appendix 1 are included in **Attachment 1** to this decision and in respect of these we adopt the section 32AA evaluation of Mr Eccles.⁸

Tangata whenua values

- 7.17 We consider that inclusion of maatauranga Maaori into the PDP is desirable, however we are concerned that Mr Donald's suggestion that cultural values be a matter of control or discretion for a broad range of resource consents (such as Rural Zone subdivisions) would lead to a Cultural Impact Assessment or similar being required for a high number of small scale applications. We support maatauranga Maaori and cultural values being considered in the range of circumstances already identified throughout the PDP, and also note that the objectives and policies of the Tangata Whenua Chapter should be considered for any activities with discretionary and non-complying status.

Regionally significant industry

- 7.18 In relation to Genesis' concerns around the Huntly Power Station not being specifically identified in the PDP as a 'Regionally Significant Industry', we have added a new policy on regionally significant industry through our Industrial Zones decision (Decision Report 21) as well as a definition of regionally significant industry (Decision Report 30). We consider this sufficient to enable the Power Station to benefit from RPS policies relating to regionally significant industry.

8 All of Plan – Miscellaneous

- 8.1 In response to the submission from Auckland Waikato Fish and Game Council, we have excluded maimais from the requirements in the Rural Zone and Country Living Zone regarding building setbacks from waterbodies, and this change is included in those respective decisions.
- 8.2 In response to Mr Findlay's submission, the approach to relocatable and second-hand dwellings continues to be that they are not subject to separate rules than other buildings.

⁸ Hearing 2 section 42A report by Grant Eccles, Section 8.4.6, dated 9 September 2019.

- 8.3 In response to T A Reynolds' submission, we note that the ability to achieve a western access road for Tuakau through the PDP process is very limited, and we have not made any changes in this respect.
- 8.4 For all other submissions in the All of Plan topic where no evidence was presented and that are not covered above, we agree with Mr Eccles' recommendations and do not make any further changes to the PDP.

9 Urban subdivision and development objective and policies

- 9.1 We heard from several submitters on their preferred phrasing of the objectives and policies framework for urban subdivision and development. This was largely focused on adjustments to wording, rather than substantial changes. We note that there were several submissions received generally supporting Section 4.7 as a whole, as well as in support of the retention of the individual objective and policies.
- 9.2 We are satisfied that the overall Objective 4.7.1 for subdivision and land use integration is appropriate, with a slight change made in that subdivision 'promotes' land use outcomes sought, rather than 'facilitates'.
- 9.3 We consider there is some overlap and duplication between the subdivision policies, particularly in relation to connectivity, access, servicing and open space matters. We have made some amendments to reduce this duplication, whilst not losing the intent of the notified policies. Similarly, Policies 4.1.8 and 4.1.9 were notified under the 'strategic direction' heading of Chapter 4 but were not strategic directions. We consider that they overlap with subdivision Policies 4.7.2(a)(i), 4.7.3, 4.7.5, and 4.7.9 and are unnecessary, so we have deleted these policies.
- 9.4 We generally prefer the concise notified version of Policy 4.7.2, and see the additional expansions and clarifications recommended by Mr Eccles as not required. We agree with Mr Eccles that there is no need to refer to being able to make minor changes to a grid layout to accommodate topographical and geotechnical constraints in Policy 4.7.2(vii). The wording of the clause is to 'promote' a consistent grid layout rather than to require.
- 9.5 We agree with Mr Lindenburg that Policy 4.7.3 – Residential Subdivision does not need to refer to the design guidelines. We have also deleted these guidelines from the Appendices to the PDP, as mentioned in Section 5.2 of this report above, and also from Policy 4.7.3. We have still retained the same general principles for residential subdivision listed within Policy 4.7.3, except where they duplicated other subdivision policies.
- 9.6 Through the decisions on the Village Zone (now either Large Lot Residential or Settlement Zones), we have supported a discretionary activity status for undersized lots which allows some flexibility to respond to the variety of contexts for these zones, as sought by Ms Foley. However, we still consider the overriding approach in the majority of circumstances should be not to allow undersized lots. We have amended Policy 4.7.4 to refer to 'preventing' undersized lots.

- 9.7 We concur with Mr Matheson that adjustments to Policy 4.7.6 should be made to reflect the potential for private infrastructure funding arrangements to be put in place. In our view, Policy 4.7.6(a)(ii) already addresses NZTA's concern about infrastructure servicing needing to be adequate for the scale of development identified in any structure plan.
- 9.8 We have simplified Policy 4.7.7 to refer to the efficient development of land. This encompasses achieving a high yield, whilst allowing any constraints (such as geotechnical, or those raised by Ms Running) to be considered.
- 9.9 We do not see a need to refer to the Crime Prevention Through Environmental Design (CPTED) principles within Policy 4.7.10, as Policies 4.7.2 and 4.7.3 will also apply, which already refer to the CPTED principles. Further, we do not consider it appropriate to refer to the Waikato District Council Parks Strategy 2014 within Policy 4.7.10, as this is an external document to the plan and will become out-of-date.
- 9.10 Policy 4.7.11 – Reverse sensitivity was the subject of some debate. We consider that the policy should have an avoidance focus, to the extent possible, otherwise reverse sensitivity effects should be minimised. Through Decision Report 21 on Industrial Zones, we also considered that development in Industrial Zones should be exempted from a requirement to minimise potential reverse sensitivity effects on adjacent sites. We do not consider it necessary to refer to the ways in which design could minimise or mitigate potential reverse sensitivity effects within the policy.
- 9.11 With regards to HortNZ's submission to apply Policy 4.7.11 to all farming and horticulture rather than just intensive farming, we accept that everyday farming and horticulture activities also have some potential for reverse sensitivity effects. However, we consider that these effects are suitably addressed through the reverse sensitivity policy specific to the Rural Zone and we have also included a Strategic Objective on reverse sensitivity (Decision Report 5). We do not consider that changes to Policy 4.7.11 are necessary.
- 9.12 We have adjusted the wording of several other policies to make them clearer and more concise. Our decision wording is included as **Attachment 1**.
- 9.13 The revised policy framework for urban subdivision and development does not depart significantly from the notified policy framework in Chapter 4 of the PDP. We have evaluated the revised objective in accordance with section 32AA of the RMA, and consider it is the most appropriate way to achieve the purpose of the RMA. We have also turned our minds as to whether the policies are the most appropriate way of achieving the objectives and concluded that they are the most effective and efficient options.

10 Other matters – General

10.1 We agree with Ms Chibnall's assessment⁹ that including a Noise Control Boundary on the planning maps near the Fonterra Te Rapa Dairy Factory will promote awareness of the Fonterra site and its noise generation, without having any additional costs. While no Waikato District planning provisions will relate to this control, we see value in it being there for information purposes and included in Land Information Memorandum reports. This is also consistent with a decision to add the Mystery Creek Noise Control Boundary to the planning maps (Decision Report 18). We therefore amend the planning maps to add the Fonterra Noise Control Boundary overlay, as follows:

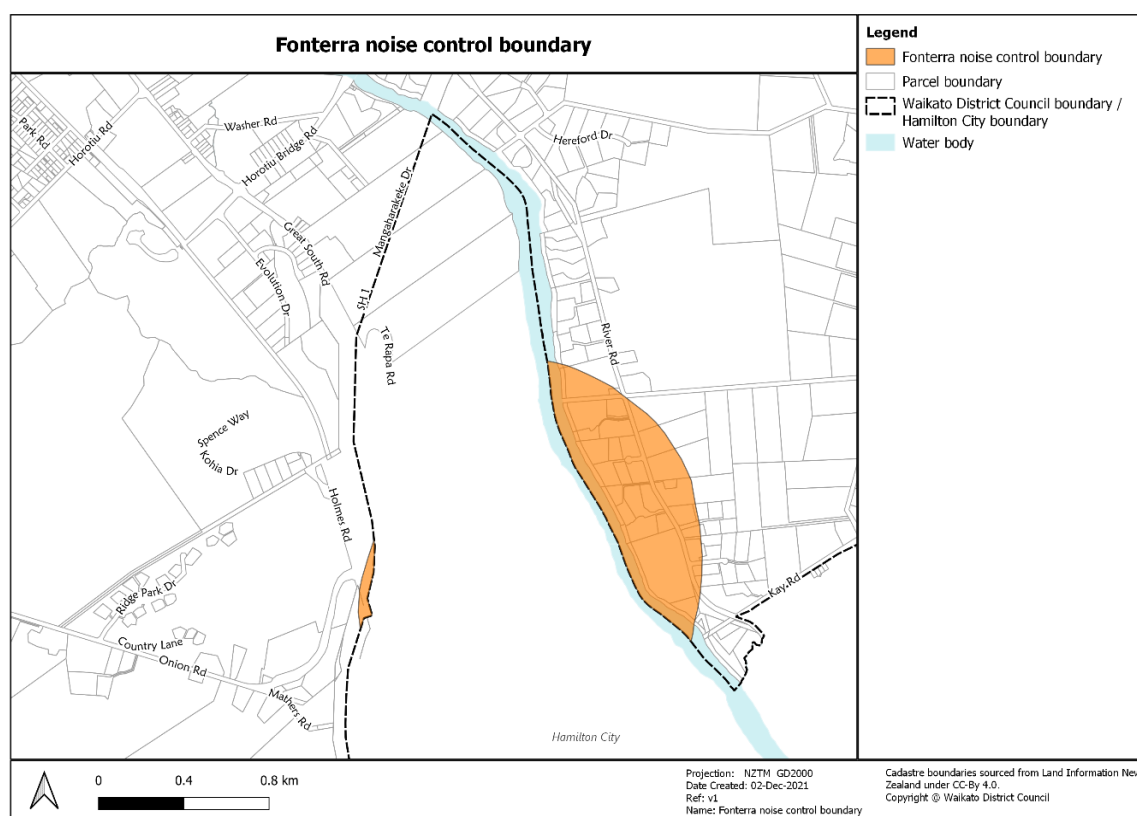


Figure 1: Fonterra Noise Control Boundary overlay

10.2 We support the addition of plan rules relating to TMTA which would permit TMTA throughout the Waikato District subject to compliance with conditions, particularly around noise generation. At the time of the hearing Ms Chibnall had just one outstanding concern with the proposed NZDF provisions, being around the use of a setback distance only to mitigate noise from weapons training. Having heard the evidence of Mr Humpheson, we are satisfied that the setback distance will maintain appropriate noise levels at sensitive receivers. We also understand that it is not the only mechanism relied upon, as it is part of a tiered approach which also includes a noise standard for such activities within the setback distance. We generally agree with

⁹ Hearing 28 Other Matters – General s42A rebuttal by Susan Chibnall dated July 2021, paras 27-42.

the section 32AA analysis undertaken by Ms Chibnall and we amend the PDP to include the TMTA provisions attached to Ms McMillan's evidence, as per **Attachment 1**.

10.3 The following evidence presented at Hearing 28 has been addressed in other decisions:

Submitter	Decision Report
Horticulture New Zealand	Decision Report 22: Rural Zone Decision Reports 29 and 29A-E: Natural Hazards
Kāinga Ora	Decision Reports 29 and 29A-E: Natural Hazards
Fire and Emergency New Zealand	Decision Report 22: Rural Zone
Waikato Regional Council	Decision Report 22: Rural Zone
Andrew Wilson	Decision Report 7: Maaori Sites and Areas of Significance
John Cunningham	Decision Report 28E: Zoning – Te Kauwhata
Khuswin Limited	Decision Report 28O: Zoning – Rest of District
Michael Wells	Decision Report 8: Historic Heritage
Transpower	Decision Report 22: Rural Zone

10.4 Mr Smeed's submission was partially addressed in the Hearing 21B: Landscapes section 42A report¹⁰ where it was recommended that the Significant Amenity Landscape should be retained over Kaiwaka Island No 2. We have now addressed the wider Waikato River in Decision Report 10: Landscapes, where we decided to delete the Significant Amenity Landscape layer and apply an Outstanding Natural Landscape along the whole of the Waikato River and its margins. This will apply to Kaiwaka Island, and we consider this to be appropriate, as the island is an integral part of the Waikato River. We note that the resource consent requirement for new development is unchanged from the Operative Waikato District Plan, and the island is subject to a Conservation Covenant.

¹⁰ Hearing 21B section 42A report by Jane Macartney, Paragraphs 561-571, dated 6 August 2020.

10.5 In response to other submissions where no evidence was filed, we agree with the following recommendations made by Ms Chibnall:

- a) Delete Schedule 30.5 Urban Allotment from the PDP, including references to the Schedule within zone rules relating to indigenous vegetation clearance;
- b) Amend the PDP to assist interpretation of which underlying zone applies to designations (covered in Decision Report 280);
- c) Correct mapping error and rezone parts of property 2017610 from Road to Rural (see Figure 2); and
- d) The Hamilton 'Area of Interest' should not be mapped.



Figure 2: Mapping error correction – property 2017610

10.6 For all other submissions in the Other Matters – General topic, we agree with the recommendations made by Ms Chibnall and make no changes.

11 Conclusion

11.1 We accept the section 42A report and the evidence filed by the submitters, collectively forming the section 32AA assessment informing this decision.

11.2 Overall, we are satisfied that the provisions as restructured and amended will improve clarity and usability, and provide an efficient and effective framework for managing activities and development throughout the Waikato District.

For the Hearings Panel

Pharmat

Dr Phil Mitchell, Chair

Dated: 17 January 2022

Attachment 1: Changes to planning provisions

Overarching changes

- Convert the Plan to National Planning Standards format
- Replace all activity 'conditions' with activity 'standards'
- Default activity status for activities not specified is generally to be Discretionary in the standard zones. This does not extend to special purpose zones with bespoke provisions.
- Activity status for non-compliance with a land use building standard (e.g. height, height in relation to boundary, building coverage, building setbacks) in the standard zones is generally to be restricted discretionary, with discretion focused on the effects of non-compliance with the standard. This does not extend to special purpose zones with bespoke provisions.

Changes to Section 4.7 of the PDP – to be moved into new Subdivision Chapter

4.7.1 Objective – Subdivision and Land Use Integration

Subdivision layout and design ~~facilitates~~ promotes the land use outcomes sought for the residential, business, industrial, reserve and ~~specific~~ special purpose zones.

~~Layout and Design~~

4.7.2 Policy – Subdivision location and design

- (a) Ensure subdivision, is located and designed to:
- i) Be sympathetic to the natural and physical qualities and characteristics of the surrounding environment;
 - ii) Establish boundaries that ~~avoid~~ minimises, to the extent practicable, buildings and structures dominating adjoining land or public places, the coast, or fresh waterbodies;
 - iii) Arrange allotments to ~~allow for~~ promote view sharing, ~~where possible~~;
 - ~~iv) Retain existing access to public space;~~
 - v) Promote safe communities through quality urban design;
 - vi) Accommodate safe and stable building platforms and vehicle accesses ~~that are safe and stable~~; and
 - vii) Promote consistent grid layout.

4.7.3 Policy – Residential subdivision

- (a) ~~Development responds to the outcomes of Waikato District Council's Urban Design Guidelines Residential Subdivision (Appendix 3.1), section 4 (Connectivity and Movement Networks), section 5 (Neighbourhood Character), section 6 (Residential Block and Street Layout), section 7 (Open Space and Landscape Treatment), and section 8 (Low Impact Urban Design), in particular by~~ Promote residential subdivision and development that:
- ~~(i) Designs that promote walkability and pedestrian safety;~~
 - ~~(ii) Promoting accessibility and connectivity of public spaces, employment areas, services, facilities, and amenities, both within the subdivision and wider context;~~
 - ~~(iii) Integrates~~ staging to ensure multi-modal connectivity;
 - ~~(iv) Limiting~~ the number and length of cul-de-sacs;

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- ~~(v) Ensuring connection to existing and future public transport nodes;~~
- ~~(vi) Promoting connectivity and permeability by ensuring new connections to existing and future development, including green linkages.~~
- ~~(vii) Promoting the street layout to reflect the underlying topography;~~
- (viii) Ensuring pedestrian access is consistent with the Crime Prevention through Environmental Design (CPTED) principles;
- (ix) Discouraging the creation of rear lots;
- (x) Includes Promoting adequate lighting levels in publicly accessible spaces;
- (xi) Ensuring design promotes Reflects local characteristics;
- (xii) Ensuring Orientates lots are orientated in a way that:
 - A. Maximizes solar access; and
 - B. Addresses the street frontage and public places.
- (xiii) Creating lots that can accommodate a variety of density with a mix of usable lot types; and
- ~~(xiv) Efficient design which enables the future connection to services and facilities;~~
- ~~(xv) Ensuring public open space is distributed, located and sized to reflect its context and provides for a range of different activities and users; and~~
- (xvi) Ensuring Designs infrastructure is designed to manage stormwater in a sustainable manner by:
 - A. Minimising environmental impacts and maintenance costs, and reducing stormwater discharging to existing reticulated networks; and
 - B. Promoting and maintaining riparian margins.

Urban Outcomes

4.7.4 Policy – Lot sizes

- (a) Minimum lot size and dimension of lots enables the achievement of the character and density outcomes of each zone; and
- (b) ~~Avoid~~ Prevent undersized lots in the ~~Village Zone~~ SETZ - Settlement and LLRZ – Large lot residential zones.

4.7.5 Policy – Servicing requirements

- (a) Require urban subdivision and development in all zones except for GRUZ – General rural and RLZ – Rural lifestyle to be serviced to a level that will provide for the anticipated activities ~~approved~~ in a structure plan, or otherwise anticipated within the zone, including through the provision of:
 - (i) Reserves for community, active and passive recreation;
 - (ii) Pedestrian and cycle connections;
 - (iii) Roads;
 - (iv) Public transport infrastructure, e.g. bus stops;
 - (v) Telecommunications;
 - (vi) Electricity;
 - (vii) Stormwater collection, treatment and disposal;
 - (viii) Wastewater treatment and reticulation, water provision for domestic and fire fighting purposes; and
 - (ix) Connections to identified adjacent future growth areas.

4.7.6 Policy – Co-ordination between servicing and development and subdivision

- (a) Ensure development and subdivision:
 - (i) Is located in areas where infrastructure ~~infrastructure~~ capacity has been planned and able to be funded;
 - (ii) ~~Where Is~~ located in areas subject to an approved structure plan, ~~and~~ provides sufficient infrastructure capacity to meet the demand identified in the structure plan;

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- (iii) Achieves the lot yield anticipated in an approved structure plan; and
- (iv) Includes infrastructure provision for both the strategic infrastructure network and local infrastructure connections.

4.7.7 Policy – Achieving sufficient development density to support the provision of infrastructure services in areas without a structure plan

- (a) In areas where there is no structure plan, ensure that the land is developed efficiently ~~maximum potential yield for the zone is achieved~~ to support infrastructure the provision of ~~infrastructure services.~~
- (b) ~~Recognise that the minimum potential yield may not be achieved where there are proven geotechnical constraints.~~

4.7.8 Policy – Staging of subdivision

- (a) Require any staging of subdivision to be undertaken in a manner that promotes efficient development and integration of infrastructure and community facilities.

4.7.9 Policy – Connected neighbourhoods

- (a) ~~Require~~ Design subdivision to ~~provide street and block patterns that~~ support the concepts creation of a liveable, walkable and connected neighbourhood ~~including by having:~~
 - (i) A road network that achieves all of the following:
 - A. Easy and safe to use for pedestrians and cyclists;
 - B. Accessible for emergency and other services;
 - C. Connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and
 - D. Connected to public transport, shops, schools, employment, open spaces and other amenities; and
 - (ii) Vehicle crossings and associated access are designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.

4.7.10 Policy – Recreation and access

- (a) ~~Subdivision provides~~ Provide for the recreation and amenity needs of residents by:
 - (i) Encouraging open spaces which are prominent and accessible by pedestrians;
 - (ii) Requiring the location, number and size of open spaces to be in proportion to the future density of the neighbourhood and provide for a range of different activities and users; and
 - (iii) Enabling ~~for~~ pedestrian and/or cycle linkages.

4.7.11 Policy – Reverse sensitivity

- (a) Other than in the GIZ – General industrial and HIZ – Heavy industrial zones, dDevelopment and subdivision design minimises the potential for reverse sensitivity effects on adjacent sites, adjacent activities, or the wider environment; and
- (b) Avoid, to the extent possible, and otherwise minimise, potential reverse sensitivity effects of locating new sensitive land uses dwellings in the vicinity of an intensive farming, extraction industry or industrial activity and regionally significant infrastructure.

4.7.12 Policy – Boundary adjustments and relocations

- (a) Boundary adjustments and boundary relocations are designed to provide for ~~more~~ the efficient use of land.

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4.7.13 Policy – Residential Zone – Te Kauwhata Ecological and West Residential Areas

- (a) Subdivision ~~is designed and located in the~~ is designed and located to:
 - (i) Promote the natural features and landscapes of the Whangamarino Wetland and Lake Waikare; and
 - (ii) Achieve the minimum lot size; and
 - (iii) ~~Recognise the ecological values of the wetland environments of Whangamarino Wetland and Lake Waikare.~~
 - (iv) ~~Subdivision is designed and located in the Te Kauwhata West Residential Area to achieve the minimum lot size and recognise the views of natural features and landscapes.~~

4.7.14 Policy – Structure and master planning

- (a) Ensure that development and subdivision within approved structure or master plan areas is integrated consistent with the development pattern and infrastructure requirements specified provisions in an the approved structure or master plan.

4.1.8 Policy – Integration and connectivity

- (a) ~~Ensure effective integration within and between new developments and existing areas, including in relation to public open space networks and infrastructure by;~~
 - (i) ~~Providing good access to facilities and services by a range of transport modes through the provision of integrated networks of roads, public transport, cycle, and pedestrian routes;~~
 - (ii) ~~Providing a range of supporting local community facilities and services for residents' daily needs;~~
 - (iii) ~~Setting aside land for neighbourhood centres and parks identified in town specific Master Plans or Structure Plans, to enable their future development; and~~
 - (iv) ~~Applying the following design guidelines and town centre character statements to influence the manner in which development occurs;~~
 - A. ~~Residential Subdivision Guidelines (Appendix 3.1);~~
 - B. ~~Muliti Unit Development Guide (Appendix 3.4);~~
 - C. ~~Town Centre Guidelines (Appendix 3.3).~~

4.1.9 Policy – Maintaining Landscape Characteristics

- (a) ~~Ensure that the fundamental shape, contour and landscape characteristics are maintained during subdivision and development.~~

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Changes to Temporary Activities (new chapter)

Add the following permitted activity rules and standards to general district-wide matters – temporary activities:

Land use – activities

TEMP-RX	Temporary military training activities
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <ul style="list-style-type: none"> a) The activity must comply with the permitted activity noise standards for Temporary Military Training Activities. b) The duration must be less than 31 days (excluding set up and pack down). d) The site must be returned to its original condition no more than 3-days after the end of the Temporary Military Training Activity, unless provided for elsewhere in this plan as a permitted activity. 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> a) Effects on amenity values; b) Timing and duration; and c) Hours and days of Temporary Military Training Activities.

Land use – effects

TEMP-SX	Noise – Temporary military training activities (other than the firing of weapons or use of explosives)
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <ul style="list-style-type: none"> a) Mobile noise sources, including personnel and light and heavy vehicles, self-propelled equipment, earthmoving equipment, shall comply with the noise limits set out in Tables 2 and 3 of NZS6803:1999 Acoustics – Construction Noise (with reference to 'construction noise' taken to refer to mobile noise sources). b) Fixed (stationary) noise sources including power generation, heating, ventilation or air conditioning systems, or water or wastewater pumping/treatment systems, shall comply with the noise limits set out below when measured at the notional boundary of any building housing a noise sensitive activity: <ul style="list-style-type: none"> • 55dB (LAeq), 7am to 7pm every day. • 50dB (LAeq), 7pm to 10pm every day. • 45dB (LAeq) and 75dB (Lmax), 10pm to 7am the following day c) Helicopter landing areas shall comply 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> a) Effects on amenity values; b) Timing and duration; and c) Hours and days of Temporary Military Training Activities.

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with NZS6807:1994 Noise Management and Land Use Planning for Helicopter Landing Areas. Noise levels shall be measured in accordance with NZS6801:2008 Acoustics – Measurement of Sound.	
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TEMP-SX	Noise – Temporary military training activities (which involve the firing of weapons or use of explosives)
<p>(1) Activity status: PER</p> <p>Activity specific standards:</p> <ul style="list-style-type: none"> a) Notice is provided to the Council at least 5 working days prior to the commencement of the activity. b) The activity complies with the following minimum separation distances to the notional boundary of any building housing a noise sensitive activity: <ul style="list-style-type: none"> • 0700 to 1900 hours: 500m • 1900 to 0700 hours: 1,250m c) Where the minimum separation distances specified above cannot be met, then the activity shall comply with the following peak sound pressure level when measured at the notional boundary of any building housing a noise sensitive activity: <ul style="list-style-type: none"> • 0700 to 1900 hours: 95 dBC • 1900 to 0700 hours: 85 dBC 	<p>(2) Activity status where compliance not achieved: RDIS</p> <p>Council's discretion shall be restricted to the following matters:</p> <ul style="list-style-type: none"> a) Effects on amenity values; b) Timing and duration; and c) Hours and days of Temporary Military Training Activities.

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Changes to Earthworks Standards

- Amend the permitted activity earthworks standards (being relocated into the earthworks chapter) as follows:

(a) Earthworks (excluding the importation of fill material) within a site must meet all of the following conditions:

- (i) Be located more than 1.5 m horizontally from any waterway, open drain or overland flow path;
- (ii) Not exceed a volume of 250m³;
- (iii) Not exceed an area of 1000m² over any consecutive 12 month period;
- (iv) The total depth of any excavation or filling does not exceed 1.5m above or below ground level;
- (v) The slope of the resulting cut, filled areas or fill batter face in stable ground, does not exceed a maximum of 1:2 (1 vertical to 2 horizontal);
- (vi) Earthworks are set back 1.5m from all boundaries;
- (vii) Areas exposed by earthworks are revegetated to achieve 80% ground cover within ~~6~~ 2 months of the ~~commencement~~ completion of the earthworks;
- (viii) Sediment resulting from the earthworks is retained on the site through implementation and maintenance of erosion and sediment controls and does not enter waterways, open drains or overland flowpaths; and
- (ix) Do not divert or change the nature of natural water flows, water bodies or established drainage paths.

Changes to Appendix 1: Acoustic Insulation

- Add the following permitted activity standard as 4.1(2), 5.1(3) and 6.1(2):

Mechanical ventilation

1. Buildings that are required to have acoustic insulation must be designed, constructed and maintained with a mechanical ventilation system so that windows can be kept closed. The mechanical ventilation system must achieve the following requirements:

(i) For habitable rooms for a residential activity:

A. Provide mechanical ventilation to satisfy clause G4 of the New Zealand Building Code;

B. Be adjustable by the occupant to control the ventilation rate in increments up to a high air flow setting that provides at least 6 air changes per hour;

C. Provide relief for equivalent volumes of spill air;

D. Provide cooling and heating that is controllable by the occupant and can maintain the inside temperature between 18 degrees Celsius and 25 degrees Celsius; and

E. Generate less than 35 dB LAeq(30s) when measured 1m away from any grill or diffuser.

(ii) For other spaces, a specification as determined by a suitably qualified and experienced person.

2. A commissioning report must be submitted to the Council prior to occupation of the building demonstrating compliance with all of the mechanical ventilation system performance requirements in 4.1(2)(1).

- Replace all references to Waikato Regional Airport with Hamilton Airport.
- Replace the internal design sound level for Waikato Gun Club noise control boundary with 40 dB LAFmax instead of CNR 75.

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Changes to Other Appendices and Schedules

Delete the following appendices and all cross references to them within the plan text:

- Appendix 03.1 Residential Subdivision Guidelines
- Appendix 03.2.1 Tamahere Design Guide
- Appendix 03.2.2 Tamahere Business Zone Communal Management Structure
- Appendix 03.2.3 Tamahere Business Zone Development Plan Guideline
- Appendix 03.3 Town Centre Guidelines
- Appendix 03.4 Multi Unit Development

- Appendix 10.1 Raglan Town Centre Character Statement
- Appendix 10.2 Ngaruawahia Town Centre Character Statement
- Appendix 10.3 Huntly Town Centre Character Statement
- Appendix 10.4 Pokeno Town Centre Character Statement
- Appendix 10.5 Te Kauwhata Town Centre Character Statement
- Appendix 10.6 Tuakau Town Centre Character Statement

Replace these references where necessary (i.e. if not covered by other parts of the relevant provisions) with more general references to design quality and character.

Delete Schedule 30.5 Urban Allotment, including all references to the Schedule within zone rules relating to indigenous vegetation clearance.