

SECTION 42A REPORT

Report on submissions and further submissions

Hearing I: Chapter I Introduction

Report prepared by: Deborah Donaldson - Perception
Planning Limited

Date: 3 September 2019



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LIST OF SUBMITTERS AND FURTHER SUBMITTERS ADDRESSED IN THIS REPORT

Original Submitter	Submission number
Aggregate and Quarry Association (AQA) and Straterra	860
Andrew and Christine Gore	330
Anna Noakes	524
Auckland Council	372
Auckland Waikato Fish and Game Council	433
Bathurst Resources Ltd and BT Mining Ltd	771
Carl Ammon	12
Counties Manukau Police	297
Federated Farmers of New Zealand	680
First Gas Limited	945
Fonterra Limited	797
Future Proof Implementation Committee	606
Genesis Energy Limited	924
Gwenith Sophie Francis	394
Hamilton City Council	535
Heritage New Zealand	
Housing New Zealand Corporation	749
KiwiRail Holdings Limited (KiwiRail)	986
Malcolm Titchmarsh	35

Further Submitter	Submission number
AH & DB Finlay Ltd	FS1252
Andrew and Christine Gore	FS1062
Andrew Mowbray	FS1305
Annie Chen	FS1261
Auckland Council	FS1129
Auckland/Waikato Fish and Game Council	FS1045
Bathurst Resources Limited and BT Mining Limited	FS1198
Blue Wallace Surveyors Ltd	FS1287
Bootleg Brewery	FS1264
Bowrock Properties Limited	FS1197
Burton Trust	FS1203
Charlie Harris	FS1303
Christian & Natasha McDean	FS1204
Dennis and Jan Tickelpenny	FS1280
Director-General of the Department of Conservation	FS1293
Ethan & Rachael Findlay	FS1311
Federated Farmers NZ	FS1342
First Gas	FS1211
Fonterra	FS1333
Fulton Hogan Limited	FS1334

Mercer Residents and Ratepayers Committee	367
Middlemiss Farm Holdings Limited	794
Original Submitter	Submission number
New Zealand Steel Holdings Ltd	827
Ngati Tamaoho Trust	567
Ngati Te Ata	798
Powerco	836
Property Council New Zealand	198
Raglan Naturally	831
Sharp Planning Solutions Ltd	695
Sherry Reynolds	559
Spark	644
Synlait Milk Ltd	581
Tainui o Tainui	942
Tangata Whenua Working Group	388
TaTa Valley Limited	574
Trading as Aztech Buildings	281
Transpower New Zealand Ltd	576
Waikato District Council	697
Waikato District Health Board	923
Waikato Regional Council	81
Waikato River Authority	642
WEL Networks Limited	692
Withers Family Trust	598

Gavin Lovegrove and Michelle Peddie	FS1149
Genesis Energy Limited	FS1345
Further Submitter	Submission number
Glenn Michael Soroka and Louise Claire Meredith as Trustees of the Pakau Trust	FS1138
Gordon Downey	FS1157
Greg and Shirley Weller	FS1108
Hamilton City Council	FS1379
Havelock Village Limited	FS1291
Heritage New Zealand Pouhere Taonga	FS1323
Hynds Pipe Systems Limited	FS1341
Jenny Forsyth	FS1090
K Badger and WR Badger Estate	FS1260
Mainland Poultry Limited	FS1265
McPherson Resources Limited	FS1292
Mercer Airport	FS1302
Mercury NZ	FS1384
Meridian Energy Limited	FS1258
Middlemiss Farm Holdings Limited	FS1330
Moeraki Farm Ltd	FS1256
New Zealand Health Food Park Limited	FS1301
New Zealand Transport Agency	FS1202
Newstead Country Preschool	FS1182
Newstead Residents Association	FS1216
Noel Gordon Smith	FS1183
NZTA	FS1202

NZTE Operations	FS1339
Ohinewai Land Limited	FS1206
Pareoranga Te Kata	FS1035
Perry Group Limited	FS1313
Perry International Trading Group Limited	FS1348
Further Submitter	Submission number
Pokeno Community Committee	FS1176
Pokeno Village Holdings Limited	FS1281
Ports of Auckland Limited	FS1087
Rangitahi Limited	FS1208
Robyn Ballard	FS1324
Rosita Dianne-Lynn Darnes	FS1368
Shand Properties	FS1191
Synlait	FS1110
Tamara Huaki	FS1164
TaTa Valley Limited	FS1340
Te Whakakitenga o Waikato Incorporated	FS1108
Te Whakakitenga o Waikato Incorporated	FS1190
Te Whakakitenga o Waikato Incorporated Waikato Tainui	FS1108
Terra Firma Mining Limited	FS1285
The Surveying Company	FS1308
Transpower New Zealand Limited	FS1350
Turangawaewae	FS1139
Waikato Regional Airport Ltd	FS1253
Waikato Regional Council	FS1277
Waikato River Authority	FS1037
Watercare	FS1176
Wattle Downs Ltd	FS1254
Whaingaroa Environmental Defence Inc. Society.	FS1276
Winstone Aggregates	FS1332

Please refer to Appendix I to see where each submission point is addressed within this report.

I. INTRODUCTION

I.1. Qualifications and experience

1. My name is Deborah Donaldson and I am a Senior Planner with Perception Planning Limited, a resource management planning consultancy based in Martinborough in the Wairarapa. My qualifications and experience are as follows:
2. I hold a Bachelor of Laws and a Bachelor of Science (Major Geography) from Victoria University, Wellington. I have over 10 years of planning experience and have worked for private planning practice and local government in the United Kingdom, Australia and New Zealand.
3. I was not involved in the preparation of the Waikato District Plan. I was contracted by the Waikato District Council (Council) in 2019, after the submission period had closed, to provide recommendations in the form of a Section 42A report.
4. I have read the Council's Section 32 Reports.

I.2. Code of Conduct

5. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2014 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
6. I am authorised to give this evidence on the Council's behalf to the Proposed District Plan hearings commissioners.

I.3. Conflict of Interest

7. I confirm that I have no real or perceived conflict of interest.

I.4. Preparation of this report

8. My role in the preparation of this report has been to review, provide analysis on, and make recommendations on the submissions and further submissions received in relation to the contents of Chapter I – Introduction.

9. The data, information, facts, and assumptions I have considered in forming my opinions are set out in my evidence. Where I have set out opinions in my evidence, I have given reasons for those opinions. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

2. SCOPE OF REPORT

2.1. Matters addressed by this report

10. This report is prepared in accordance with section 42A of the RMA. This report considers submissions that were received by the Council in relation to the provisions relating to Chapter 1: Introduction within the Proposed Waikato District Plan.

2.2. Overview of the topic / chapter

11. Chapter 1: Introduction of the Plan provides background information to plan users about the Waikato District and information which illustrates the purpose of and direction taken by the District Plan.
12. This chapter outlines issues for the Waikato District, the relationship between these issues and Waikato District's strategic objectives and directions.
13. It also includes information on:
- Ngāa Iwi o Tainui ki te Waikato Takiwaa,
 - Settlement Acts/Co-management/Rivers – Vision and Strategies/Joint Management Agreement,
 - Statutory Acknowledgements,
 - Statutory Context and Framework, and
 - Integration of district plan with other plans and documents, and
 - Monitoring.
14. Chapter 1 also contains Chapter 1.12 Strategic Directions and Objectives. All submissions relating to Chapter 1.12 will be addressed within Hearing 3 – Strategic Objectives and Directions, and have not been addressed within this s42A report.

2.3. Procedural matters

15. There were no pre-hearing meetings, or meetings undertaken in accordance within Clause 8AA of Schedule 1, undertaken on the submissions relating to Chapter 1 – Introduction prior to the finalisation this s42A report.
16. No further consultation with any parties regarding Chapter 1 – Introduction has been undertaken since notification of the provisions.

3. CONSIDERATION OF SUBMISSIONS RECEIVED

3.1. Overview of submissions

17. 230 submission points and 331 further submission points were received on the provisions contained within Chapter 1 – Introduction.
18. As the Hearing Panel will be aware, Chapter 1 – Introduction, contains Chapter 1.12 Strategic Directions and Objectives. All submissions relating to Chapter 1.12 will be addressed within Hearing 3 – Strategic Objectives and Directions, and have not been addressed within this s42A report.
19. 77 submission points were received in support of the content contained within Chapter 1, or supported parts of it.
20. The submissions received that opposed the content of Chapter 1, or requested amendments to the content, can generally be divided into two main groups, being;
 - Submissions relating to the general structure and general content of Chapter 1;
and
 - Submissions requesting amendments to specific content of Chapter 1.
21. Submissions requesting amendments to the general structure and content of Chapter 1 primarily sought to:
 - Remove unnecessary information within the Chapter;

- Make minor amendments to the content of the Chapter to improve clarity, accuracy and make the Chapter more concise;
 - Remove references to Plans, Strategies and Documents that may become outdated within the life of the District Plan;
 - Reallocate information contained within the Chapter to relevant topic chapters;
 - Make clearer the relationship between the information contained within Chapter 1.4 (Issues for the Waikato) and Chapter 1.5 (What this means for the Strategic Directions and Objectives for Waikato) and Chapter 1.12 (Strategic Directions and Objectives);
 - Make a new plan chapter for Strategic Directions and Objectives.
22. The majority of submissions received were focused on the specific content of Chapter 1.
23. These submissions primarily related to:
- Chapter 1.4 – Issues for Waikato;
 - Chapter 1.5 – What this means for strategic objectives and directions for Waikato; and
 - Chapter 1.10 – Integration of district plan within other plans and documents.
24. Most of the changes sought to the text of the plan are fairly minor amendments to text to reflect the outcomes sought by the submitter.

3.2. Structure of this report

25. Given the number, nature and extent of the submissions and further submissions received, I have structured the Section 42A report based largely on the sub-chapters of the Introduction.
26. Section 4 of this report addresses submissions received relating to the general structure and general content of Chapter 1 as a whole. The analysis of this section, given that it is broad in its application across the chapter, will also be referred to within some of the analysis of submissions relating to specific chapters of the plan.

27. Section 5 of this report will provide a summary of analyses and recommendations in response the specific submissions received on each section of Chapter 1.
28. Section 5.12 of this report contains an assessment of submissions received from Andrew and Christine Gore (Submitter #330). They have made a number of submissions on Chapter 1 but have not specifically requested any changes or relief. For this reason, these submissions have been grouped together and assessed at the end of the report.
29. A s32AA analysis for all recommended changes to Chapter 1 is provided within Section 6 of this report.

4. SUBMISSIONS OF GENERAL CONTENT AND STRUCTURE OF CHAPTER 1 - INTRODUCTION

4.1. Submissions on general content and structure

Submissions

30. The following submissions were received on Chapter 1 – Introduction. These submissions related to the general content and structure of the chapter, specifically raising issues relating to:

- Unnecessary information within Chapter 1;
- Adopting the format of the National Planning Standards;
- Removal of topic-specific information from the introduction to topic chapters;
- The relationship between Chapters 1.4 and 1.5 and Chapter 1.12 Strategic Objectives and Directions;
- Removal of the Chapter 1.12 Strategic Objectives and Directions into a stand-alone chapter.

Submission	Submitter	Summary of submission point
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point		
697.348	Waikato District Council	Requested that unnecessary information within Chapter 1 – Introduction be deleted. The submitter also raised concerns that references to Council strategies become out of date when a council reviews its strategies.
FS1384.43	Mercury NZ Limited	Support 697.348
644.1	Spark	Submitted that the format of the plan should be amended as necessary to adopt the format and requirements of the National Planning Standards. It is noted that these submissions will be addressed in Hearing 2 – Plan Structure – all of plan.
81.75	Waikato Regional Council	Requested that for information to be better understood, its contents should be separated into discrete chapters. In particular, the Strategic Directions/Objectives and the information related to Ngaa Iwi o Tainui ki Waikato Takiwaa.
FS1108.112	Te Whakakitenga o Waikato Incorporated Waikato Tainui	In support of 81.75
FS1139.99	Turangawaewae	Support 81.75
680.7 680.8	Federated Farmers	Considered that the purpose of the plan would be better served if the issues for the district were incorporated into the respective chapters of the plan, rather than contained in a separate section. It is noted that these submissions will be addressed in Hearing 2 – Plan Structure – all of plan.
FS1384.118	Mercury NZ Limited	Oppose 680.8
FS1330.64	Middlemiss Farm Holdings Limited	Oppose 680.7 - These submission points are broad and wide ranging and Middlemiss wishes to be a party to these topics.
923.91	Waikato District Health Board	Requested that Chapter 1 more clearly states the Strategic Objectives and Policies in each chapter and how they relate to each other and issues. They stated that within Chapter 1 – Introduction the relationship between various strategic provisions within 1.4, 1.5 and 1.12 is unclear. (This submission will also be addressed within Hearing 3 - Strategic Directions and Objectives)
FS1384.68	Mercury NZ Limited	Oppose 923.91
FS1308.168	The Surveying Company	In support of 923.91

697.347	Waikato District Council	Submitted that the introduction is unclear in its purpose and is unclear in its legal effect. It stated that the Introduction chapter contains strategic objectives, but it is not clear whether these are part of the plan or have more of an advisory role and status. The submitter stated that if they are to be Objectives, they would benefit from more visibility in the plan through creation of a new strategic objectives chapter.
FS1384.42	Mercury NZ Limited	Opposes 697.347
FS1202.30	New Zealand Transport Agency	In support of 697.347
FS1291.15	Havelock Village Limited	Opposes 697.347
FS1308.109	The Surveying Company	In support of 697.347
FS1323.1	Heritage New Zealand Pouhere Taonga	Opposes 697.347

Analysis

Removal of unnecessary information from Chapter I and the National Planning Standards

31. The submission from Waikato District Council (697.348) requests the deletion of unnecessary information in Chapter I.
32. In order to determine what information could be considered ‘unnecessary’, I have reviewed the RMA and the National Planning Standards to assist me in determining what information should/could be contained within the Introduction section of a District Plan.
33. Section 18A of the RMA applies to all plans and states that plans “*include only those matters relevant to the purpose of the Act*” and are “*worded in a way that is clear and concise*”.
34. Section 72 of the RMA sets out the Purpose of District Plans, that is, to assist authorities in carrying out their functions to achieve the purpose of the Act. Section 75 states that a Plan must state the objectives, policies and rules, and may state;

(a) the significant resource management issues for the district; and

- (b) the methods, other than rules, for implementing the policies for the district; and*
- (c) the principal reasons for adopting the policies and methods; and*
- (d) the environmental results expected from the policies and methods; and*
- (e) the procedures for monitoring the efficiency and effectiveness of the policies and methods; and*
- (f) the processes for dealing with issues that cross territorial authority boundaries; and*
- (g) the information to be included with an application for a resource consent; and*
- (h) any other information required for the purpose of the territorial authority's functions, powers, and duties under this Act.*

35. Considering the above, the RMA dictates that:

- a plan should only contain what is relevant to achieving the purpose of the Act,
- that the contents of the Plan should be clear and concise, and
- other matters may be included in a Plan if the relevant authority considers it necessary.

36. In addition, the s32 Reports prepared for the Proposed Plan identify the strategic documents that informed and provided a framework for the development of the proposed District Plan provisions. The s32 reports also identify the resource management issues relevant to the topic or zone, and provide an evaluation of the proposed provisions. In reviewing the content of Chapter I, I have looked at the information contained in these reports and assessed if there is any need for this to be repeated within the Plan.

37. The National Planning Standards were introduced to the RMA as part of the 2017 amendments. The purpose of the National Planning Standards (planning standards) is to improve consistency in plan and policy statement structure, format and content¹. The first set of draft national planning standards was released on the 5th April 2019 which was nine months after the notification of the Waikato Proposed District Plan.

38. The National Planning Standards contain a structure for district plans. Part I of the Planning Standards – Introduction and General Provisions, contains five topic headings, with the recommended content of each topic, indicated below, being;

- **Introduction**

¹ <https://www.mfe.govt.nz/rma/national-direction/national-planning-standards/about-national-planning-standards>

- Foreword or mihi
- Contents
- Purpose, and
- Description of the district
- **How the Plan Works**
 - Statutory context - Location for statutory information relevant to plans, including pending and existing Treaty of Waitangi settlement legislation and related statutory documents
 - General approach
 - Cross Boundary Issues
 - Relationships between spatial layers
- **Interpretation**
 - Definitions
 - Abbreviations
 - Glossary
- **National Direction Instruments**
 - Includes a table with relevant National Policy Statements, the New Zealand Coastal Policy Statement, National Environmental Standards, Regulations and where relevant, Water Conservation Orders.
- **Tangata Whenua / Mana Whenua**
 - Location for context and process-related tangata whenua provisions and may include:
 - Recognition of iwi and hapu
 - Tangata whenua – local authority relationships
 - Hapuu and iwi planning documents, and
 - Involvement and participation with tangata whenua

39. MFE Guidance for District Plan Structure and Chapter Standards², outlines that information included within the description of the district could include information on:

- History

² Ministry for the Environment, National Planning Standards – Guidance for the District Plan Structure and Chapters standard. April 2019, Pg 2

- Geography
- Geographic area
- Demography
- Population
- Services
- Transport routes
- Tangata whenua
- Natural hazards
- Urban, rural and natural environment
- Major industries and resources

40. The guidance recommends that a description of the district should only include ‘key’ information, and may include issues relevant from a resource management perspective. Information on the examples listed above could be included, but MFE stress that it should only be information that helps the policy and rule framework that follows (emphasis added).
41. I consider that the information contained within the RMA and National Planning Standards provides guidance as to what information should be contained within the Introductory part of a plan, being those sections of the plan that do not contain provisions.
42. The submissions from Spark, Vodafone, Chorus and The Surveying Company (644.1, 646.1, 648.1 and 746.138) submit that the Plan should adopt the format of the National Planning Standards. These submissions will be addressed specifically within Hearing 2 – All of Plan but provide scope to consider how the contents and layout of the Introduction chapter of the Plan could be amended to be reflective of the format and content within the Planning Standards.
43. Chapter I – Introduction as it was notified is very long and contains a lot of information. In accordance with the direction of the RMA and National Planning Standards, I consider that amendments to Chapter I could be made to condense and re-organise the chapter, and to improve its legibility, interpretation and use for plan users.
44. In Section 5 of this report, I have provided a review of the submissions received on each sub-chapter of Chapter I. For each sub-chapter I have considered the following:

(a) The submissions received seeking amendments to the content of that chapter, and if those amendments appropriate, and

(b) A review of the sub-chapter in terms of the general structure and content of the chapter to assess if:

- The content contained within the section is necessary within the Plan, and if so,
- Is its current location in the plan the most appropriate place for it to be located?

45. While I have attempted to condense Chapter I to better align with the format and content of the National Planning Standards, the complexity of re-arranging Chapter I to fully align with the National Planning Standards should not be under-estimated, given the notified structure and content of this Chapter of the Plan. Where I consider it appropriate I have provided some 'easy wins' in terms of format and structure, but I consider a full review of Chapter I is better left until the Plan is substantially operative in order that the work required can be undertaken without the constraints and implications of s42A reporting deadlines and hearing timetables. There is also a risk that the changes required to align Chapter I with the National Planning Standards would have resulted in additional text and could not have been anticipated by further submitters. This does raise the issue of natural justice. For this reason, I have not re-written Chapter I to match the requirements of the National Planning Standards.

46. Where I have considered that content within the sub-chapter of the Plan is unnecessary, I have provided in that section of the report an analysis of why I have made a recommendation for it to be removed has been made.

47. In most cases I have used the submission of Waikato District Council (697.348) to provide scope to make amendments to remove content from the chapter. A full s32AA analysis of any recommended changes to the Plan is included within Section 6 of this report, and my recommended amendments are contained in Appendix 2 to this report.

48. For these reasons, I recommend that the submissions of Waikato District Council (697.348), (81.75) and Spark (644.1) be accepted in part.

Submissions to re-locate content of Chapter I into topic chapters

49. The submissions from Waikato Regional Council (81.75) and Federated Farmers (680.7 and 680.8) submit that content from Chapter 1, in particular Chapter 1.4 and 1.5, should be relocated to the relevant chapter topic of the Plan.
50. The Plan has been written (in the most part) without an introduction to, or identification of issues within each chapter. The Introduction Chapter of the Plan provides the space in the Plan where the background information is located. This information provides plan users with background context as to how the provisions of the Plan in subsequent topics have been developed.
51. In general, I do not consider that it is effective or efficient to relocate the content of Chapter 1 into other chapters. While I agree that some of the information can be broken down into topics, the majority of the content provides more of a general overview of issues across the plan (Chapter 1.4), and background information as to the development of the strategic objectives and directions (Chapter 1.5) which again, are far reaching across the plan as opposed to specifically topic based.
52. I consider that the s32 reports for each topic or chapter, provide background information and identification of the issues specific to that topic. I consider this to be the best place for this information, and therefore does not need to be repeated in the Introduction chapter of the Plan.
53. Within Section 5 of this report I have provided an analysis of submissions on each sub-chapter of Chapter 1. Where I consider that information is topic based, and most appropriately located within another chapter in the Plan, I have made recommendations with justification, and used the above submissions as scope for these changes.
54. For the most part however, I have considered that the information contained within Chapter 1 has a more 'overarching' application, and contains background information applying across the plan, and therefore my recommendations reflect keeping the majority of content within Chapter 1.
55. For these reasons, I recommend that the submissions of Waikato Regional Council (81.75) and Federated Farmers (680.7 and 680.8) be accepted in part.

Strategic Directions and Objectives

56. Waikato District Council (697.347) stated that the Introduction chapter contains strategic objectives, but it is not clear whether these are part of the Plan or have more of an advisory role and status. The submitter stated that if they are to be objectives, they would benefit from more visibility in the Plan through creation of a new strategic objectives chapter.
57. A submission from Waikato Regional Health Board (923.91) requested that Chapter 1 more clearly state the Strategic Objectives and Policies in each chapter and how they relate to each other and the issues. It stated that within Chapter 1 – Introduction the relationship between various strategic provisions within 1.4, 1.5 and 1.12 is unclear.
58. Chapter 1.4 provides an overview of the resource management issues for the Waikato District. Chapter 1.5 then provides further background information on what the issues identified in Chapter 1.4 mean in terms of the development of Waikato District's strategic objectives and directions. The Strategic objectives and directions are currently contained within Chapter 1.12 and also within some of the topic chapters within Section B of the plan.
59. Chapter 1 contains Chapter 1.12 Strategic Directions and Objectives. All submissions relating to Chapter 1.12 have been re-allocated to, and will be addressed within, Hearing 3 – Strategic Objectives and Directions.
60. The s42A officer for Hearing 3 will make a recommendation on the location of the content in Chapter 1.12 within the Plan.
61. These submission points will be addressed in Hearing 3 – Strategic Objectives and Directions, and as such, no recommendation is made at this time.

5. SUBMISSIONS OF SPECIFIC CONTENT OF CHAPTER I - INTRODUCTION

5.1. Chapter I.1 - What is a district plan?

Submissions

62. Three submissions and three further submissions were received in relation to Chapter I.1
What is a district plan?

Submission point	Submitter	Summary of submission point
35.1	Malcom Titchmarsh	Retain I.1 as notified.
FS1384.17	Mercury NZ Limited	Oppose 35.1
567.1 798.3	Ngati Tamaoho Trust Ngati Te Ata	Sought amendments on the basis that the proposed plan does not cover future environmental effects. The submitters sought that the 4th sentence of Chapter I.1 is amended to read ' <i>It must include objectives, policies, and rules to manage the environmental effects of land use activities. <u>Rules set within the plan are a minimum requirement, not an aspiration but a starting point.</u></i> '
FS1384.54	Mercury NZ Limited	Oppose 798.3

Analysis

63. Chapter I.1 of the Plan provides information on what a district plan is under the RMA, direction on where to find information on the relationship between the plan and other planning documents within the chapter, and provides reference to the existing Operative Plan that will be replaced by this plan.
64. In light of the analysis in Section 4 of this report (in response to submissions regarding the structure and content of the introduction), I consider that Chapter I.1 – What is a District Plan, is unnecessary and should be deleted. S18A of the RMA applies to all plans and states that plans 'include only those matters relevant to the purpose of the Act' and are 'worded in a way that is clear and concise'. s72 of the RMA outlines purpose of a District Plan and s75 relates to contents of District Plan.
65. The information contained within Chapter I.1(a) is, as I see it, is repeating and unnecessarily elaborating on the contents of s72 and s75 of the Act.

66. In addition, I consider that paragraph (b) provides only a navigational role, which is unnecessary in this section of the Plan. Paragraph (c) could be outlined on the Council website, and does not need to be contained within the Plan.
67. In response to the submissions from Ngati Tamaoho Trust (567.1) and Ngati Te Ata (798.3), given my recommendation to delete Chapter 1.1, I recommend that the submissions be rejected.
68. If, however, the Hearing Panel is minded to retain Chapter 1.1 in the Plan, I also recommend that the above submissions be rejected. District plans contain rules in order to implement policies, which in turn seek to achieve its objectives and the purpose of the Act. The submitters may be correct in their view that rules will not always achieve long term aspirations, however they must assist the council in achieving sustainable management. I consider that the text within Chapter 1.1.1 as notified provides a more accurate overall summary of the role played by the objectives, policies and methods of the plan.

Recommendations

69. Based on the analysis above, I recommend that Chapter 1.1 What is a district plan? be deleted in its entirety. Scope for this change is provided by the submission of Waikato District Council (697.348).
70. I recommend that the submissions by Ngati Tamaoho Trust (35.1), Ngati Te Ata (798.3) and Malcom Titchmarsh (35.1) be rejected.

Amendments

71. The following amendments are recommended:
72. Chapter 1.1 – What is a District Plan be deleted in its entirety (Waikato District Council (697.348)).

5.2. Chapter 1.2 - What is the purpose of the district plan

Submissions

73. Three submissions and two further submissions were received in relation to Chapter 1.2 What is the purpose of the Waikato District Plan?

Submission point	Submitter	Summary of submission point
198.17	Property Council New Zealand	Retain 1.2(b) as notified.
35.2	Malcom Titchmarsh	Retain 1.2 as notified.
FS1384 .18	Mercury NZ Limited	Oppose 35.2
535.34	Hamilton City Council	Requested an amendment to the figure provided for Hamilton's population which is currently notified within the plan as 110,000. The submitter requested that the figure be increased to 165,000 to reflect the current population statistics.
FS1384 .84	Mercury NZ Limited	Oppose 535.34

Analysis

74. The intent of Chapter 1.2 is to outline the purpose of the district plan. Chapter 1.2 also outlines the matters included within the Plan, and provides an overview of the Waikato District.
75. Hamilton City Council (535.34) did not provide a source for the requested population figure, however considering the submission was lodged in October 2018 it is likely that the figure was obtained from the Hamilton Business Economy Growth Indicator Report August 2018, which was the most current version of the report at the time. This document estimated the population of Hamilton to be 165,400. Since the lodgement of Hamilton City Council's original submission, a new version of this report has been made available. The July 2019 issue estimates a population of 169,300.
76. Population figures are going to change through the life of the plan, and as such I consider that it is more appropriate to remove references to figures that are likely to vary. For this reason, I recommend amending Chapter 1.2 to remove references to population figures for Hamilton City and Auckland.
77. On review of Chapter 1.2 and in line with the submission of Spark (644.1) that requesting the adoption of the National Planning Standards format, I recommend that the title of Chapter 1.2 is amended to 'Purpose'.
78. In addition, I consider that Chapter 1.2(c) has a purpose of describing the district and would be better located as an introduction to those sections of the Plan that describe the district and the resource management issues facing the district, namely Chapter 1.4. For this reason, I recommend that Chapter 1.2(c) (including the recommended amendments above)

is relocated to Chapter 1.4 of the Plan. I consider that recommendation is within the scope of the submission of Spark (644.1) that requesting the adoption of the National Planning Standards format.

Recommendation

79. I recommend that the submissions by Property Council New Zealand (198.17) and Malcom Titchmarsh (35.2) be accepted in part (to the extent that the section remains, but is amended to remove population figures).
80. I recommend that the submission by Hamilton City Council (535.34) be rejected on the basis that it is recommend that reference to population figures are removed.

Amendments

81. The following amendments are recommended:
82. Amend the title of Chapter 1.2 to read;
- ~~1.2 What is the p~~Purpose ~~of the district plan?~~ (Spark 644.1)
83. Amend 1.2(c) to read;
- “...The district is located between two large urban centres - Auckland, ~~with a population of over 1 million people and lies~~ to the north, and Hamilton ~~with a population of over 110,000 which lies~~ to the south...” (Waikato District Council (697.348))
84. Relocate Chapter 1.2(c) to Chapter 1.4 (Spark 644.1)

5.3. Chapter 1.3 - Background

Submissions

Submission point	Submitter	Summary of submission point
35.3	Malcom Titchmarsh	Retain 1.3 as notified.
FS1384.19	Mercury NZ Limited	Oppose 35.3

Analysis and recommendations

85. Chapter 1.3 provides background information relating to the development of the plan. No submissions were made requesting changes to Chapter 1.3.

86. Chapter 1.3 contains information that is contained within the S32 Report³ for the Introduction. It is considered this information is more appropriately contained with the s32 evaluation document, and does not need to be repeated within the Plan.
87. I therefore recommend rejecting the submission by Malcom Titchmarsh (35.3) on the basis that Chapter 1.3 is recommended to be deleted. The scope for this deletion is provided by the submission from Waikato District Council (697.348).

Amendments

88. The following amendments are recommended:
89. Delete Chapter 1.3 in its entirety (Waikato District Council (697.348))

5.4. Chapter 1.4 - Issues for Waikato District

Submissions

90. Submissions and further submissions were received in relation to Chapter 1.4 Issues for Waikato District. These submissions can generally be grouped according to the following topics;

- General Issues for Waikato
- Demographic Trends
- Economic Growth
- The Rural Environment
- The Urban Environment
- Maaori Freehold Land, and
- Historic Heritage

5.4.1. General Issues for Waikato District

Submissions

Submission	Submitter	Summary of submission point
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³ Proposed Waikato District Plan (Stage 1) Section 32 Report (Introduction to the Evaluation Reports) 18 July 2018 pg 12, 18

point		
367.32	Mercer Residents and Ratepayers Committee	Retain 1.4 as notified.
FS1384.20	Mercury NZ Limited	Oppose 367.32
FS1377.65	Havelock Village Limited	Support 367.32
606.1	Future Proof Implementation Committee	Retain 1.4 as notified.
FS1384.110	Mercury NZ Limited	Support 606.1
FS1087.16	Ports of Auckland Limited	Support 606.1
FS1202.33	New Zealand Transport Agency	Support 606.1
FS1204.8	Christian & Natasha McDean	Support 606.1
12.1	Carl Ammon	Generally in support of Chapter 1.4, however raised concerns that the proposed plan lacks a strong vision and needs to better address environmental matters associated with the agriculture, forestry and extractive sectors. The submitter also sought a 'clearer stance' on issues such as soil conservation, water quality and the restoration of natural biodiversity. The submitter is concerned that the current plan gives the impression of farming as a priority over the environment.
FS1384.71	Mercury NZ Limited	Oppose 12.1

Analysis

91. The issues identified within Chapter 1.4 of the report form the basis on which the provisions of the plan (being the objectives, policies, and rules) have been developed. In addition, there is information contained within Chapter 1.4 that provides a description of the district.
92. For this reason, and on review of this section of the Plan, I consider that the title of this Chapter could be amended to more correctly reflect its contents, and to better reflect the framework proposed within the National Planning Standards for the Introduction section of the Plan (as outlined within Section 4.1 of this report)
93. I therefore recommend that the title of Chapter 1.4 is amended to 'Description of the district and issues for Waikato district'. While this title, and the contents of the Chapter do not fully reflect that anticipated within the National Planning Standards, it is a step towards this framework, and will provide more clarity to Plan users as to the content that is to be

found within this Chapter of the Plan. I consider that recommendation is within the scope of the submission of Spark (644.1) that requesting the adoption of the National Planning Standards format.

94. While the submission from Carl Ammon (12.1) is noted, the submission is very general in nature and lacks any detail on how the submitter considers that the Introduction Chapter, or Chapter 1.4 of the plan, could be amended to address his concerns. It appears that the submission supports the content of Chapter 1.4 but raises concern about the way that the plan addresses the issues identified within this section. Given the submitter has not specifically requested any changes to Chapter 1.4, I recommend that the submission be rejected. If, however, evidence is presented at the hearing that provide details on specific relief that would address the submitter's concerns, I would be happy to consider this.

Recommendation

95. I recommend that the submissions by Mercer Residents and Ratepayers Committee (367.32) and Future Proof Implementation Committee (606.1) be accepted in part (on the basis that amendments to Chapter 1.4 are recommended below in Section 5.4.4-5.4.7 of this report)
96. I recommend that the submission of Carl Ammon (12.1) is rejected.
97. I recommend that the title of Chapter 1.4 is amended as outlined within the amendments below.

Amendments

98. I recommend the following amendments;
99. Amend the title of Chapter 1.4 to read;

'Description of the district and its issues for Waikato district' (Spark 644.1)

5.4.2. Demographic trends

Submissions

Submission point	Submitter	Summary of submission point
695.154	Sharp Planning Solutions Ltd	Requested amendment to Chapter 1.4.1 to replace the 45-50 year population forecast with a 5-10 year forecast.

FS1384.121	Mercury NZ Limited	Oppose 695.154
FS1287.30	Blue Wallace Surveyors Ltd	Support 695.154 – demographic changes are not constant that cannot be easily forecast.
695.155	Sharp Planning Solutions Ltd	Submitted on Chapter 1.4.1.3 seeking that the Council develop, in conjunction with owners and development professionals, applied growth plans to every town and village in the district.
FS1384.122	Mercury NZ Limited	Oppose 695.155
FS1287.31	Blue Wallace Surveyors Ltd	Support 695.155
FS1305.30	Andrew Mowbray	Support 695.155

Analysis

100. Sharp Planning Solutions (695.154) did not provide any supporting information within their submission to support their request for an alternative population forecast for the Waikato District within Chapter 1.4.1. Nor has the submitter provided a potential source or alternative figure. Council has acquired its population growth forecast data from Statistics New Zealand (2014), Infometrics for E Tu Waikato (2014) and the National Institute for Demographic and Economic Analysis. Given that no evidence or alternative source of data has been presented by the submitter, I consider it appropriate to continue to rely on the population forecast data provided used by the Council and stated within the Plan.
101. In response to the submission from Sharp Planning Solutions (695.155) on Chapter 1.4.1.3 – Uneven population growth, it is unclear what relief the submitter is seeking. I would welcome the submitter to provide clarification through evidence as to how it is considered that the Plan can be amended to address the concerns raised. This could then be considered within the hearing, or subsequent hearings if necessary. For these reasons, at this time, I recommend the submission be rejected.
102. While there is a lot of information within Chapter 1.4.1, I consider the information is useful in 'setting the scene' for the district and as such should be retained.

Recommendation

103. Based on the analysis above, I recommend that the submissions by Sharp Planning Solutions (695.154 and 695.155) be rejected.

104. I recommend that Chapter 1.4.1 – Demographic trends, be retained as notified.

5.4.3. Economic growth

105. 10 submissions and 23 further submissions were received in relation to Chapter 1.4.3 – Economic growth.

Submissions

Submission point	Submitter	Summary of submission point
797.1, 797.2	Fonterra Limited	Retain 1.4.2 and 1.4.2.1 as notified.
FS1110.7, FS1110.8, FS1322.1, FS1322.2	Synlait	Support 797.1 and 797.2
Chapter 1.4.2.3 Economic challenges		
695.156	Sharp Planning Solutions	Requested the need for a 'greater applied focus on growth of other towns and villages'. The submitter provided the township of Matangi as an example of where growth could be focused.
FS1384.123	Mercury NZ Limited	Oppose 695.156
FS1305.32	Andrew Mowbray	Support 695.156
695.157	Sharp Planning Solutions	Stated that 'the current sprawl of the Country Living Zone at Tamahere with 5000m ² lots directly contradicts the intent of this objective'. The submitter states that 1000m ² lots in Matangi could house 5 times as many parties and reduce land resources less by 80% per allotment.
FS1384.124	Mercury NZ Limited	Oppose 695.157
FS1305.32	Andrew Mowbray	Support 695.157
794.1	Middlemiss Farm Holdings Limited	<p>Requested the addition of the following sentence to the end of clause (a)(i) of Chapter 1.4.2.3:</p> <p><u><i>This challenge, which can be managed, is also an opportunity as new residents and businesses diversify and strengthen the economic base of the District.</i></u></p> <p>The following amendments to clause (vi):</p> <p><i>Soil resources, including soil quality, are under threat due to where subdivision and intensification of land use is inappropriate.</i></p> <p>The following amendment to clause (ix):</p>

		<i>With growth pressure in both the Urban and Rural sectors, maintaining and enhancing the natural environment, <u>and ensuring the sustainability of ecosystem services.</u></i>
<i>FSI340.144</i>	<i>TaTa Valley Limited</i>	<i>Supports in part 794.1</i>
<i>FSI384.47</i>	<i>Mercury NZ Limited</i>	<i>Oppose 794.1</i>
771.2	Bathurst Resources Ltd and BT Mining Ltd	<p>Do not consider that there is a decline in the coal mining sector, and provided no barriers are put in place, the submitter expects to be able to continue to mine coal in the district.</p> <p>The submitter seeks the following amendments to clause (a)(viii) to Chapter 1.4.2.3:</p> <p><u>A perceived decline in the mining sector which needs to be addressed by making provision for existing mining activities to expand into areas outside the existing Coal Mining and Aggregate Extraction Areas while addressing, with coal resources in particular becoming increasingly difficult and expensive to access, as well as public concerns about the</u> around environmental impacts of coal and mineral mining in the region, are a concern, considering its share of the district's GDP.</p>
<i>FSI285.4</i>	<i>Terra Firma Mining Limited</i>	<i>Support 771.2</i>
<i>FSI345.146</i>	<i>Genesis Energy Limited</i>	<i>Support 771.2</i>
860.1 and 860.19	Aggregate and Quarry Association (AQA) and Straterra	Support retention of 1.4.2.3 as notified, in particular clause (a) (v) and (viii).
<i>FSI198.1</i>	<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>Support 860.1</i>
<i>FSI292.1</i>	<i>McPherson Resources Limited</i>	<i>Support 860.1</i>
<i>FSI332.1</i>	<i>Winstone Aggregates</i>	<i>Support 860.1</i>
<i>FSI334.1</i>	<i>Fulton Hogan Limited</i>	<i>Support 860.1</i>
<i>FSI292.9</i>	<i>McPherson Resources Limited</i>	<i>Support 860.19</i>
<i>FSI332.19</i>	<i>Winstone Aggregates</i>	<i>Support 860.19</i>
<i>FSI334.9</i>	<i>Fulton Hogan Limited</i>	<i>Support 860.19</i>

797.3	Fonterra Limited	Support generally 1.4.2.3, but request an additional clause to read: <u>primary production and processing activities are increasingly subject to reverse sensitivity effects</u>
FSI110.9	Synlait	Support 797.3
FSI313.25	Perry Group Limited	Oppose 797.3 - Agree with the amendment in part, acknowledging that primary production and processing activities can be or may be subject to reverse sensitivity effects but do not agree that they 'increasingly' subject to reverse sensitivity effects.
FSI322.3	Synlait	Support 797.3
FSI342.221	Federated Farmers	Support 797.3
942.35	Tainui o Tainui	Requested the addition of two new clauses, as follows: <u>(x) The retention and development of Maori Freehold land in both urban and rural areas</u> <u>(y) Lack of housing, training and employment opportunities for Maori in west coast communities</u>

Analysis

106. All submissions pertaining to Chapter 1.4.2.3 – Challenges requested amendments .
107. The submission from Sharp Planning Solutions (695.157 and 695.156) appears to raise concern about how the plan will deliver in accommodating growth within the district. I remain unclear as to what amendments the submitter seeks to the Plan to address the concerns raised within their submissions. I would welcome the submitter to provide clarification through evidence as to how the Plan can be amended to address the concerns raised. This could then be considered within the hearing, or subsequent hearings if necessary. For these reasons, at this time, I recommend the submissions be rejected.
108. In their submission, Middlemiss Farm Holdings Limited (794.1) requested a number of changes to the text of Chapter 1.4.2.3. In regard to the changes sought to Chapter 1.4.2.3 (a)(i), they highlight the challenge faced within uneven populations across the district. I appreciate the point made by the submitter, however consider the associated economic growth of these populations is already recognised within this clause. I therefore consider that the requested amendment is not required.
109. In regard to Middlemiss Farm Holdings Limited's proposed changes to Chapter 1.4.2.3 (a)(vi), the submitter holds a valid concern around soil quality, however the wording, as proposed by the submitter would result in a clause that says that soil quality and soil resources are under threat where subdivision and intensification of land use is

inappropriate. Subdivision and intensification of land use (in most cases) would require resource consent to establish whether it is appropriate, and resource consent would only likely to be granted when there is no threat to soil quality and soil resources. For these reasons, I recommend that the amendments proposed by submitter be rejected.

- I 10. Middlemiss Farm Holdings Limited (794.1) also requested changes to Chapter 1.4.2.3 (a)(ix), to read *'With growth pressure in both Urban and Rural sectors maintaining and enhancing the natural environment and ensuring the sustainability of ecosystem service'*. I support the intention of the proposed change, however consider it an unnecessary addition. I consider that recognition of the need to maintain and enhance the natural environment would include stability of ecosystem service. For these reasons, I recommend that the submission from Middlemiss Farm Holdings Limited (794.1) be rejected.
- I 11. In response to the submission by Bathurst Resources Ltd and BT Mining Ltd (771.2), it is important to recognise that in the Rural Zone, extractive industries are a discretionary activity unless they are located within an Outstanding Natural Feature, Outstanding Natural Landscape, High Natural Character Area or Outstanding Natural Character Area; in which case they are a non-complying activity. Policy 5.4.2 (a) enables extractive industries, provided that adverse effects are avoided, remedied, or mitigated. Therefore, before a mining operation can be undertaken, it requires an assessment against the provisions of the plan to ascertain whether the activity is appropriate. I therefore consider that specifically stating in the plan that the 'expansion' of mining activities is provided for is inappropriate, given that an assessment of whether expansion is appropriate is first required. For this reason, I recommend that the submission be rejected.
- I 12. Fonterra Limited (797.3) sought recognition of reverse sensitivity effects that impact primary production and processing activities. Reverse sensitivity is recognised as an issue for the rural area in the s32 Report for the Rural zone⁴. Reverse sensitivity is identified as an issue within the Rural environment in Chapter 1.4.3.1(b) of the Introduction. Policy 5.3.7 recognises reverse sensitivity effects in the rural environment and directs how these can be managed. While reverse sensitivity is clearly an issue within the district, it is already identified within Chapter 1 and I do not consider that there needs to be repetition of this issue within this chapter of the plan. For these reasons, I recommend that the submission of Fonterra Limited (797.3) be rejected.

⁴ Proposed Waikato District Plan (Stage 1) Section 32 Report (Rural) July 2018, pg37

113. Tainui o Tainui (942.35) submitted requesting the addition of two new clauses that identify challenges that specifically affect Māori landowners, in relation to the retention and development of Māori freehold land. Māori land ownership is discussed in Chapter 2.5 of the Tangata Whenua chapter. The majority of land blocks are in multiple ownership, and this is considered a significant challenge, as some owners are unable to effectively engage and utilise the land for their social, cultural and economic well-being. The Tangata Whenua Section 32 Report describes how an overarching issue for Tangata Whenua is the inability to manage and utilise their traditional resources, which manifests itself in limitations imposed on Māori Freehold Land and for Marae activities and papakaainga housing. I believe that this does warrant inclusion in the list of economic development challenges facing the Waikato District, due to the economic benefits that are not able to be experienced by Māori landowners.
114. The second clause requested by Tainui o Tainui (942.35) relates to a lack of housing, training and employment opportunities for Māori in west coast communities. This has not specifically been identified through any of Waikato District Council's Tangata Whenua, Rural or Residential Section 32 Reports as a resource management issue that needs to be addressed. Because the submitter has not provided any evidence to suggest that this is indeed a resource management issue faced by the district, I consider that it would be inappropriate to include it as requested. I would welcome the submitter to provide evidence that could be considered for the hearing. For these reasons, at this time, I recommend the submission be rejected.

Recommendations

115. My recommendation is to accept the submissions by Fonterra Limited (797.1 and 797.2) is accepted and the submissions of Aggregate and Quarry Association (AQA) (860.1 and 860.19) are accepted in part.
116. Based on the analysis above, I recommend that the submissions by Sharp Planning Solutions (695.157 and 695.156), Middlemiss Farm Holdings Limited (794.1), Bathurst Resources Ltd and BT Mining Ltd (771.2) and Fonterra Limited (797.3) be rejected.
117. I recommend that the submission by Tainui o Tainui (942.35) be accepted in part and the following amendments be made to Chapter 1.4.2.3.

Amendments

118. The following amendments are recommended:

119. Add the following clause to Chapter 1.4.2.3(a):

“(x) The retention and development of Māori Freehold land in both urban and rural areas”
(Tainui o Tainui (942.35).

5.4.4. The rural environment

Submissions

120. 28 submissions and 70 further submissions were received in relation to Chapter 1.4.3 - The rural environment.

121. These submissions can be broken down into submission received on;

- 1.4.3 – The rural environment
- 1.4.3.1 – Rural activities
- 1.4.3.2 – Protecting the rural environment.

5.4.4.1. The rural environment

Submissions

Submission point	Submitter	Summary of submission point
827.38	New Zealand Steel Holdings Ltd	Retain 1.4.3 as notified.
FS1198.3	Bathurst Resources Limited and BT Mining Limited	Support 827.38
FS1285.5	Terra Firma Mining Limited	Support 771.3
771.3	Bathurst Resources Ltd and BT Mining Ltd	Retain 1.4.3 as notified.
794.2	Middlemiss Farm Holdings Limited	Requested the deletion of ‘productive’ from the term ‘productive rural activities’ in clause (a). The submitter also requested changes to clause (b) to recognise that the rural parts of the district are valued for their indigenous habitats and waterways.
FS1384.48	Mercury NZ Limited	Oppose 794.2
680.9	Federated Farmers of New Zealand	Sought amendments to reflect that rural landscapes are dynamic. The submitter requested that 1.4.3(b) is amended to read:

		<i>In addition, <u>rural activities contribute to the parts of the rural environment</u> parts of the district which are valued for their landscape, character and amenity values.</i>
<i>FS1384.120</i>	<i>Mercury NZ Limited</i>	<i>Oppose 680.9</i>
<i>FS1330.65</i>	<i>Middlemiss Farm Holdings Limited</i>	<i>Oppose 680.9 - Amendments proposed complicate the intent of the issue.</i>

Analysis

122. In response to the submission from Middlemiss Farm Holdings Limited (794.2), the term ‘productive rural activities’ is consistent with the wording used within the objectives and policies within the Rural Zone. For this reason, in order to maintain consistency with the remainder of the Plan, I recommend that the amendment proposed by the submitter is rejected. I note that there has been a request by Fonterra Limited (797.20) to include a definition of ‘productive rural activities’ within the Plan. This submission will be considered within Hearing 5 – Definitions.
123. Habitats and waterways are elements that contribute to the wider values of landscape, character and amenity, and as such it is unnecessary to refer specifically to them in Chapter 1.4.3(b). For these reasons, I recommend that the submission of Middlemiss Farm Holdings Limited (794.2) be rejected.
124. I consider that the amendment to Chapter 1.4.3(b) requested by Federated Farmers of New Zealand (680.9) narrows the focus of the sentence so that it only applies to rural activities and their contribution to the landscape, character and amenity of the rural environment. I believe that this was not the intent of the sentence within the Plan. Instead, it was aimed at identifying that while productive rural activities and areas of the rural environment are important, the rural area is also valued for other reasons, being its landscape, character and amenity. In some cases, rural activities will not contribute to these values or may be inappropriate in certain areas (for example within Outstanding Natural Features/Landscapes, Significant Amenity Landscapes or Outstanding/High Natural Character areas), in order to protect these values. For these reasons, I recommend that the submission of Federated Farmers of New Zealand (680.9) be rejected.

Recommendation

125. I recommend the submissions of Middlemiss Farm Holdings Limited (794.2) and Federated Farmers of New Zealand (680.9) be rejected.

126. I recommend that submissions by New Zealand Steel Holdings Ltd (827.38) and Bathurst Resources Ltd and BT Mining Ltd (771.3) be accepted; and that Chapter 1.4.3(a) and (b) be retained as notified.

5.4.4.2. 1.4.3.1 Rural activities

Submissions

Submission point	Submitter	Summary of submission point
Chapter 1.4.3.1 Rural activities		
680.10	Federated Farmers of New Zealand	Retain 1.4.3.1 as notified.
771.4	Bathurst Resources Ltd and BT Mining Ltd	Retain 1.4.3.1 as notified.
797.4	Fonterra Limited	Retain 1.4.3.1 as notified.
FS1110.10, FS1322.4	Synlait	Support 797.4
574.19	TaTa Valley Limited	Retain 1.4.3.1 as notified.
FS1384.104	Mercury NZ Limited	Oppose 574.19
FS1301.61	New Zealand Health Food Park Limited	Support 574.19
FS1303.61	Charlie Harris	Support 574.19
FS1348.15	Perry International Trading Group Limited	Support 574.19
574.8	TaTa Valley Limited	Sought changes to 1.4.3.1(a) to recognise that productive rural activities can also be important opportunities for rural tourism.
FS1384.105	Mercury NZ Limited	Oppose 574.8
FS1301.61	New Zealand Health Food Park Limited	Support 574.8
FS1303.61	Charlie Harris	Support 574.8
FS1348.15	Perry International Trading Group Limited	Support 574.8
FS1108.87	Te Whakakitenga o Waikato Incorporated	Oppose 547.8
860.2	Aggregate and Quarry Association (AQA) and Straterra	In support. Stated that it was pleased to see the inclusion of mining, however requested that quarries also be included.
FS1285.12	Terra Firma Mining Limited	Support 860.2
FS1292.2	McPherson Resources Limited	Support 860.2

FS1332.2	Winstone Aggregates	Support 860.2
FS1334.2	Fulton Hogan Limited	Support 860.2
FS1198.2	Bathurst Resources Limited and BT Mining Limited	Support 860.2
281.2	Zeala Ltd trading as Aztech Buildings	<p>Opposed Chapter 1.4.3.1(a). Submitted that the list within the text for farming activities is not inclusive of all things that could be deemed farming activities and differs from the definition of farming in the proposed plan. The following amendment was requested:</p> <p><i>Farming activities, including dairy, dry stock, horse breeding/training, honey production, horticulture, pig and poultry, mining, and forestry are all significant industries in economic terms for the Waikato district.</i></p>
FS1342.56	Federated Farmers	<p>Support 281.2 - The submitter's suggested amendment to delete extra words associated with farming is not opposed. However, there are words that could usefully be retained, such as: horse breeding, honey production, mining and forestry, as these are not 'farming' as such, but are normally rural activities.</p>
FS1348.4, FS1348.25	Perry International Trading Group Limited	Oppose 281.2 - the change sought leads to a reduction of clarity as to what 'rural activities' mean relative to the notified version of the Proposed Plan.
433.32	Auckland Waikato Fish and Game Council	Supported Chapter 1.4.3.1(b) but requested an addition to acknowledge that benefits from the recreational use of the rural environment will be felt by residents within the district, rather than solely recognising its importance in terms of tourism.
FS1384.38	Mercury NZ Limited	Support 433.32
FS1340.64	TaTa Valley Limited	Support 433.32
FS1348.9	Perry International Trading Group Limited	Support 433.32
535.35	Hamilton City Council	In support, however requested an amendment to the text to recognise that fragmentation of future urban areas is also an adverse effect.
FS1384.85	Mercury NZ Limited	Oppose 535.35
FS1342.129	Federated Farmers	Oppose 535.35 - phrase 'fragmentation of rural land' has potential to frustrate the intentions of boundary adjustments and boundary relocations. This could cause unnecessary hardship to farmers that need to rationalise farm property boundaries in order to farm more efficiently.
FS1602.75	Andrew and Christine Gore	Oppose 535.35
394.1	Gwenith Sophie	Sought the deletion of clause (c) from Chapter 1.4.3.1.

	Francis	The submitter's reasons were that council have provided no evidence of the vulnerability of rural areas.
FS1384.34	Mercury NZ Limited	Oppose 394.1
FS1342.67	Federated Farmers	Oppose 394.1
695.159	Sharp Planning Solutions	Sought the deletion of clause (c) from Chapter 1.4.3.1. It considered that the clause is 'legally inappropriate' and can be a 'justification to curtail a rural subdivision application based on unfounded assumptions'.
FS1384.125	Mercury NZ Limited	Oppose 695.159
FS1342.174	Federated Farmers	Oppose 695.159
794.3	Middlemiss Farm Holdings Limited	Sought the deletion of clause (c) from Chapter 1.4.3.1. No reasons were provided.
FS1384.49	Mercury NZ Limited	Oppose 794.3
794.3	Middlemiss Farm Holdings Limited	<p>Requested replacing 'are' with 'include' and the addition of the following sentence to Chapter 1.4.3.1(a):</p> <p><u>Other productive rural activities include housing for people working in rural environments and ecosystem services that provide inputs for rural production (such as clean water) and assimilate output pollutants (such as nitrate and sediment run off).</u></p> <p>The submitter also requested the following amendments to clause (b):</p> <p><u>"...Excessive Lifestyle development in rural areas can have a number of adverse effects that need to be avoided managed. These effects <u>may</u> include the loss of rural amenity, rural production, and high quality soils, resulting in the potential for reverse sensitivity conflicts, demands for improved rural infrastructure and services that are difficult to provide economically, and reduced growth in urban areas, which affects the prosperity of urban areas. However, through a design led site development process, and robust assessment criteria, rural residential development can be integrated into working rural environments in appropriate locations."</u></p>
FS1340.145	TaTa Valley Limited	Support in part 794.3
FS1342.217	Federated Farmers	Oppose 794.3
FS1348.26	Perry International Trading Group Limited	Support in part 794.3

Analysis

127. Zeala Ltd trading as Aztech Buildings (281.2) considers that the list of farming activities within this Chapter 1.4.3.1(a) – Rural Activities does not include all things that could be

deemed farming activities, and requests the list be deleted. I agree with the submitter that the farming activities listed do not make up an exhaustive list. I also agree with the submitter that the activities listed do not reflect the only activities that would fall within the definition of 'farming' within the plan. I do, however, consider that it is the intention of this paragraph to provide plan users with information on the type of 'rural activities' that are the most significant within the Waikato district. It is not the intention of this list to be exhaustive. For this reason, to aid interpretation, I recommend that a minor change be made to delete the word 'Farming' from the beginning of the second sentence of Chapter 1.4.3.1, and replace it with 'Rural'. This change can be made under clause 16 of the RMA to correct a minor error. It is clear that the intention of this section of the plan is to discuss 'Rural activities'. For this reason, I recommend that the submission of Zeala Ltd trading as Aztech Buildings (281.2) be rejected.

128. Aggregate and Quarry Association (AQA) and Straterra (860.2) requested that quarries be included with mining in Chapter 1.4.3.1. Mining is within the notified list of 'farming activities'. It is important to note that, although 'mine' or the activity of 'mining' is not defined in the proposed plan, the Oxford English Dictionary defines 'mine' as 'an excavation in the earth for extracting coal or other minerals'. Mines can be either on the surface (often referred to as opencast) or below the surface. A quarry is a place where mineral extraction occurs and is only found on the surface. Quarries are often referred to as an 'open pits' or 'opencast mines'. Therefore, a quarry is essentially a type of mine and does not need to be explicitly included in this list. For this reason, I recommend that the submission of Aggregate and Quarry Association (AQA) and Straterra (860.2) be rejected.
129. In response to the submission by TaTa Valley Limited (574.8), I appreciate that there are some rural activities that also contribute as tourism activities. The s32 Report –Rural Zone - does not identify the provision of, or management of, rural tourism as a resource management issue within the district. For this reason, I consider the amendment to the plan unnecessary, and as such recommend that the submission of TaTa Valley Limited (574.8) be rejected.
130. I agree with the relief sought by Auckland Waikato Fish and Game Council (433.32) that recreational use of the rural environment benefits both residents within the district as well as tourism. I consider the addition of the text requested by the submitter in Chapter 1.4.3.1(b) will add value in terms of more effectively illustrating the importance of recreation in the rural environment.

131. Middlemiss Farm Holdings Limited (794.3) sought a number of changes to Chapter 1.4.3.1. With respect to the text under clause (a) “*productive rural activities ~~are~~ include those activities...*”, I disagree with the relief requested by the submitter. The sentence is describing what characterises ‘productive rural activities’, rather than listing activities that meet the description. Because the proposed Plan does not include ‘productive rural activity’ or ‘productive rural activities’ as defined terms, there is uncertainty around what is meant by this term. However, I note that Fonterra Limited (797.20) have requested the inclusion of a definition for this term and a decision on this submission may result in consequential amendments, or more clarification on the use of this term within the Plan.
132. In relation to Middlemiss Farm Holding Limited’s request to make an addition to clause (a), it is important to note that housing (for people working in rural environments) is an ancillary activity, and not a productive rural activity in itself. The submitter has also referenced ecosystem services. These are described as the benefits people obtain from ecosystems and are not considered activities. The focus of section 1.4.3.1 is only rural activities, therefore I consider both of the additions sought to this section inappropriate.
133. Middlemiss Farm Holding Limited also requested changes to Chapter 1.4.3.1 (b), primarily based on acknowledging that rural residential development may be appropriate in working rural environments in some locations. I consider that the intention of this chapter is to give Plan users awareness of the types of rural activities that occur in the district, and identify some of the effects of these activities, and the potential for rural activities to often conflict with other land use activities. The Plan, using objectives, policies and rules, provides the mechanism to determine if and in what locations other land uses may be appropriate within the rural environment. For these reasons, I do not consider the amendments proposed by Middlemiss Farm Holding Limited’s to be necessary. Middlemiss Farm Holding Limited also sought the deletion of clause (c), however provided no evidence or reasoning as to why the paragraph is inappropriate and should be deleted. For these reasons, I recommend that the submission from Middlemiss Farm Holding Limited (794.3) be rejected.
134. The submission by Hamilton City Council (535.35) seeks specific reference to the ‘fragmentation of rural land’. Within the s32 report for the Rural zone, land fragmentation is identified as an issue for the rural zone⁵. Given that this section of the Plan is to identify issues relating to the rural environment, and that land fragmentation is identified and acknowledged within the s32 report as an effect of lifestyle development in rural areas, I recommend that the submission of Hamilton City Council (535.35) be accepted. While I

⁵ Proposed Waikato District Plan (Stage 1) Section 32 Report (Rural) July 2018, pg39

understand the further submission of Federated Farmers (FSI 342.129) given the context of the sentence, which focuses on the effects of lifestyle development on rural land, I do not consider that inclusion of 'fragmentation of rural land' will frustrate the intentions of boundary adjustments and boundary relocations for farmers.

135. In relation to the requests for deletion of Chapter 1.4.3.1(c) by Gwenith Sophie Francis (394.1), Sharp Planning Solutions (695.159) and Middlemiss Farm Holdings Limited (794.3), I disagree with the submitters. The s32 report for the Rural Zone identifies how the district is facing increasing demand and competition for rural land, with historically high rates of rural subdivision and a relatively high number of land titles less than 20 ha. Cumulative subdivision directly affects growth patterns, the ability for the district to give effect to the sub-regions' settlement pattern and the overall efficiency and sustainability of the district. Smaller parcels of land are less likely to be used for productive activities and land fragmentation leads to the loss of high class soils.⁶
136. I believe that the context provided in the Section 32 Report is evidence of the vulnerability of the rural environment. In addition, rather than attempting to 'curtail rural subdivision', the Plan provides objectives, policies and rules to address this key resource management issue. This is reflected in Chapter 5 Rural Zone, Policy 5.2.3, which directs that subdivision, use and development minimises fragmentation of rural land, is directed away from high class soils and indigenous biodiversity; and Policy 5.3.8 which manages the effects that rural subdivision can have on rural character and amenity. Therefore, I consider that this warrants the retention of 1.4.3.1(c), and as such recommend that the submissions of Gwenith Sophie Francis (394.1), Sharp Planning Solutions (695.159) and Middlemiss Farm Holdings Limited (794.3) be rejected.

Recommendations

137. In response to submissions on Chapter 1.4.3.1 – Rural Activities, I recommend:
138. That the submissions of Zeala Ltd trading as Aztech Buildings (281.2), Aggregate and Quarry Association (AQA) and Straterra (860.2), Middlemiss Farm Holdings Limited (794.3), Gwenith Sophie Francis (394.1), Sharp Planning Solutions (695.159) and TaTa Valley Limited (574.8) be rejected.

⁶ Proposed Waikato District Plan (Stage 1) Section 32 Report (Rural) July 2018 pg. 39

139. The submissions by Fonterra Limited (797.4), Federated Farmers of New Zealand (680.10), Bathurst Resources Ltd and BT Mining Ltd (771.4) and TaTa Valley Limited (574.19) be accepted in part.
140. I recommend that the submissions of Hamilton City Council (535.35) and Auckland Waikato Fish and Game Council (433.32) be accepted based on the analysis above, and the Plan be amended as outlined below.

Amendments

141. The following amendments are recommended:
142. Amend Chapter 1.4.3.1(a) as follows:

Productive rural activities are those activities that use rural resources for economic gain or which cannot be carried out easily or appropriately in an urban setting. Farming-Rural activities, including dairy, dry stock, horse breeding/training, honey production, horticulture, pig and poultry, mining, and forestry are all significant industries in economic terms for the Waikato district. (RMA 1991, Schedule 1, Clause 16 Minor Amendment).

143. Amend Chapter 1.4.3.1(b) as follows:

..... The recreational use of the rural environment is also important to the district, with activities such as hunting, fishing, tramping, and cycling being very important in terms of tourism, and for the benefit of residents within the district, including those living in urban areas (Auckland Waikato Fish and Game (433.32)).

.....Excessive lifestyle development in rural areas can have a number of adverse effects that need to be avoided. These effects include the fragmentation of rural land⁷, loss of rural amenity, rural production, and high quality soils, resulting in the potential for reverse sensitivity conflicts, demands for improved rural infrastructure and services that are difficult to provide economically, and reduced growth in urban areas, which affects the prosperity of urban areas (Hamilton City Council (535.35))

5.4.4.3. 1.4.3.2 – Protecting the rural environment

Submissions

Submission point	Submitter	Summary of submission point
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⁷ Hamilton City Council (535.35)

1.4.3.2 Protecting the rural environment		
771.5	Bathurst Resource Ltd and BT Mining Ltd	Retain 1.4.3.2 as notified.
FS1285.6	Terra Firma Mining Limited	Support 771.5
797.5	Fonterra New Zealand Ltd	Retain 1.4.3.2 as notified.
FS1384.51	Mercury NZ Limited	Oppose 797.5
433.33	Auckland Waikato Fish and Game	Retain 1.4.3.2 (b) as notified.
FS1384.39 and FS1384.40	Mercury NZ Limited	Support 433.33
535.36	Hamilton City Council	Retain 1.4.3.2 (b) as notified.
FS1384.86	Mercury NZ Limited	Oppose 535.36
FS1204.13	Christian & Natasha McDean	Support 535.36
FS1216.11	Newstead Residents Association	Support 535.36
FS1280.11	Dennis and Jan Tickelpenny	Support 535.36
FS1062.76	Andrew and Christine Gore	Support 535.36
FS1149.1	Gavin Lovegrove and Michelle Peddie	Support 535.36
FS1157.1	Gordon Downey	Support 535.36
FS1164.1	Tamara Huaki	Support 535.36
FS1165.1	Tamara Huaki	Support 535.36
FS1166.1	Tamara Huaki	Support 535.36
FS1182.12	Newstead Country Preschool	Support 535.36
FS1183.3	Noel Gordon Smith	Support 535.36
576.1	Transpower New Zealand Ltd	Retain 1.4.3.2 (c) as notified.
394.2	Gwenith Sophie Francis	Submitted that the protection of the rural environment is not absolute and where there are limits on the potential use of high class soils due to limited land areas, lack of available water and/or nutrient controls, new and innovative approaches to managing and utilising rural land should be enabled.
FS1384.35	Mercury NZ Limited	Oppose 394.2
695.160	Sharp Planning Solutions	Submitted that Chapter 1.4.3.2(a) directly contradicts the approach taken by Council to have a large Country Living Zone in Tamahere but a refusal to develop around villages

		and the like, such as Matangi, which could have accommodated such growth more intensively with less impact on high quality rural production areas. The submitter seeks amendments 'with consideration to the Matangi Committee Submission 2018 to the Regional Plan as a template for growth in conjunction with a rural transferable lot right subdivision process'.
FS1138.7	Glenn Michael Soroka and Louise Claire Meredith as Trustees of the Pakau Trust	Support in part 695.160
FS1138.8	Glenn Michael Soroka and Louise Claire Meredith as Trustees of the Pakau Trust	Support in part 695.160
FS1305.33	Andrew Mowbray	Support 695.160
576.49	Transpower New Zealand Ltd	Requested the following amendments to Chapter 1.4.3.2(b), as they raise concern that the statement fails to recognise that some activities such as infrastructure, which can be of a linear nature, requires/is best placed in a rural location. ...towns or villages. Non-rural activities must occur in towns, villages and defined growth areas, and the expansion of such areas should be managed so that adverse effects on rural areas are minimised.
FS1287.24	Blue Wallace Surveyors Ltd	Support 576.49
FS1342.143	Federated Farmers	Oppose 576.49
FS1345.32	Genesis Energy Limited	Support 576.49
680.11	Federated Farmers of New Zealand	Generally support Chapter 1.4.3.2, however requested amendments to reflect that it may not always be possible to avoid effects, and that the mitigation or remedy of effects may also be appropriate.
FS1323.3	Heritage New Zealand Pouhere Taonga	Oppose 680.11
FS1340.106	TaTa Valley Limited	Support 680.11
FS1258.73	Meridian Energy Limited	Support 680.11
794.4	Middlemiss Farm Holdings Limited	Sought a number of amendments to Chapter 1.4.2.3. This amendment includes a new section (d), highlighting the degradation of natural and physical resources as a result of inappropriate rural activities.

FS1384.50	Mercury NZ Limited	Oppose 794.4
FS1110.5	Synlait	Oppose 794.4
FS1110.6	Synlait	Oppose 794.4
FS1308.135	The Surveying Company	Support 794.4
FS1322.18	Synlait	Support 794.4
FS1323.4	Heritage New Zealand Pouhere Taonga	Oppose 794.4
FS1342.218	Federated Farmers	Oppose 794.4
942.36	Tainui o Tainui	Sought amendment to 1.4.3.2(c) to require areas that are likely to be set aside for electricity transmission, renewable energy or mining, particularly if located on sites culturally significant to Tangata whenua, be notified.

Analysis

144. In response to the submission of Gwenith Sophie Francis (394.2), I appreciate that protection of rural land is not absolute, and there are instances where utilising rural land for non-rural land use may be appropriate. Within the Rural Zone, the Plan provides objectives, policies and rules to enable assessment of whether non-rural land uses are appropriate through the resource consent process. The intention of Chapter 1.4.3.2 is to reflect that the loss of rural land for rural activities is an issue for the district, and that the extent of non-rural activities within the rural zone should be limited. For this reason, I recommend that the submission of Gwenith Sophie Francis (394.2) be rejected.
145. Turning to the submission of Transpower New Zealand Ltd (576.49), I agree with the submitter that the last sentence of 1.4.3.2(b) appears to limit non-rural activities to town villages and identified growth area. In addition, I do not consider that this sentence adds any value to Chapter 1.4.3.2, given that paragraph (b) already identifies that non-rural activities within rural areas should be limited. For this reason, I recommend that the submission of Transpower New Zealand Ltd (576.49) be accepted and the requested amendments be made to Chapter 1.4.3.2(b).
146. I agree with Federated Farmers of New Zealand (680.11) that it is not always appropriate to require avoidance of adverse effects, and in some cases the mitigation or remedy of adverse effects may still achieve the objectives and policies of the Plan. For this reason, I recommend that the submission of Federated Farmers of New Zealand (680.11) be accepted and the requested amendments be made to Chapter 1.4.3.2(b).

147. I am unsure as to the nature of the relief sought by Sharp Planning Solutions (695.160) in relation to Chapter 1.4.3.2(b). Until such time as the nature of the submission is clarified, I recommend that the submission be rejected.
148. Middlemiss Farm Holdings Limited (794.4) requests a number of amendments to Chapter 1.4.3.2 that focus on the 'management' of non-rural activities within the rural area, instead of 'limiting' these activities. The submitter also requests that an additional paragraph be added to Chapter 1.4.3.2, highlighting that many of the natural and physical resources of the rural area are degraded because of rural productive activities, and the need for enhancement and restoration works to be facilitated for these resources.
149. I consider that the existing text does already outline that non-rural activities will be managed. The second sentence of 1.4.3.2(b) that the submitter seeks to change, gives further direction on how non-rural activities will be managed. For this reason, I consider the proposed amendments from the submitter unnecessary.
150. While I appreciate the concerns of the submitter in relation to the state of natural and physical resources within the rural area, I consider there to be clear direction within the Rural Zone's objectives, policies and rules to maintain or enhance rural resources, including soils, rural land and ecosystems, surface and ground water and the natural characteristics of water bodies (Objective 5.2.1). I think the amendments proposed by the submitter are too general in nature. For this reason, I recommend that the submission from Middlemiss Farm Holdings Limited (794.4) be rejected.
151. In response to the submission from Tainui o Tainui (942.36), I consider that the relief sought by the submitter is provided within the Plan. Policy 2.15.1 requires that subdivision, land use and development do not compromise the cultural and spiritual significance of areas, and that areas and sites of significance to Māori are protected from adverse effects. The submission requests that in cases where areas are likely to be set aside for electricity, renewable energy or mining, Tangata Whenua are consulted. While the RMA does not specifically require consultation with Tangata Whenua, Council is required to consult if iwi are considered an 'affected party' in regard to any application. In addition, under statutory acknowledgements, iwi may have specific consultation/notification agreements in relation to all or certain resource consent applications. For these reasons, I recommend that the submission of Tainui o Tainui (942.36) be accepted.

Recommendations

152. In response to submission of Chapter 1.4.3.2 – Protection of the rural environment - I recommend:
- (a) The submission of Gwenith Sophie Francis (394.2), Middlemiss Farm Holdings Limited (794.4) and Sharp Planning Solutions (695.10) be rejected.
 - (b) The submissions of Bathurst Resources Ltd and BT Mining (771.5), Fonterra New Zealand Ltd (797.5), Hamilton City Council (535.36), Auckland Waikato Fish and Game Council (433.33), Transpower New Zealand Ltd (576.1 and 576.49), Federated Farmers of New Zealand (680.11) and Tainui o Tainui (942.36) be accepted.

Amendments

153. The following amendments are recommended:

154. Amend Chapter 1.4.3.2(b) as follows:

“Activities affecting landscape, historic and amenity values including rural character, recreational activities, high quality soils, significant mineral resources and ecological values need to be managed to avoid remedy or mitigate adverse effects on the environment, including cumulative effects...”
(Federated Farmers of New Zealand (680.11))

“... towns or villages. ~~Non-rural activities must occur in towns, villages and defined growth areas, and the expansion of such areas should be managed so that adverse effects on rural areas are minimised.~~” (Transpower New Zealand Ltd (576.49))

5.4.5. The urban environment

Submissions

155. 10 submissions and 21 further submissions were received in relation to Chapter 1.4.4 – The urban environment.

Submission point	Submitter	Summary of submission point
797.6	Fonterra Limited	Retain 1.4.4 as notified
FS1384.52	Mercury NZ Limited	Oppose 797.6
923.7	Waikato District Health Board	Retain 1.4.4 as notified
FS1384.65	Mercury NZ Limited	Oppose 923.7

923.100 and 81.14	Waikato District Health Board and Waikato Regional Council	Amend Chapter 1 (and/or s32 Analysis) to show that the requirements of the 2017 National Policy Statement for Urban Development Capacity have been considered.
FS1384.55	Mercury NZ Limited	Oppose 81.14
FS1108.111	Te Whakakitenga o Waikato Incorporated Waikato Tainui	Support 81.14
FS1176.1	Watercare	Support 81.14
FS1191.10	Shand Properties	Support 81.14
FS1261.1	Annie Chen	Support 81.14
FS1308.140	The Surveying Company	Oppose 81.14
FS1330.4	Middlemiss Farm Holdings Limited	Support 81.14
FS1377.1	Havelock Village Limited	Support 81.14
FS1139.98	Turangawaewae	Support 81.14
FS1330.41	Middlemiss Farm Holdings Limited	Support 81.89 - The Proposed Plan is legally required to "give effect" to the NPS - UDC (not just consider)
81.83	Waikato Regional Council	Sought the retention of Chapter 1.4.4, subject to amendments sought in previous submission for Policy 4.6.3, to show that the requirements of the 2017 National Policy Statement on Urban Capacity (NPS-UDC) have been considered.
FS1176.4	Watercare	Support 81.83
FS1330.5	Middlemiss Farm Holdings Limited	Support 81.83
FS1377.9	Havelock Village Limited	Support 81.83
433.34	Auckland and Waikato Fish and Game Council	Sought amendment to 1.4.4(a) to recognise other values, not just productive values of the rural environment. They seek amendments to 1.4.4(a) to read; <i>A key issue for the district is to maintain the <u>ecological integrity, natural hydrological characteristics and processes, soil stability, landscape, recreational and amenity values and productive capacity of the rural resource and ensure that population growth and associated built development is managed in a way that results in efficient and high-amenity urban areas.</u></i>
FS1384.80	Mercury NZ Limited	Oppose 433.34
FS1377.93	Havelock Village Limited	Oppose 433.34
524.7 and	Anna Noakes and	Retain Chapter 1.4.4 with the following amendment:

598.2	Withers Family Trust	<i>A key issue for the district is to maintain <u>and enhance</u> the productive capacity of the rural resource...</i>
FS1384.81	Mercury NZ Limited	<i>Oppose 524.7</i>
FS1384.108	Mercury NZ Limited	<i>Oppose 598.2</i>
924.3	Genesis Energy Limited	Sought an additional clause to 1.4.4 to read: In line with the Regional Policy Statement, the district plan must ensure that urban development recognises, provides for and protects existing and proposed regionally significant industry and regionally significant infrastructure.
FS1384.69	Mercury NZ Limited	<i>Oppose 924.3</i>
FS1176.277	Watercare	<i>Support 924.3</i>
942.37	Tainui o Tainui	Requested clarification as to what the sentence “Commercial activity should be of a size or function that does not compromise the vitality and viability of the primary commercial centres” means.

Analysis

156. The submissions from Waikato Regional Council (81.83 and 81.14) and Waikato Regional Health Board (923.100) seek to retain Chapter 1.4.4, but also seek amendments to Chapter 1 and 1.4.4 to demonstrate that the requirements of the 2017 National Policy Statement on Urban Capacity (NPS-UDC) have been considered. The Waikato Regional Council submission provides details of the type of information that this may include:

- naming areas that are the focus of development;
- indicating the extent to which these areas are serviced;
- clarify whether master/structure planning has been undertaken, or when this will occur and priority areas;
- staging and sequencing of infrastructure support growth.

157. The purpose of Chapter 1.4.4 as it was notified is to broadly outline the issues for the district in relation to the urban environment. The s32 report for Strategic Direction and Management of Growth⁸ identifies issues of enabling housing in appropriate locations to meet growth projections, and recognising that the NPS-UDC sets capacity targets for development which the Council must assist in delivering.

⁸ Proposed Waikato District Plan (Stage 1) Section 32 Report (Strategic Direction and Management of Growth) pg 44

158. I note that Waikato Regional Council has made the following submissions, seeking the same relief as above:

Submission point	Chapter
81.84	1.5.1 Compact urban development ⁹
81.85	1.5.2 Planning for urban growth and development ¹⁰
81.86	1.5.3 Cross-boundary issues ¹¹
81.87	1.5.4 Urban growth ¹²
81.88	1.5.5 Services and general infrastructure
81.89	1.5.6 Transport and logistics ¹³

159. While I appreciate the position of the submitter, I consider that changes to the Introduction chapter of the Plan, in respect of how the Plan delivers the NPS-UDC, is pre-emptive until the remainder of the hearings have been undertaken. I acknowledge that the outcomes of this hearing (and others) may result in consequential amendments to the Introduction chapter of the Plan. For this reason, I recommend that the submissions of Waikato Regional Council (81.83, 81.84, 81.85, 81.86, 81.87, 81.88, 81.89) be rejected at this time.
160. Turning to the submission of Auckland-Waikato Fish and Game Council (433.34), I agree that the sentence appears to limit the value of the rural environment to productive capacity. However, I acknowledge that it is clear within the s32 report for the Rural Zone that the loss of productive land from urban intensification is a primary issue for the district. I consider that it is the intention of Chapter 1.4.4 of the introduction to highlight the issue around increasing population and the tension between a need for more urban development, and the need to protect rural land. For this reason, given the intention of

⁹ Further submissions were received on this submission point from Te Whakakitenga o Waikato Incorporated FS1108.113, Turangawaewae FS1139.100, Pokeno Community Centre FS1176.5, Annie Chen FS1261.3 and Havelock Village Limited FS1377.10 in support of the submission.

¹⁰ Further Submissions were received on this submission point from Pokeno Community Centre FS1176.5, Annie Chen FS1261.3 and Havelock Village Limited FS1377 in support of the submission and The Surveying Company FS1308.143 11 in opposition of the submission.

¹¹ Further submissions were received on this submission point from Auckland Council FS1129.7 and FS1129.8 and Watercare FS1176.7 in support of the submission.

¹² Further submissions were received on this submission point from Watercare FS1176.8, Annie Chen FS1261.5 and Havelock Village Limited FS1377.12 in support of the submission.

¹³ A further submissions were received on this submission point from Middlemiss Farm Holdings Limited FS1330.6

Chapter 1.4.4, I do not consider the amendments proposed by the submitter appropriate, and recommend that the submission be rejected.

161. The submissions by Anna Noakes (524.7) and Withers Family Trust (598.2) seek that Chapter 1.4.4 is amended to read; *A key issue for the district is to maintain and enhance the productive capacity of the rural resource...*. My concern is that enhancement of productive capacity can only occur within limits of the environment. If the environment is already at limits then, it may not be acceptable that productive capacity of activities be enhanced. The objectives and policies of the Rural Zone can provide for productive capacity improvement, if the values of the rural environment can be maintained or enhanced at the same time. For this reason, I recommend that the submissions of Anna Noakes (524.7) and Withers Family Trust (598.2) be rejected.
162. The amendments sought by Genesis Energy Limited (924.3) seek recognition in Chapter 1.4.4 of the provision of existing and proposed regionally-significant industry and infrastructure. I do not consider it necessary within this part of the Plan to specifically refer to the provision of existing and proposed regionally-significant industry and infrastructure. Chapter 1.5.5(d) highlights the importance of the district ensuring the protection of regionally and nationally-significant infrastructure. For this reason, I recommend that the submission of Genesis Energy Limited (924.3) is rejected.
163. Tainui o Tainui (942.37) seeks clarification on the sentence in 1.4.4(a) which states: *‘Commercial activity should be of a size or function that does not compromise the vitality and viability of the primary commercial centres’*. The intention of this sentence in the Plan is to reflect the issue raised in the s32 report for Business Town Centre and Business Zone, that ‘poor functioning centres and scattered business development can adversely affect wellbeing’¹⁴. The issue (in the s32 report), highlights that
- ‘If the function of centres is not well defined, there is a risk of scattered business development and it is less efficient to provide infrastructure..... A failure to clearly define the function of centres and support this with appropriate urban form may result in less investment and development in centres and the benefits to be gained from co-location and adherence to urban design principles are lost. Further business development will not support the sub-region’s growth pattern and Hamilton as the primary urban centre.’*
164. The intention of this sentence is therefore to highlight the issue that commercial activity outside of a primary commercial centre requires consideration of size and function to

¹⁴ Proposed Waikato District Plan (Stage 1) Section 32 Report (Business Town Centre and Business Zone) pg 21

ensure that it will not result in a scattered commercial offer within the district. I consider that the sentence, given the background contained within the s32, does not require further clarification. For this reason, I recommend that the submission of Tainui o Tainui (942.37) be rejected.

Recommendations

165. Based on the analysis above, I recommend that the submissions of Waikato Regional Council (81.14, 81.83, 81.84, 81.85, 81.86, 81.87, 81.88, 81.89), Auckland and Waikato Fish and Game Council (433.34), Anna Noakes (524.7) and Withers Family Trust (598.2), Genesis Energy Limited (924.3) and Tainui o Tainui (942.37), be rejected.
166. I recommend that the submissions by Fonterra Limited (797.6) and Waikato District Health Board (923.7) be accepted and that Chapter 1.4.4 is retained as notified.

5.4.6. Maaori Freehold Land

Submissions

167. One submission was received in relation to Chapter 1.4.5 – Maaori Freehold Land, from Tainui o Tainui (942.38). The submitter supports the acknowledgement in this section of the burden placed on Maaori landowners to satisfy Te Ture Whenua Maori Act and the RMA when attempting to utilise their land.

Analysis

168. While this section was supported by the submitter, it repeats information that is contained within Chapter 2 – Tangata Whenua, in particular information in Chapter 2.5 – Understanding Maaori Land Ownership, which I consider gives a better description and more detail of the issues that face Maaori land owners in developing Maaori-owned land.
169. For this reason, I consider that this information only needs be included in the plan once, and as such is unnecessary duplication within this section of the plan. I consider that Chapter 2 is a more appropriate place within the plan for this issue to be discussed. I therefore recommend that Chapter 1.4.5 – Maaori Freehold Land, be deleted.
170. The submission from Waikato District Council (697.348) provides scope to delete unnecessary information from Chapter 1.

Recommendations

171. I recommend that the submission of Tainui o Tainui (942.38) be accepted in part, given their support for this information to be included in the Plan.

Amendments

172. I recommend the following amendments:
173. Delete Chapter 1.4.5 Maaori Freehold Land in its entirety (Waikato District Council (697.348)).

5.4.7. Historic Heritage

Submissions

174. Heritage New Zealand (559.6) request an amendment to Chapter 1.4 to include a discussion relating to the historic heritage issues for the Waikato District, and to use the historic heritage issue contained within the s32 document as a basis for that discussion. This submission was opposed in a further submission by Mercury NZ Limited (FS1384.102)

Analysis

175. Section 6(f) of the RMA identifies the protection of historic heritage from inappropriate subdivision, use and development as a matter of national importance. In achieving the purpose of the RMA, a Council must recognise and provide for the protection of historic heritage. The Waikato Regional Policy Statement also contains a suite of provisions to manage historic and cultural heritage¹⁵.
176. The s32 report for Historic Heritage identifies that activities that damage or destroy historic heritage lead to the loss of tangible connections to the community's social, cultural and economic past, are a resource management issue for the district¹⁶.
177. Given that the protection of historic heritage is a matter of national importance under the RMA, and as notified Chapter 1 is silent on any reference to historic heritage, I consider that it is appropriate, in line with the submitter's request, for the inclusion of a reference in Chapter 1.4 to historic heritage. I consider that a new sub-chapter is the most appropriate location, given that the topic does not fit neatly within any of the other identified headings in Chapter 1.4.

¹⁵ Waikato Regional Policy Statement (Objective 3.18, Policy 10.1)

¹⁶ Proposed Waikato District Plan (Stage 1) Section 32 Report (Historic Heritage) pg 16

Recommendation

178. I recommend that the submission of Heritage New Zealand (559.6) be accepted and Chapter 1.4 be amended as outlined below.

Amendments

179. I recommend the following amendments:

180. Add a new sub-chapter “**1.4.6 Historic Heritage**” containing the following:

“The Resource Management Act requires that the protection of historic heritage from inappropriate subdivision, use and development is a matter of national importance. Heritage resources are often fragile and may be adversely affected by activities, development or lack of care and maintenance. There is a need to allow communities to alter and grow, while ensuring that significant heritage resources are retained for both present and future generations.” (Heritage New Zealand (559.6))

5.5. Chapter 1.5 – What does this mean for Waikato strategic directions and objectives?

181. 100 submissions were received in response to Chapter 1.5 – What does this mean for Waikato Strategic Directions and Objectives? These submissions can generally be grouped according into the following topics:

- Relationship of Chapter 1.5 to the Strategic Directions and Objectives
- Compact Urban Growth
- Planning for growth and development
- Cross-boundary issues
- Urban Growth
- Services and Infrastructure
- Transport and Logistics
- Natural Environment

5.5.1. Relationship of Chapter 1.5 to the Strategic Directions and Objectives

Submissions

182. 4 submissions and 15 further submissions were received that questioned more generally how Chapter 1.5 relates to the strategic objective and directions of the plan, and requested specific topic-based strategic directions and objectives to be included in the plan.

Submission point	Submitter	Summary of submission point
372.2	Auckland Council	Amend the title of Chapter 1.5 to read ' What does this mean for Waikato Strategic Directions and objectives Strategic Directions and Objectives'
FSI384.24	Mercury NZ Limited	Oppose 372.2
372.3	Auckland Council	Chapter 1.5 is amended to provide for the outcomes identified within the Hamilton-Auckland Corridor Plan, Interim Rail Business Case, and Future Proof Strategy Phase 2 review.
FSI384.25	Mercury NZ Limited	Oppose 372.3
FSI202.35	New Zealand Transport Agency	Support 372.3
FSI203.2	Burton Trust	Support 372.3
FSI206.2	Ohinewai Land Limited	Support 372.3
FSI252.5	AH & DB Finlay Ltd	Support 372.3
FSI254.5	Wattle Downs Ltd	Support 372.3
FSI256.5	Moeraki Farm Ltd	Support 372.3
FSI260.5	K Badger and WR Badger Estate	Support 372.3
FSI294.5	K Badger and WR Badger Estate	Support 372.3
FSI324.5	Robyn Ballard	Support 372.3
FSI330.18	Middlemiss Farm Holdings Limited	Support 372.3
FSI377.73	Havelock Village Limited	Support 372.3

372.4	Auckland Council	Requests the inclusion of a section in Chapter 1.5 for the retention of high class soils
FS1384.26	Mercury NZ Limited	Oppose 372.4
827.39	New Zealand Steel Holdings Limited	Request a new section in Chapter 1.5 to address productive rural activities and mineral extraction within the Strategic objectives and directions.
FS1198.4	Bathurst Resources Limited and BT Mining Limited	Support 827.39

Analysis

183. Chapter 1.5 does not provide the Strategic Directions and Objectives for the district, but provides background information to plan users on the various influences in developing the provisions of the Plan, including the strategic directions and objectives. For this reason, it is incorrect to rename this chapter 'Strategic objectives and directions', as sought by Auckland Council (372.2), and I recommend that the submission be rejected.
184. I do agree that there appears to be a disconnect between Chapter 1.5 and directions and the strategic objectives and directions contained within Chapter 1.12 and some topic chapters of the Plan.
185. Chapter 1.5 contains information which is background to, and a summary of the direction taken in the provisions of the Plan take on various topics. I do not consider that the information within Chapter 1.5 clearly links within the Strategic direction and objectives in Chapter 1.12, however the information within Chapter 1.5 does provide plan users with an 'introduction' as to how the Plan will deliver on the issues for the Waikato district raised within Chapter 1.4.
186. For this reason, to clarify the relationship of Chapter 1.5 with Chapter 1.4, I recommend that the heading of Chapter 1.5 is amended to read 'What does this mean for Waikato'. This will remove the link directly to the strategic objectives and directions of the Plan, but will retain a part within the 'introduction' of the Plan that provides plan users with some of background information that has helped to inform the development of the provisions that follow within the Plan.

187. I consider that this amendment to the title of Chapter 1.5 would assist in clarifying the purpose of Chapter 1.5 to Plan users, and remove the direct link from Chapter 1.5 to Chapter 1.12. As outlined within Section 4.1 of this report, the submission from Waikato District Health Board (923.91) stated that within Chapter 1 – Introduction the relationship between various strategic provisions within 1.4, 1.5 and 1.12 is unclear. I consider this submission provides the scope to make the recommend amendments to the titles of Chapter 1.4 and 1.5 to clarify the information contained within each chapter, and assist plan users in interpretation of the Plan.
188. Auckland Council (372.3) requests that Chapter 1.5 be amended to provide for the outcomes identified within the Hamilton-Auckland Corridor Plan, Interim Rail Business Case, and Future Proof Strategy Phase 2 review. This submission will be addressed in detail in Hearing 2 – All of Plan, alongside other submissions requesting the inclusion of references and outcomes to these documents within the plan. I note that these documents do not currently exist.
189. Auckland Council (372.4) requests the inclusion of a section in Chapter 1.5 for the retention of high class soils. This submission will also be addressed within Hearing 3 – Strategic Directions and Objectives. I consider that the importance of high-class soils is raised within the issues for the district in Chapter 1.4, within the background information for the development of strategic objectives in Chapter 1.5, and in objective 5.2.1 and related policies. For this reason, I do not consider that further information needs to be included within Chapter 1 of the Plan, and recommend the submission is rejected.
190. In response to the submission by New Zealand Steel Holdings Limited (827.39), I do not consider that Chapter 1.5 needs a specific section to address mineral extraction. Area or topic-specific objectives and policies are found within specific topic chapters within Section B of the Plan. I recommend that the submission be rejected.

Recommendation

191. I recommend that the submissions of Auckland Council (372.2, 372.3 and 372.4) and New Zealand Steel Holdings Limited (827.39) be rejected.
192. There are no changes are recommended in response to these submissions.

5.5.2. Chapter 1.5.1 Compact urban development

Submissions

193. 8 submissions and 14 further submissions were received on Chapter 1.5.1 - Compact urban development. Seven of the submissions generally support the section or parts of the section as notified.

Submission point	Submitter	Summary of submission point
923.8	Waikato District Health Board	Retain 1.5.1 as notified.
FS1384.66	Mercury NZ Limited	Oppose 923.8
372.5	Auckland Council	Retain 1.5.1 as notified.
FS1384.27	Mercury NZ Limited	Oppose 372.5
FS1202.36	New Zealand Transport Agency	Support 372.5
535.38, 535.39	Hamilton City Council	Retain 1.5.1(b) and(c) as notified.
FS1384.88	Mercury NZ Limited	Oppose 535.38
FS1129.9 and FS1129.10	Auckland Council	Support 535.38 and 535.39
FS1384.89	Mercury NZ Limited	Oppose 535.39
581.1	Synlait Milk Ltd	Retain 1.5.1(c) as notified.
FS1384.106	Mercury NZ Limited	Oppose 581.1
FS1281.28	Pokeno Village Holdings Limited	Support 581.1
FS1341.17	Hynds Pipe Systems Limited	Support 581.1
535.37	Hamilton City Council	Support the intent of 1.5.1 but requests following amendments to reflect that growth be emphasised around towns and villages, not around Hamilton's boundaries. (a) The Future Proof Strategy seeks a shift in the existing pattern of land use towards accommodating growth through a more compact urban form based on concentrating growth in and around Hamilton (67%) and the larger settlements of the district (21%).
FS1384.87	Mercury NZ Limited	Oppose 535.37
FS1062.77	Andrew and Christine Gore	Oppose 535.37
695.164	Sharp Planning	Submission requests that Council demonstrate how

	Solutions	Objective 1.5.1(b) Compact urban development is going to be achieved by rezoning of land around towns and key villages. The submission states that Country Living Zone lots could be smaller and serviced near key villages and towns to avoid the minimum 2,500m ² regional plan requirement for non-reticulated sites.
<i>FS1384.127</i>	<i>Mercury NZ Limited</i>	<i>Oppose 695.154</i>
695.163	Sharp Planning Solutions	An applied mechanism to address various issues including sections 1.4.4(a) and 1.4.4(b) The urban environment and 1.5.1(b) and 1.5.1(c) Compact urban development on a district wide basis for every town and village.
<i>FS1384.126</i>	<i>Mercury NZ Limited</i>	<i>Oppose 695.163</i>

Analysis

194. In response to the submission by Hamilton City Council (535.37), I have been advised by the Council that the percentage figures contained 1.5.1(a) were from an earlier version of the Future Proof Strategy. The Plan at Objective 4.1.2 - Urban Growth and Development, seeks that future settlement pattern be consolidated in and around existing towns and villages in the district. Policy 4.1.3 – Location of Development provides direction as to where this development will occur, namely where infrastructure and services can be provided and areas that are consistent with the Future Proof Strategy. For these reasons, I agree with the submitter, and consider that the text in Chapter 1.5.1(a) should more generally reflect the direction of the Plan and the Future Proof Strategy.
195. Turning to the submissions of Sharp Planning Solutions (695.164 and 695.163), the submissions do not request changes to Chapter 1.5.1, but seek clarity on how the Plan will deliver the compact urban form. It is noted that the submitter (695.54) has also made a submission on Policy 5.6.3 (which will be considered in Hearing 12 - Country Living Zone), requesting greater intensification of Country Living Zone, and the encouragement of smaller lot sizes. I consider that substantive changes to the Introduction chapter of the Plan in respect of how the Plan delivers the compact urban form, are premature until the remainder of the hearings have been undertaken. I acknowledge that the outcomes of this hearing (and others) may result in consequential amendments to the Introduction Chapter of the Plan. For this reason, I recommend that the submissions of Sharp Planning Solutions (695.164 and 695.163) be rejected.

Recommendation

196. I recommend that the submissions of the Auckland Council (372.5) and Waikato District Health Board (923.8) be accepted in part.
197. I recommend that the submissions of Hamilton City Council (535.38 and 535.39) and Synlait Milk Ltd (581.1) be accepted.
198. I recommend that the submission by Hamilton City Council (535.37) to amend clause (a) be accepted in part.
199. I recommend that the submissions by Sharp Planning Solutions (695.163 and 695.164) be rejected.

Recommended Amendments

200. I recommend the following amendments:

201. Amend 1.5.1(a) as follows:

“The Future Proof Strategy seeks a shift in the existing pattern of land use towards accommodating growth through a more compact urban form based on concentrating growth in and around ~~Hamilton (67%) and the larger~~ settlements of the district. ~~(21%).~~” (Hamilton City Council (535.37))

5.5.3. Chapter 1.5.2 – Planning for urban growth and development

Submissions

202. 6 submissions and 12 further submissions were received on Chapter 1.5.2 – Planning for urban growth and development.

Submission point	Submitter	Summary of submission point
372.6	Auckland Council	Retain 1.5.2 as notified.
FS1384.28	Mercury NZ Limited	Oppose 372.6
535.40	Hamilton City Council	Retain 1.5.2 as notified.
FS1384.90 and FS1384.90	Mercury NZ Limited	Oppose 535.40
FS1062.78	Andrew and Christine Gore	Oppose 535.40

FS1129.11	Auckland Council	Support 535.40
FS1202.37	New Zealand Transport Agency	Support 535.40
FS1208.3	Rangitahi Limited	Support 535.40
923.9	Waikato District Health Board	Retain 1.5.2 as notified
FS1384.67	Mercury NZ Limited	Oppose 923.9
524.8 598.3	Anna Noakes Withers Family Trust	Request amendments to 1.5.2(a) to delete references to the development of master plans and structure plans, and reference to the agreed Future Proof Strategy.
FS1384.109	Mercury NZ Limited	Oppose 598.3
FS1384.82	Mercury NZ Limited	Oppose 524.8
697.349	Waikato District Council	Requests changes to 1.5.2(b) to more accurately reflect the approach in the district plan to new urban areas.
FS1384.44	Mercury NZ Limited	Oppose 697.349
FS1264.11	Bootleg Brewery	Oppose 697.349

Analysis

203. In response to the submission from Anna Noakes (524.8) and Withers Family Trust (598.3), while the submitters may question the legality and use of master and structure plans, the Plan provides for their use for future growth within the Strategic Direction (Chapter 1.12.1) and within the objectives and policies of the Plan. It is not possible to make a recommendation in line with the submission at this time, given that submissions on the strategic objectives and urban growth have not been considered, and this will occur in later hearings. If subsequent amendments are made to the Plan relating to the use of master/structure plans, then I acknowledge that consequential amendments may be required to Chapter 1 – Introduction. Therefore, at this time, I recommend that the submissions be rejected.

204. Waikato District Council (697.349) requests that the following changes be made to 1.5.2(b);

~~As per the Waikato Regional Policy Statement, the district plan ensures that before land is rezoned for urban development, u~~Urban development planning mechanisms such as master plans or structure plans are produced, that will facilitate proactive decisions about the future location of urban development.

205. It is considered that the proposed amendments provide the information in a more concise and accurate manner.

Recommendation

206. I recommend that the submissions of Auckland Council (372.6), Hamilton City Council (535.40) and Waikato District Health Board (923.9) are accepted in part.
207. I recommend that submission of Waikato District Council (697.349) be accepted.
208. I recommend that the submissions of Anna Noakes (524.8) and Withers Family Trust (598.3) be rejected.

Recommended Amendments

209. I recommend the following amendments:

210. Amend Chapter 1.5.2(b) as follows:

~~“As per the Waikato Regional Policy Statement, the district plan ensures that before land is rezoned for urban development, u~~Urban development planning mechanisms such as master plans or structure plans are produced, that will facilitate proactive decisions about the future location of urban development” (Waikato District Council (697.349))

5.5.4. Chapter 1.5.3 – Cross-boundary issues

Submissions

211. 3 submissions and 4 further submissions were received on Chapter 1.5.3 – Cross-boundary issues.

Submission point	Submitter	Summary of submission point
535.41	Hamilton City Council	Retain 1.5.3 as notified.
FS1129.12	Auckland Council	Support 535.41
FS1202.38	New Zealand Transport Agency	Support 535.41
923.10	Waikato District Health Board	Retain 1.5.3 as notified.
FS1384.57	Mercury NZ Limited	Oppose 923.10

372.7	Auckland Council	Request that 1.5.3 be amended so that the Council liaise with Auckland Council and Waikato Regional Council and the relevant district councils on air quality issues, as appropriate, where there could be adverse effects across territorial boundaries.
FS1384.29	Mercury NZ Limited	Oppose 372.7

Analysis

212. I do not consider that Chapter 1.5.3 needs to be amended in accordance with the submission from Auckland Council (372.7). Chapter 1.5.3 provides information on dealing with cross-boundary issues with neighbouring territorial and regional authorities. I do not consider that there is a need to specifically reference air quality issues as this is a Regional Council matter. As outlined in Chapter 1.5.3, there will be a number of issues that apply across boundaries, and each does not need to be specified within this more general section.

Recommendation

213. I recommend that the submission of Auckland Council (372.7) be rejected.
214. I recommend that the submission of Hamilton City Council (535.41) and Waikato District Health Board (923.10) be accepted.
215. I recommend that Chapter 1.5.3 is retained as notified.

5.5.5. Chapter 1.5.4 – Urban growth

Submissions

216. 13 submissions and 19 further submissions were received on Chapter 1.5.4 – Urban growth.

Submission point	Submitter	Summary of submission point
372.8	Auckland Council	Retain 1.5.4(b) and (c) as notified.
FS1176.54	Watercare	Support 372.8
FS1384.31	Mercury NZ Limited	Oppose 372.8

535.43	Hamilton City Council	Retain 1.5.4(b) as notified.
<i>FS1384.93</i>	<i>Mercury NZ Limited</i>	<i>Oppose 535.43</i>
535.44	Hamilton City Council	Retain 1.5.4(c) as notified.
<i>FS1384.94</i>	<i>Mercury NZ Limited</i>	<i>Oppose 535.44</i>
797.7	Fonterra Limited	Retain 1.5.4 as notified.
<i>FS1384.53</i>	<i>Mercury NZ Limited</i>	<i>Oppose 797.7</i>
<i>FS1198.6</i>	<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>Support 797.7</i>
<i>FS1202.39</i>	<i>New Zealand Transport Agency</i>	<i>Support 797.7</i>
986.1	KiwiRail	Retain 1.5.4 as notified.
923.11	Waikato District Health Board	Retain 1.5.4 as notified.
<i>FS1384.58</i>	<i>Mercury NZ Limited</i>	<i>Oppose 923.11</i>
367.33	Mercer Residents and Ratepayers Committee	Amend 1.5.4 to include reference to Mercer Airport.
<i>FS1384.21</i>	<i>Mercury NZ Limited</i>	<i>Oppose 367.33</i>
695.165	Sharp Planning Solutions	It is unclear from the objectives and policies how the Regional Policy Statement Policy 6.17.1 will be realistically achieved without a strong applied focus and mechanism on developing towns and villages (in regard to Chapter 1.5.4(c) Urban Growth).
394.3	Gwenith Sophie Francis	Amend 1.5.4 so it focuses on urban issues, not rural issues, and the utilisation of urban land.
<i>FS1384.36</i>	<i>Mercury NZ Limited</i>	<i>Oppose 394.3</i>
535.42	Hamilton City Council	Amend Chapter 1.5.4 (a) Urban growth, by deleting the phrase "harmonious cross boundary development" in the last sentence of clause (a), and reword in a way that provides greater clarity on how growth demands will not impact on or be caused by adjoining councils.
<i>FS1384.92</i>	<i>Mercury NZ Limited</i>	<i>Oppose 535.42</i>
<i>FS1129.13</i>	<i>Auckland Council</i>	<i>Support 535.42</i>
<i>FS1333.1</i>	<i>Fonterra</i>	<i>Support 535.42</i>
535.91	Hamilton City Council	Supports the intent of 1.5.4 subject to amendments requested in 535.42.

<i>FSI384.98</i>	<i>Mercury NZ Limited</i>	<i>Oppose 535.91</i>
749.91	Housing New Zealand Corporation	Requests amendment be 1.5 to emphasise the importance of giving priority to residential intensification in existing urban areas. Requested amendment to 1.5.4 – Urban Growth to read: d) Urban growth and residential development should focus on a compact urban form with growth concentrated in and around existing town centres and urban settlements.
<i>FSI384.46</i>	<i>Mercury NZ Limited</i>	<i>Oppose 749.91</i>
<i>FSI202.34</i>	<i>New Zealand Transport Agency</i>	<i>Support 749.91</i>
<i>FSI368.11</i>	<i>Rosita Dianne-Lynn Darnes</i>	<i>Support 749.91</i>
<i>FSI198.4</i>	<i>Bathurst Resources Limited and BT Mining Limited</i>	<i>Support 749.91</i>
394.4	Gwenith Sophie Francis	Amend to signal that land close to urban infrastructure (main roads, and water or wastewater services) will be prioritised for urbanisation.
<i>FSI384.37</i>	<i>Mercury NZ Limited</i>	<i>Oppose 394.4</i>

Analysis

217. The majority of submissions seek to retain Chapter 1.5.4 as notified.
218. In response to the submission by Mercer Residents and Ratepayers Committee (367.33), while I appreciate the importance of Mercer Airport to the community, the intention is to specify some, but not all facilities that are provided within the Waikato District to support populations not only in the Waikato District but in Hamilton and Auckland. The nature of the facilities listed are large facilities, providing for the needs of large numbers. I appreciate that Mercer Airport facilities are expanding, however, given that this is not an exhaustive list and highlights larger facilities, I consider it unnecessary to be listed within 1.5.4. For these reasons, I recommend that the submission be rejected.
219. Sharp Planning Solutions (695.165) appears to raise concern regarding how the plan will achieve Policy 6.17.1 of the RPS about Urban growth. Policy 16.17 of the RPS outlines the management of rural-residential development in the Future Proof area. Method 6.17.1 directs Waikato District Council to include provision in the district plan to give effect to Policy 6.17, including limiting rural-residential development within the vicinity of Hamilton.

220. It is unclear what the specific relief sought by the submitter is, particularly in relation to Chapter 1.5.4 of the Plan. It would be beneficial for the submitter to provide further information in evidence for the hearing, to clarify the relief being sought. This can either be addressed within the hearing for this topic, or subsequent hearings if more appropriate. For this reason, at this time, I recommend that the submission be rejected.

221. Hamilton City Council (535.42) consider that the phrase ‘*harmonious cross boundary development*’ should be deleted, with clarification as to how growth demands will not impact on, or be caused by, adjoining councils. I agree that the phrase is unclear about what it means or intends. This Chapter 1.5.4(a) seeks to clarify the importance of facilities provided in the district that support not only the population of Waikato, but Hamilton and Auckland as well. This will require co-ordination from these Council’s in the development and management of such facilities. For this reason, I recommend that the submission of Hamilton City Council (535.42) be accepted, and recommend that the wording of 1.5.4(a) be amended to read;

..... Te Kowhai Airfield. It is important that there is coordination between land use and infrastructure planning by neighbouring councils to ~~ensure harmonious cross boundary development~~ manage these demands.

222. Turning to the submission of Gwenith Sophie Francis (394.3), Chapter 1.5.4 (b) focuses on the fact that urban growth can result in a reduction of rural land, and the need to minimise this occurrence. The nature of the district is such that the majority of land is rural land, and when urban growth needs to occur, this can put pressure on the development of rural land. The intention of Chapter 1.5.4(b) is to acknowledge the overlap between urban growth and loss of rural land. Paragraph (c) and strategic directions 1.12.1 outline that urban growth will be managed consistently with the Future Proof Strategy settlement pattern, that aims to achieve a more compact and concentrated urban form. For this reason, while there is focus on the rural environment in this section, I consider that the information on the rural environment provides useful background in outlining the management of urban growth within the plan, given that they are intrinsically linked. For this reason, I recommend that the submission of Gwyneth Sophie Francis (394.3) be rejected.

223. The submission of Housing New Zealand Corporation (749.91) seeks more emphasis in Chapter 1.5 on giving priority to intensification of growth in existing urban areas. This

submission is similar to that of Gwenith Sophie Francis (394.4), who seeks amendments to 1.5 to signal that land close to urban infrastructure will be prioritised for urbanisation.

224. Chapter 1.5.1 - Compact Urban Form, highlights the direction from the Future Proof Strategy to accommodate growth in a compact urban form, concentrating growth around existing settlements. In addition, Chapter 1.5.4 Urban Growth notes the importance of ensuring that the district's settlement pattern is consistent with the Future Proof Strategy. For this reason, I consider that there is sufficient content within Chapter 1.5 that directs to plan users that the Strategic Directions and Objectives of the district will be focused on achieving growth around existing urban centres and infrastructure. This is reflected in Strategic Objectives 1.12.1 and 1.12.3 and within the policies and objectives contained within Chapter 4 – Urban Environment. For these reasons, I recommend that the submissions be rejected.

Recommendation

225. I recommend that the submissions of Gwyneth Sophie Francis (394.3 and 394.4), Sharp Planning Solutions (695.165), Housing New Zealand Corporation (749.91) and Mercer Residents and Ratepayers Committee (367.33) be rejected.
226. I recommend that the submissions of Auckland Council (372.8), Hamilton City Council (535.42, 535.43, 535.44 and 535.91), Fonterra Limited (797.7), KiwiRail (986.1) and Waikato District Health Board (923.11) be accepted, and Chapter 1.5.4 of the plan is retained as notified, with the following minor amendment:

Recommended Amendment

227. I recommend the following amendments:

228. Amend 1.5.4(a) as follows:

“... Te Kowhai Airfield. It is important that there is coordination between land use and infrastructure planning by neighbouring councils to ~~ensure harmonious cross boundary development~~ manage these demands.” (Hamilton City Council (535.42))

5.5.6. Chapter 1.5.5 – Services and general infrastructure Submissions

229. 18 submissions and 27 further submissions were received on Chapter 1.5.5 – Services and general infrastructure. The majority of submissions sought to retain 1.5.5, or parts of 1.5.5, as notified. Submissions primarily sought amendments to the plan in relation to:

- Shared infrastructure services between Councils
- Clearer recognition of the obligations of the National Policy Statement on Electricity Transmission (NPSET), and
- The adequacy of rail freight in the district.

Submission point	Submitter	Summary of submission point
986.2	KiwiRail	Retain 1.5.5(a), (b), (c), (d), (e) and (g) as notified.
FS1384.70	Mercury NZ Limited	Oppose 986.2
535.2 535.47, 535.48, 535.49	Hamilton City Council	Retain 1.5.5(c), (d), (e) and (g) as notified.
FS1384.99 and FS1384.100	Mercury NZ Limited	Support 535.48 and 535.49
FS1384.32	Mercury NZ Limited	Oppose 535.47
FS1129.15, FS1129.14, FS1129.17	Auckland Council	Support 535.48, 535.47, 535.2
FS1276.167	Whaingaroa Environmental Defence Inc. Society.	Support 535.2
FS1339.131	NZTE Operations	Support 535.2
372.9. 372.10	Auckland Council	Retain 1.5.5(e), (f) and (g) as notified.
FS1384.32	Mercury NZ Limited	Oppose 372.9
FS1384.23	Mercury NZ Limited	Oppose 372.10
FS1176.55, FS1176.55	Watercare	Support 372.9 and 372.10

<i>FS1379.100, FS1379.97</i>	<i>Hamilton City Council</i>	<i>Support 372.9 and 372.10</i>
<i>576.2, 576.3</i>	<i>Transpower NZ Ltd</i>	<i>Retain 1.5.5(a) and (b) as notified.</i>
<i>581.2</i>	<i>Synlait Milk Limited</i>	<i>Retain 1.5.5 as notified.</i>
<i>FS1384.107</i>	<i>Mercury NZ Limited</i>	<i>Oppose 581.2</i>
<i>FS1341.18</i>	<i>Hynds Pipe Systems Limited</i>	<i>Support 581.2</i>
<i>923.12</i>	<i>Waikato District Health Board</i>	<i>Retain 1.5.5 as notified.</i>
<i>FS1202.40</i>	<i>NZTA</i>	<i>Support 923.12</i>
<i>FS1384.59</i>	<i>Mercury NZ Limited</i>	<i>Oppose 923.12</i>
<i>535.1</i>	<i>Hamilton City Council</i>	Requested stronger direction be stated to ensure a clear understanding of the importance of having dialogue with both iwi and adjoining councils. The submitter is particularly seeking direction from the Proposed District Plan on when users and potential consent applicants are to engage with the City on proposals within the City's Area of Interest. Amend Chapter 1.5.5(f) Services and general infrastructure to strengthen when and with whom.
<i>FS1062.71</i>	<i>Andrew and Christine Gore</i>	<i>Support 535.1</i>
<i>FS1129.16</i>	<i>Auckland Council</i>	<i>Support 535.1</i>
<i>535.45 and 535.46</i>	<i>Hamilton City Council</i>	Raised concerns as to what is meant by the sentences in clause (a) and (b) directing sharing of services. The submitter stated that separate service agreements and funding mechanisms agreed with Hamilton City Council would need to be secured if services are to be shared and there should be no assumption that this will occur. The submitter requested amending 1.5.5(a) and (b) by clarifying which core services are anticipated to be shared and actively work together to discuss intentions and their implications for Hamilton City Council.
<i>FS1384.95 and FS1384.96</i>	<i>Mercury NZ Limited</i>	<i>Oppose 535.45 and 535.46</i>
<i>535.92</i>	<i>Hamilton City Council</i>	Supported the intent of 1.5.5, subject to the amendments requested in 535.46 and 45.

FS1384.101	Mercury NZ Limited	Support 535.92
576.4	Transpower NZ Ltd	Requested amendments to 1.5.5(f) to recognise NPSET policies requiring recognition of the national grid, and the management of the environmental effects of transmission.
FS1211.1	First Gas	Support 576.4
695.166	Sharp Planning Solutions	Considered that the phrase 'There is a good rail network for freight' in Chapter 1.5.6(d) is uninformed, open-ended and inaccurate. Submitter provided information within appendix one of submission that outlines the rail network adequacy for freight in the Waikato district.
FS1384.129	Mercury NZ Limited	Support 695.166
924.4	Genesis Energy Limited	Amend 1.5.5(d) to use e.g. instead of i.e.
FS1176.278	Watercare	Support 924.4

Analysis

230. In response to the submission by Hamilton City Council (535.1), the submitter sought amendments to paragraph (f) to give direction in the Proposed District Plan on when users and potential consent applicants are to engage with the City. Paragraph (e) of Chapter 1.5.5 states that Council will encourage consultation within organisations responsible for infrastructure, developers, adjoining landowners, iwi and adjoining consent authorities. I do not consider that the Plan is the correct location to give any further direction on when users and consent applicants are required to engage with the Council. This should be on a case-by-case basis dependant on the nature of the consent and the relevant parties that may be considered affected. I consider that this information would be more appropriately provided outside of the Plan, for example on the Council's website, with information available regarding pre-application discussions with the Council. For this reason, I recommend the submission be rejected.
231. Submissions from Hamilton City Council (535.45, 535.46, 535.92) raise concern regarding the sharing of services between Councils outlined in 1.5.5(a) and (b). I understand the concern from the submitter regarding the generalisation of these paragraphs, as the submitter is correct that the text provides no examples of the nature of the infrastructure services to be shared between Councils. The submitter also rightly points out that each

Council needs to secure agreements and funding mechanisms if services are to be shared, and there should be no assumption that this will occur. Sharing of services with other Councils is not raised within the objectives or policies of the Plan.

232. In order to achieve the objectives and policies of the Plan, the most cost-effective and efficient way to achieve this may be through the sharing of services with neighbouring local authorities. It also may be through providing those services itself. This is likely to be a decision based on financial and contractual considerations. I appreciate that sharing of services may provide for economic efficiency, but agree with the submitter that this will not be relevant to all services at all times. For this reason, I consider that amendments could be made to improve the clarity regarding references to sharing of services, in supporting the achievement of the objectives and policies of the Plan in relation to the provision of infrastructure. I recommend that the submissions are accepted in part and that 1.5.5 be amended, as outlined below.

233. Transpower NZ Ltd (576.4). The submitter seeks the following additions to 1.5.5(f):

‘There are key transmission lines located in the district. The transmission of electricity in the National Grid plays a vital role in the well-being of New Zealand, its people and communities. The national significance of the National Grid is recognised in the National Policy Statement on Electricity Transmission 2008. Environmental effects of the National Grid are often experienced at a district level while the benefits of the National Grid extend to a regional or national level. These effects are a result of particular physical characteristics and operational/technical requirements and may not always be able to be avoided or mitigated. The lines are critical for ensuring an efficient and secure supply of electricity throughout the district and beyond. In accordance with the National Policy Statement on Electricity Transmission 2008 and the Regional Policy Statement, the Council is required to manage development to ensure that any ~~third-party~~ subdivision, land use and development in the transmission corridor does not affect the ongoing operation, maintenance, upgrading, and development of the lines or result in any incompatibility or reverse sensitivity effects. It is important that Council manages ~~third-party activities~~ subdivision, land use and development in the vicinity...’

234. I do not consider that the amendments proposed by the submitter in the first half of 1.5.5(f) are necessary. This paragraph already highlights the importance of electricity infrastructure within the region, and that there are obligations within the National Policy Statement on Electricity Transmission 2008 and the Regional Policy Statement in respect of this infrastructure. I do, however, consider that the reference to subdivision, land use and

development instead of 'third party activities' is more accurate and reflects the way activities are described in the rest of the plan. For these reasons, I recommend that the submission be accepted in part.

235. Sharp Planning Solutions (695.166) provides significant commentary in the appendix of their submission relating to the perceived inadequacy of the rail network within the district. While I appreciate the detail of information that the submitter has provided on this matter, the intention in 1.5.5(d) is to recognise the importance of ensuring and protecting regionally-significant infrastructure, such as rail corridors. For this reason, I recommend that the submission be rejected.
236. In relation to the request by Genesis Energy Limited (924.4) I consider that the use of the abbreviation e.g. defined as 'for example', is more appropriate in this context, than i.e.
237. The Oxford English Dictionary defines e.g. as 'for example' and i.e. as 'that is to say'. In the context of the request by Genesis Energy Limited (924.4), I consider that the use of e.g. is more suitable and that clause (d) should be amended to reflect this.

Recommendation

238. I recommend that the submissions of Hamilton City Council (535.1) and Sharp Planning Solutions (695.166) be rejected.
239. I recommend that the submission of Transpower NZ Ltd (576.4) be accepted in part.
240. I recommend that the submissions of Auckland Council (372.9 and 372.10), Hamilton City Council (535.2, 535.45, 535.46, 535.47, 535.48, 535.49 and 535.92), Transpower (576.2, 576.3), Synlait Milk Limited (581.2), Waikato District Health Board (923.12), KiwiRail (986.2) and Genesis Energy Limited (924.4) be accepted, and Chapter 1.5.5 of the plan be retained as notified, with the following minor amendments:

Recommended Amendments

241. I recommend the following amendments;
242. Amend Chapter 1.5.5(a) and (b) to read;
- (a) Infrastructure and services are costly to provide, and the cost of their continued maintenance and renewal is generally borne by the community. Development patterns that promote the efficient use of new and existing infrastructure and services ~~across~~

~~boundaries~~ can contribute significantly to improved cost-effectiveness, to the general health and well-being of communities and help safeguard the environment. Inappropriate subdivision and use and development of land can adversely affect the efficient provision and use of existing and planned subregional and regional infrastructure and services, due to unanticipated demands and reverse sensitivity issues.

- (b) ~~It is important that the district share the provision of core services with neighbouring council service providers, particularly in the north and south.~~ A strategic approach to growth is needed to ensure that infrastructure and services are provided in a timely and economical manner, and that growth establishes patterns of development that will be sustainable over the long term, this may involve sharing of core services with neighbouring council service providers. (Hamilton City Council (535.45, 535.46, 535.92))

243. Amend Chapter 1.5.5(d) to read;

The district needs to ensure the protection of regionally and nationally-significant infrastructure, ~~i.e. e.g.~~ electricity generation infrastructure and energy corridor, road and rail transport corridors, gas and transmission corridors and water infrastructure. (Genesis Energy Limited (942.4))

244. Amend Chapter 1.5.5(f) to read;

In accordance with the National Policy Statement on Electricity Transmission 2008 and the Regional Policy Statement, the Council is required to manage development to ensure that any ~~third-party subdivision, land use and~~ development in the transmission corridor does not affect the ongoing operation, maintenance, upgrading, and development of the lines or result in any incompatibility or reverse sensitivity effects. It is important that Council manages ~~third-party activities~~ subdivision, land use and development in the vicinity...(Transpower NZ Ltd (576.4))

5.5.7. Chapter 1.5.6 – Transport and logistics

Submissions

245. 9 submissions and 2 further submissions were received on Chapter 1.5.6 – Transport and logistics. The majority of submissions seek to retain 1.5.6 as notified, subject to minor amendments.

Submission point	Submitter	Summary of submission point
923.13	Waikato District Health Board	Retain 1.5.6 as notified.
FS1384.60	Mercury NZ Limited	Oppose 923.13
986.3	KiwiRail	Retain 1.5.6(a) and (d) as notified.
535.3	Hamilton City Council	Supports 1.5.6 but considers that greater emphasis needs to be placed on the regional management of transport.
81.90	Waikato Regional Council	Amend 1.5.6 (c) to correctly reference the Waikato Regional Land Transport Plan (RLTP) Chapter 1.5 to reference the development of a Hamilton to Auckland passenger rail service that will run through the Waikato District.
697.350	Waikato District Council	Amend text of 1.5.6(e) to remove reference to Hamilton Airport providing international services.
831.77	Raglan Naturally	Amend 1.5.6 to include the importance and effect of Ultra-Fast Broadband in allowing businesses to develop and reduce transport needs.
831.16	Raglan Naturally	Amend 1.5.6 to acknowledge the parking issues in towns and recreation areas and preferred solutions, such as pay and display and sign posting.
923.15 and 923.17	Waikato District Health Board	Amend Clause 1.5.6 (c) - Transport and logistics to correctly reference the Waikato Regional Land Transport Plan.
FS1384.66	Mercury NZ Limited	Oppose 923.15

Analysis

246. I agree with the submission of Waikato District Council (697.350), given that Hamilton Airport is no longer used for international flights. I recommend that the submission be accepted and that 1.5.5(e) be amended accordingly.

247. I appreciate the concerns of Raglan Naturally (831.16) regarding parking within Raglan, and the preference for parking solutions. Parking within the district is raised as a resource management issue within the s32 report¹⁷, however this issue primarily relates to the design, form and location of parking areas, as opposed to identifying an issue of a shortage of parking within particular areas. The intention of this chapter is to provide background information to plan users on the development of the provisions for the district. This is focused on district-wide issues. Strategic direction 12.4.3 – Ease of movement, places a focus on an integrated land use and transport pattern and the encouragement of urban form less reliant on private motor vehicles. While there may be parking pressures within Raglan, there is no evidence provided by the submitter to show that this is a district-wide issue that would warrant more of a focus on parking provision within strategic directions or objectives. For this reason, I recommend that the submission of Raglan Naturally (831.16) be rejected.
248. Raglan Naturally (831.77) seek acknowledgment in the Plan of the importance of Ultra-Fast Broadband in the district. While I appreciate the importance of this service to residents of the district, the roll-out of this service is provided for by a government-led initiative, and its delivery is outside the controls of the Council under the district plan. For these reasons, I recommend that the submission be rejected.
249. In response to the submissions by Waikato District Heath Board (923.15 and 923.17) and Waikato Regional Council (81.90), I agree that the plan should correctly reference documents referred to. For this reason, I recommend that reference to the Regional Land Transport Strategy be replaced by reference to the Regional Land Transport Plan, and the submissions be accepted.
250. In response to the submission by Waikato Regional Council (81.90) to include the development of the Hamilton to Auckland Passenger Service within the Plan, this matter will be considered within Heading 2 – All of Plan – Structure.
251. Hamilton City Council (535.3) request greater emphasis on the regional management of transport within Chapter 1.5.5. The part expresses a need for regional consideration between land use and infrastructure, and that this will be across boundaries. It would be beneficial if the submitter could provide evidence, presented for the hearing, detailing how, specifically, they consider that 1.5.6 could be amended to overcome the submitter's concerns. Until this time, I recommend that the submission be rejected.

¹⁷ Proposed Waikato District Plan (Stage 1) S32 Report (Transport) 18th July 2018 pg 6

Recommendations

252. I recommend that the submissions of Raglan Naturally (831.16 and 831.77) and Hamilton City Council (535.3) be rejected.
253. I recommend that the submissions of Waikato District Council (697.350), Waikato District Heath Board (923.13, 923.15 and 923.17) and KiwiRail (986.3) be accepted.

Recommended Amendments

254. I recommend the following amendments;
255. Amend Chapter 1.5.5(c) read;
- “....Waikato Regional Council will ensure that the Regional Land Transport ~~Plan Strategy~~ includes provisions to support the protection of the function of significant transport corridors.” (Waikato District Health Board (923.15 and 923.17))
256. Amend Chapter 1.5.5(e) read;
- “....Council is supporting the development of the Te Awa River Ride, which will form part of a nationwide cycle network. Hamilton Airport, located just outside the district, provides national ~~and international~~ and passenger services” (Waikato District Council (697.350))

5.5.8. Chapter 1.5.7 – Natural environment

Submissions

257. 23 submissions and 16 further submissions were received on Chapter 1.5.7 – Natural environment. The majority of submissions seek to retain 1.5.7 as notified, or seek minor amendments to the text of the section.

5.5.8.1. 1.5.7 The natural environment

Submissions

258. Four submissions and 8 further submissions were received more generally on 1.5.7. These are outlined below.

Submission point	Submitter	Summary of submission point
535.4	Hamilton City Council	Request minor amendment to replace 'adjoining authorities' with 'adjoining territorial authorities'
FS1277.140	Waikato Regional Council	Oppose 680.12
FS1293.39	Director-General of the Department of Conservation	Oppose 680.12
FS1045.2	Auckland/Waikato Fish and Game Council	Oppose 680.12
FS1384.113	Mercury NZ Limited	Oppose 680.12
680.12	Federated Farmers of New Zealand	Considers this Chapter 5.1.7.1(a) to be an unnecessary duplication of the cross-boundary issues addressed under Chapter 1.5.3 and 1.5.7.1(a). In most vegetation-clearance situations, it would be completely unnecessary to involve all adjoining authorities and the regional council. In fact, it may only occasionally be appropriate for such involvement in relation to cross-boundary clearance of significant indigenous vegetation.
680.13	Federated Farmers of New Zealand	Requests changes to 1.5.7 to reflect a planning approach that recognises the role landowners play as managers and financiers of the region's natural and physical resources. The submitter encourages non-regulatory methods to achieve and encourage good practice. They raise concern at the lack of non-regulatory methods in the plan.
FS1384.114	Mercury NZ Limited	Oppose 680.13
FS1293.40	Director-General of the Department of Conservation	Oppose 680.13
FS1108.42	Te Whakakitenga o Waikato Incorporated - Waikato Tainui	Oppose 680.13
FS1139.33	Turangawaewae	Oppose 680.13
923.18	Waikato District Health Board	Amend Chapter 1.5.7 - Natural environment to correctly reference the Waikato Regional Land Transport Plan and the development of the Hamilton to Auckland passenger rail service.

Analysis

259. Federated Farmers (680.12) have raised concern that Chapter 1.5.7(a) states an obligation on notification to adjoining authorities for resource consents for vegetation clearance that

is unreasonable. Four further submissions were received opposing this submission, from DOC, Waikato Regional Council, Mercury NZ and Auckland/Waikato Fish and Game. Hamilton City Council (535.4) request that 'adjoining authorities' be amended to 'adjoining territorial authorities' to provide clarification.

260. I do not consider that paragraph (a) of Chapter 1.5.7 is necessary in this chapter of the Plan, as it provides information on operational matters, concerning processes that are not relevant background to the provisions in the Plan. I agree with Federated Farmers (680.12) that the information contained in Chapter 1.5.3 – Cross-boundary issues, gives plan users sufficient information on how cross-boundary issues will be dealt with, when applicable. I consider that the information contained within Chapter 1.5.7(a) is unnecessary for the purpose of this chapter.
261. For this reason, I recommend that Chapter 1.5.7(a) be deleted in its entirety. I recommend that the submission of Federated Farmers (680.12) be accepted in part, and the submission of Hamilton City Council (535.4) be rejected (on the basis that the section is recommended to be deleted).
262. Federated Farmers' (680.13) submission is about how the Plan controls the natural environment, and they consider that there should be recognition in the Plan, and within 1.5.7, of the private cost versus public benefit of protection and management of natural resources, increasing public recognition of the role of landowners in management and protection, and developing more non-regulatory methods for Significant Natural Areas (SNA'S) and Outstanding Natural Landscapes (ONL's).
263. The amendments sought by Federated Farmers to 1.5.7 (680.13) are reflective of a number of other submission points raised by the submitter in relation to the management of SNA's and ONL's (Submission points 680.27 - 680.30). These submissions will be dealt with the Hearing 22 – Natural Environments. Given that Chapter 1.5.7 provides a summary of the direction of the Plan, I do not consider it appropriate to make a recommendation on the amendment sought to 1.5.7 prior to consideration of all issues relating to the management of SNA's and ONL's. For this reason, I recommend that the submission of Federated Farmers be rejected at this time. I appreciate, however, that if changes are recommended to the way that SNA's and ONL's are managed as a result of submissions, then consequential amendments to Chapter 1 may be required.
264. In response to the submission of Waikato District Health Board (923.18), I agree that the Plan should correctly reference the Waikato Regional Land Transport Plan, however I

cannot find any reference to the Waikato Regional Land Transport Strategy in Chapter 1.5.7. In response to including the development of the Hamilton to Auckland Passenger Service within the plan, this matter will be considered within Heading 2 – All of Plan – Structure.

Recommendations

265. I recommend that the submissions of Hamilton City Council (535.4), Federated Farmers (680.13) and Waikato District Health Board (923.18) are rejected.
266. I recommend that the submission of Federated Farmer (680.12) is accepted in part.

Amendments

267. I recommend the following amendments:
268. Delete 1.5.7(a) in its entirety

~~(a) The Council will ensure that adjoining authorities and the regional council are informed of all resource consent applications received for vegetation clearance. The location of indigenous vegetation often coincides with areas of outstanding landscape. The criteria used to assess landscape are not entirely consistent among the local authorities in the area, as shown by studies undertaken at different times by different experts. Undoubtedly, there will be subdivision and development proposals requiring a cross-boundary discussion on landscape matters during the life of this plan. (Federated Farmers (680.12) and Waikato District Council (697.348))~~

5.5.8.2. *Landscape and Natural Character, Water, Air Quality, The Coast and Energy*

Submissions

Submission point	Submitter	Summary of submission point
Chapter 1.5.7.2 – Landscape and Natural Character		
367.34	Mercer Residents and Ratepayers Committee	Retain 1.5.6.2 as notified.
831.43	Raglan Naturally	1.5.7.2 Landscape and natural character, to recognise that all natural character areas (not just those of higher value) be protected through tools such as cat-free covenants and similar rules imposed by the Palmerston North District Plan.

FS1342.236	Federated Farmers NZ	Oppose 831.43
Chapter 1.5.7.3 – Water		
372.11	Auckland Council	Retain 1.5.7.3(b) as notified.
394.5	Gwenith Sophie Francis	Amend Chapter 1.5.7.3 Water, to recognise the cumulative effect of the "Vision and Strategy" on the potential for high class soils to be utilised other than dry stock farming - particularly the direction to use less water and fewer nutrients.
567.2 and 798.4	Ngati Tamaoho Trust and Ngati Te Ata	Add a new point to Chapter 1.5.7.3 - Water, as follows: clean groundwater recharge should be encouraged where soils allow.
FS1384.103	Mercury NZ Limited	Support 567.2
680.14	Federated Farmers of New Zealand	Retain 1.5.7.3 as notified.
FS1384.115	Mercury NZ Limited	Oppose 680.14
923.14	Waikato District Health Board	Add a new clause (f) to Chapter 1.5.7.3 - Water which states the importance of quality fresh water for public health outcomes and use, storm water management to protect public health; and promotion of the use of water tanks for the onsite storage of rainwater for uses other than for human consumption, should be promoted.
FS1384.61	Mercury NZ Limited	Oppose 923.14
942.43	Tainui o Tainui	The submitter notes that Raglan's water supply should be locally owned and operated. The submitter supports the use of water tanks for all new builds and for winter storage.
Chapter 1.5.7.4 – Air quality		
942.44	Tainui o Tainui	Amend the Proposed District Plan to ban air contaminants from sprays, or add more stringent rules to ensure spraying is only undertaken when there is no wind and avoids watercourses and children's play areas.
FS1342.250	Federated Farmers NZ	Oppose 942.44 - It is a Regional Council function to control discharges of contaminants into air.
Chapter 1.5.7.5 – The Coast		
680.15	Federated Farmers of New Zealand	In relation to 1.5.3.5(a), the submitter stated that it is important to not over-simplify this contextual information. Requests amendments

		replacing 'Development' with 'Inappropriate development'
942.85	Tainui o Tainui	Considers stormwater should be directed into culverts and not discharged onto sandy beaches.
Chapter 1.5.7.7 – Energy		
680.16	Federated Farmers of New Zealand	Retain 1.5.7.7 as notified.
692.32	WEL Networks Limited	Minor amendment to 1.5.5.7 to include reference to distribution of renewable energy.
771.6	Bathurst Resources Ltd and BT Mining	Considers that there should be adequate recognition in the Proposed District Plan for the expansion of existing coal mines into adjacent known coalfields. Requests changes to text of 1.5.7.7 to reflect this.
860.3	Aggregate Quarry Association (AQA) and Straterra	Retain 1.5.7.7 as notified.
924.5	Genesis Energy Limited	The submitter considers that the energy resources and infrastructure listed in Chapter 1.5.5.7 should be identified as regionally-significant industries.
FS1345.147	Genesis Energy Limited	Support 771.6
945.32	First Gas Limited	Retain 1.5.7.7 as notified.
FS1285.13	Terra Firma Mining Limited	Support 860.3
FS1292.3	McPherson Resources Limited	Support 860.3
FS1332.3	Winstone Aggregates	Support 860.3
FS1334.3	Fulton Hogan	Support 860.3
Chapter 1.5.7.8 – Tourism		
367.35	Mercer Residents and Ratepayers Committee	Retain 1.5.7.8 as notified.

Analysis

1.5.7.2 Landscape and natural character

269. Turning to the submission of Raglan Naturally (831.43), s108 of the RMA can require conditions to be placed on a resource consent requiring a covenant to be entered into, which could prevent the ownership of cats within an area, however only if that requirement could be directly linked to the avoidance, remediation or mitigation of an adverse effect. The option of requiring covenants along these lines is open to a Council,

but would need to be considered on a case-by-case basis. In most cases, such covenants are voluntary (i.e requested to be placed in the consent by the developer) and enforced by landowners/developers. Given that Chapter 1.5.7.2 provides an overview of landscape and natural character generally, I do not consider that amendments are necessary to this part of the Plan to refer to the availability of such covenants.

1.5.7.3 Water

270. In response to the submission from Gwenith Sophie Francis (394.5), the primary concern in the submission appears to be that the ability to use high class soils for intensive cropping is heavily restricted through lack of available water and restrictions on nutrients. Chapter 1.5.7.3 identifies the obligations for water under the Vision and Strategy (paragraph (b)) - that water availability is a potential constraint (paragraph (d)) - and that greater scrutiny of, and restrictions of, groundwater takes have been introduced (paragraph (e)). These matters, relating to water, have influenced the strategic directions and objectives of the plan. I note that the submitter has made a number of submissions in relation the Chapter 5 – Rural Zone, seeking changes to the provisions to enable increased and efficient utilisation of land. I consider that changes to the Introduction chapter of the plan are pre-emptive until the remainder of the hearings have been undertaken. I acknowledge that the outcomes of the Rural Zone hearing (and others) may result in consequential amendments to the Introduction Chapter of the Plan. For this reason, I recommend that the submission be rejected.
271. The submissions of Ngati Te Ata (798.4) and Ngati Tamaoho Trust (567.2), seek the addition of *'clean groundwater recharge should be encouraged where soils allow'* to Chapter 1.5.7.3. Unfortunately, the submissions provide no context or supporting information for the inclusion of this statement. In addition, this matter is more appropriately managed by the Regional Plan. For this reason, I recommend that the submissions be rejected.
272. In response to the submission by Waikato District Health Board (923.14), the submission requests a new clause in Chapter 1.5.7.3 to acknowledge the importance of fresh water to public health. While I appreciate the position of the submitter, the amendments proposed place emphasis on matters that fall under the Council's responsibility under other statutes, and are not relevant matters for the District Plan. For this reason, I recommend that the submission be rejected.

273. I recommend that the submission of Tainui o Tainui (942.43) be rejected. The submitter states within the submission that Raglan's water supply should be locally owned and operated. Given that this is a matter that falls outside of the Council's functions under the district plan, it is not a matter to be addressed within this s42A.
274. On review of Chapter 1.5.7.3 Water, I consider that some of the information contained within this chapter is not necessary for the inclusion within the district Plan.
275. I consider that the information contained within Chapter 1.5.7.3(c) is not required given that this only elaborates on paragraph (b) that already recognises the role of the Three Waters Strategy will play in delivering water to growth areas. For this reason, I consider that 1.5.7.3(c) is deleted in its entirety.
276. In addition, I consider the information contained within paragraphs (d) and (e) are unnecessary. Paragraph (d) focuses on the sources of the districts water, which I consider is not related directly to the Council's functions under the RMA. Paragraph (e) primarily has information regarding water allocation, which is a function of the Regional Council. For these reasons, I consider that 1.5.7.3(d) and (e) are deleted in their entirety. The submission from Waikato District Council (697.348) provides scope to delete unnecessary information from Chapter 1.

1.5.7.4 Air quality

277. One submission was received on Chapter 1.5.7.4. Tainui o Tainui (942.44) asked that the Plan ban or limit sprays. Council's control around this air quality and spraying is very limited, as this is primarily a matter dealt with by Regional Council and fall outside of the matters controlled by the Council under the District Plan.
278. For this reason, while it is appreciated that air quality issues can have adverse effects on residents of the district, I consider that it is unnecessary to have a chapter of the Introduction dedicated to air quality, given that air quality is a matter controlled by the Regional Council. I therefore recommend that Chapter 1.5.7.4 is deleted in its entirety. The submission from Waikato District Council (697.348) provides scope to delete unnecessary information from Chapter 1.

1.5.7.5 The coast

279. Federated Farmers (680.15) seek a change to the wording in 1.5.7.5(a) to amend the last sentence to read:
- 'Inappropriate Development will be managed to protect landscape and ecological values throughout the coastal environment'.*
280. I recommend that the amendments proposed by the submitter be rejected. All development must be managed to protect the identified values - It is not possible to say if the development is inappropriate prior to an assessment.
281. Tainui o Tainui (942.85) submit that stormwater should be directed into culverts and not onto sandy beaches. The discharge of water (including stormwater) to land or to water is a matter dealt with by the Regional Council, and lies outside the functions of the district council under the district plan.

1.5.7.6 Energy

282. I recommend that the submission of WEL Networks Ltd (692.32) be accepted, so that Chapter 1.5.7.6 includes reference to electricity distribution, given that electricity distribution infrastructure is identified as regionally-significant infrastructure in the Waikato Regional Policy Statement¹⁸.
283. I do not agree with the amendments proposed by Bathurst Resources Ltd and BT Mining (771.6). I therefore consider that specifically stating in Chapter 1.5.7.6 that the Plan makes provision for the 'expansion' of mining activities is inaccurate. An assessment of whether expansion is appropriate is first required.
284. Genesis Energy (924.5) request an additional sentence to Chapter 1.5.5.7 to recognise industries as regionally-significant industries.
-as well as renewable energy. These are regionally-significant industries located in the Waikato District. The plan addresses the positive and adverse effects on energy infrastructure and development.*
285. I do not consider that the amendments requested by the submitter are necessary. The first sentence recognises the national and regional significance of these industries. I therefore feel that the proposed amendments are unnecessary duplication.

¹⁸ Definition of 'Electricity generation activities' in the WRPD.

Recommendations

286. I recommend that the submissions of Mercer Residents and Ratepayers Committee (367.35 and 367.34) and WEL Networks Ltd (692.32) be accepted.
287. I recommend that the submissions of Auckland Council (372.11) Federated Farmers (680.12), Federated Farmers (680.14), First Gas (945.32), Aggregate and Quarry Association (AQA) and Straterra (860.3) and Federated Farmers (680.16) be accepted in part.
288. I recommend that the submissions of Raglan Naturally (831.43), Gwenith Sophie Francis (394.5), Ngati Te Ata (798.4) and Ngati Tamaoho Trust (567.2), Waikato District Health Board (923.14 and 923.18), Tainui o Tainui (942.43, 942.44 and 942.85), Federated Farmers (680.13 and 680.15), Bathurst Resources Ltd and BT Mining (771.6), and Genesis Energy (924.5) be rejected.

Recommended Amendments

289. I recommend the following amendments:

290. Delete 1.5.7(a) in its entirety;

~~The Council will ensure that adjoining authorities and the regional council are informed of all resource consent applications received for vegetation clearance. The location of indigenous vegetation often coincides with areas of outstanding landscape. The criteria used to assess landscape are not entirely consistent among the local authorities in the area, as shown by studies undertaken at different times by different experts. Undoubtedly, there will be subdivision and development proposals requiring a cross-boundary discussion on landscape matters during the life of this plan.~~ (Federated Farmers (680.12) and Waikato District Council (697.348))

291. Delete 1.5.7.3 (c, (d) and (e) in their entirety (Waikato District Council (697.348))

292. Delete 1.5.7.4 in its entirety (Waikato District Council (697.348))

293. Amend 1.5.7.7 to read:

The district plan recognises the national and regional importance of existing energy resources and infrastructure, which includes coalfields, coal mines, Huntly Power Station,

gas, electricity transmission **and distribution**, and coal conveyance facilities, as well as renewable energy. (WEL Networks Ltd (692.32))

5.6. Chapter 1.6 Ngaa Iwi o Tainui ki te Waikato Takiwaa

Submissions

294. Six submissions and one further submission were received in relation to Chapter 1.6 - Ngaa Iwi o Tainui ki te Waikato Takiwaa.

Submission point	Submitter	Summary of submission point
1.6 Ngaa Iwi o Tainui ki te Waikato Takiwaa		
12.2	Carl Ammon	Retain 1.6 as notified.
923.20	Waikato District Health Board	Retain 1.6 as notified.
942.46	Tainui o Tainui	Requests amendment to clause (c) to recognise that Tainui Haapu Environmental Management Committee is a mandated organisation under the Resource Management Act for the Tainui Iwi of Whaingaroa. The submitter does not agree that Te Whakakitenga o Waikato Incorporated is the authority which represents its 12 hapuu for RMA issues.
1.6.2 Te Tiriti o Waitangi		
942.47	Tainui o Tainui	Requested the movement of this section to the start of the introduction. It was described as one of the 'Nation's foundation documents'.
388.2	Tangata Whenua Working Group	Retain the discussion of statutory responsibilities that are required for the Treaty of Waitangi, the Waikato River Settlement Act 2010, and the Resource Management Act, among others.
FS/384.32	Mercury NZ Limited	Oppose 388.2
1.6.4 Values of Importance		
942.48	Tainui o Tainui	Sought the addition of the following values to Chapter 1.6.4: <u>"Whakapapa – binds all past and present"</u> <u>"Rangatiratanga – sovereignty or power"</u> <u>"Tainuitanga – tribal uniqueness"</u> <u>"Tauututu – reciprocity, acts of always giving back or replacing what you take or receive"</u> <u>"Turangawaewae – a place to stand"</u> <u>"Mauri – life essence"</u>

Analysis

295. The purpose of Chapter 2: Tangata Whenua is to provide background and better understanding of Maaori issues. It describes the legislative context, outlining the obligations of councils under the RMA. It then lists the key principles of Te Tiriti o Waitangi. I consider the information contained within Chapter 1.6.2(b) repeats the information contained within Chapter 2.4 – Legislative context, and therefore the inclusion on Chapter 1.6.2(b) is unnecessary duplication within the plan. The submission of Waikato Regional Council (81.75) provides scope to move information from the introduction into appropriate chapter topics, and the submission of Waikato District Council (697.348) provides scope to delete unnecessary information from the Plan.
296. In response to the submission by Tainui o Tainui (942.46), the Te Kāhui Māngai database (which holds details about iwi and hapū under section 35A of the Act) recognises that Tainui Hapuu Environmental Management Committee represents a number of hapuu for the purposes of the RMA. Those organisations within the Tainui Waikato rohe that are identified in the Te Kāhui Māngai database¹⁹ are:
- Te Whakakitenga o Waikato Incorporated - identified as an ‘iwi authority’ for the purposes of RMA
 - And four groups that represent hapuu of this iwi for the purposes of the RMA. These are identified²⁰ as:
 - Moana Rāhui o Aotea
 - Tainui Hapuu Environmental Management Committee
 - Te Kotuku Whenua
 - Wahhi Whaanui Trust.
297. While I appreciate the submission by Tainui o Tainui (942.46) the organisations that represent the hapuu can come and go, and change their names over time. I have been advised by the Council that the Council may liaise with other organisations that are not listed on the Te Kāhui Māngai database, and that some of those listed on the Te Kāhui Māngai database are not currently functioning. For these reason, I have reservations about listing these organisations within the Plan, that has a lifetime of 10 years. I do however recognise the importance of acknowledging within the Plan that some hapuu have

¹⁹ <http://www.tkm.govt.nz/iwi/waikato/#>

²⁰ <http://www.tkm.govt.nz/iwi/waikato/#>

mandated organisations to represent them on resource management matters. For this reason, I recommend adding the following sentence to the end of Chapter 1.6.1(c);

‘...In addition some hapuu have mandated organisations to represent them on resource management matters.’

298. In response to the submission from Tainui o Tainui (942.47), reference to Te Tiriti o Waitangi in the proposed plan is currently made at Chapter 1.6.2, introduces the treaty and acknowledges ‘the need to ensure that local authorities give appropriate consideration to the principles of the treaty as part of their statutory Maori obligations’. Clause (b) highlights sections of the RMA relevant to Maaori.
299. I disagree with the submitter that Chapter 1.6.2 should be moved to the start of Chapter 1 – Introduction, but instead consider paragraph (a) of Chapter 1.6.2 would better provide an appropriate introduction to Chapter 2.4 - Principles of the Treaty of Waitangi (Te Tiriti o Waitangi). For this reason, I recommend that the submission of Tangata Whenua Working Group (388.2) be accepted in part (the parts of the submission relating to the RMA and Waikato River Settlement Act 2010 will be addressed later in this report.)
300. In response to the submission of Tainui o Tainui (942.48), the submitter states that if values are going to be included within the Plan, then additional values that they have listed should be included. The section 32 reports do not address the values currently referenced in the proposed plan, nor do they establish the reasoning behind the choice of values included. There is therefore an element of uncertainty surrounding which are the appropriate values to be referenced here.
301. In order to consider whether it is appropriate and necessary to include the additional Maaori values proposed by the submitter within the Plan, I looked at which of those values identified within the plan, and those identified by the submitter, are used within the Plan.
302. ‘Tainuitanga’, ‘Tauututu’ and ‘Turangawaewae’ (requested by the submitter) are not referenced within the Plan, and as such I do not consider it necessary to refer to these values.
303. ‘Mauri’ and ‘Rangatiratanga’ are included within the Glossary of Maaori terms in Chapter 13 – Definitions of the Plan. The definitions are generally consistent with those requested by the submitter, so to avoid repetition within the Plan, I consider that the addition of these values within Chapter 1 is unnecessary.

304. Whakapapa is not 'defined' within the plan. I consider that while a definition may be useful, this is a matter that should more appropriately be considered within Hearing 4 – Tangata Whenua. As such, this submission point will also be considered in Hearing 4.
305. Reviewing Chapter 1.6.4 of the Plan, I consider that this sub-chapter would be most appropriately located in Chapter 2 – Tangata Whenua. I consider that it would be logical that a plan user looking for information on Maaori values contained within the objectives and policies of the plan would first go to Chapter 2 – Tangata Whenua. Chapter 1.6 provides more background information on the history of Tangata Whenua in the district. The submission of Waikato Regional Council (81.75) provides scope to move information from the introduction into appropriate chapter topics.
306. For this reason, I recommend that the submission is accepted in part, as a number of values raised within the submission are already defined within the plan. I recommend that Chapter 1.6.3 be moved to Chapter 2 - Tangata Whenua.

Recommendations

307. Based on the analysis above, I recommend that the submissions of Tainui o Tainui (942.46, 942.47 and 942.48) and Tangata Whenua Working Group (388.2) be accepted in part.
308. I recommend that the submissions of Carl Ammon (12.2) and Waikato District Health Board (923.20) be accepted in part, on the basis that amendments are recommended to Chapter 1.6.

Recommended Amendments

309. The following amendments are recommended:
310. Amend Chapter 6.1.1(c) to read;

Te Whakakitenga o Waikato Incorporated Society (Waikato-Tainui) is the Iwi authoritative representative of the 33 hapuu, 68 marae and supporters of the Kingitanga movement. The name Te Whakakitenga o Waikato represents the future "pathway" of Waikato's social, cultural, environmental and economic wellbeing. In addition some hapuu have mandated organisations to represent them on resource management matters. (Tainui o Tainui (942.46))

311. Move Chapter 1.6.2(a) to Chapter 2.4 – Principles of the Treaty of Waitangi (Te Tiriti o Waitangi). (Tainui o Tainui (942.46) and Waikato Regional Council (81.75))
312. Delete Chapter 1.6.2(b) in its entirety (Waikato District Council (697.348))
313. Move Chapter 1.6.4 to Chapter 2 – Tangata Whenua (Waikato Regional Council (81.75))

5.7. Chapter 1.7 Settlement Acts/Co-management/Rivers - Vision and Strategies/Joint Management Agreement

Submissions

314. There were 10 submissions and 14 further submissions received in relation to Chapter 1.7.

Submission point	Submitter	Summary of submission point
697.351	Waikato District Council	Requested the re-ordering Chapter 1.7.1, so that it flows more logically. The submitter also sought amendment to/or deletion of 1.7.1.5.
FS1108.6	Te Whakakitenga o Waikato Incorporated - Waikato Tainui	Oppose 697.351 - unclear as to the basis of re-ordering.
FS1190.6	Te Whakakitenga o Waikato Incorporated	Oppose 697.351 - unclear as to the basis of re-ordering.
FS1139.6	Turangawaewae	Oppose 697.351
923.21	Waikato District Health Board	Retain 1.7 as notified.
367.36	Mercer Residents and Ratepayers Committee	Retain 1.7 as notified.
1.7.1 - Settlements		
433.35	Auckland Waikato Fish and Game Council	Requested addition of section on the “Te Kauwhata Wastewater Consent Agreement” and description of this document.
697.352	Waikato District Council	Sought minor amendment to 1.7.1.5 - Co-Management to replace the text ‘these agreements’ with ‘Joint Management Agreements’ to improve plan clarity.
FS1108.7	Te Whakakitenga o Waikato Incorporated -	Support 697.352

	Waikato Tainui	
FS1190.7	Te Whakakitenga o Waikato Incorporated	Support 697.352
FS1139.6	Turangawaewae	Support 697.352
388.5	Tangata Whenua Working Group	The submission reaffirms the passing of the legislation the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 which instigated the Vision and Strategy for the Waikato River and provides for Waikato-Tainui co-management.
1.7.2 – Vision and Strategy		
942.49	Tainui o Tainui	Sought the acknowledgement of West Coast rivers outside of the Waikato River Catchment area and covered by the Settlement Act. It requested addition of the following rivers: “Wainui”, “Omahina”, “Opotoru”, “Waitetuna”, “Kaawa”, “Tauterei” and “Whaingaroa”.
FS1342.251	Federated Farmers NZ	Oppose 942.49
642.1	Waikato River Authority	Requests that a section be added to the Proposed District Plan dedicated to the Vision and Strategy, including its objectives and strategies, and relationship to the district plan.
FS1384.112	Mercury NZ Limited	Support 642.1
FS1340.101	TaTa Valley Limited	Oppose 642.1 - It is considered that the District Plan is required to give effect to the Vision and Strategy and not replicate it.
FS1035.45	Pareoranga Te Kata	Support 642.1
FS1139.33	Turangawaewae	Support 642.1
FS1037.1	Waikato River Authority	Support 642.1
FS1293.36	Director-General of the Department of Conservation	Support 642.1
FS1108.100	Greg and Shirley Weller	Support 642.1
1.7.3 Joint Management Agreements		
697.353	Waikato District Council	Requested the following deletion from Chapter 1.7.3.3(b): “... Council must consult with the iwi authority in preparing a district plan or plan change under the RMA (Schedule 1) and the Order.”
942.1	Tainui o Tainui	Noted that Tainui Hapuu (Environmental Management Committee) have been involved in environmental management of the Whaingaroa rohe since prior to the enactment of the RMA and are listed on Te Kāhui Māngai

		website under section 35A of the Act. The submitter expects to be contacted directly on resource management matters with its tribal rohe.
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Analysis

1.7.1 Settlements

315. The submission from Waikato District Council (697.351) seeks the re-ordering of Chapter 1.7.1. I see logic in the re-ordering as proposed by the submitter. The information contained in Chapter 1.7.2 – The River Settlement Act, gives pre-emptive information to that contained within Chapter 1.7.1.
316. In addition, the submitter requests that Chapter 1.7.1.5 Co-Management is either moved to Chapter 1.7.1.3 or deleted. I consider that the chapter on co-management is unnecessary, given that there is information on the legislation or agreement listed contained under each chapter heading. For this reason, I recommend that Chapter 1.7.1.6 Co-Management be deleted. I also recommend that the submission by Waikato District Council (697.352) regarding amendments to the wording of Chapter 1.7.1.6 be rejected, on the basis that it is recommended that Chapter 1.7.1.6 is deleted in line with their previous submission.
317. I agree with the submission of Waikato District Council (697.351) to reorder Chapter 1.7.1.7 and Chapter 1.7.1.8 so that the Memoranda of Understanding comes before the Memorandum of Agreement.
318. Auckland Waikato Fish and Game Council (433.35) request inclusion of a section on the Te Kauwhata Wastewater Consent Agreement. While I appreciate that this is an important agreement for the district and the Council, I do not consider that it is a document that requires reference in the district plan, given that it is not relevant to the policy and rule framework in the plan.
319. There are no changes to the Plan sought in the submission of the Tangata Whenua Working Group (388.5 and 388.2), however, given that the Plan contains a chapter on the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010, and this is recommended to be retained, I consider that this addresses their submission.

1.7.2 Rivers Vision and Strategy

320. One submission was received on Chapter 1.7.2. *Tainui o Tainui* (942.49) sought acknowledgement of West Coast rivers outside of the Waikato River Catchment area and covered by the Settlement Act. Chapter 1.7.2 outlines details of the Vision and Strategy for the Waikato River that the district plan must give effect to. This does not mean that other rivers, outside this catchment area of the Settlement Act, are not considered within the Plan. The Council's functions under the RMA (s31) require the Council to control the actual and potential effects of use, development and protection of land in order to achieve the purpose of the RMA, being sustainable management of natural and physical resources. This would include rivers located within the district but outside the catchment of the Vision and Strategy. For this reason I do not consider that it is necessary within the Plan to list the rivers of the district.

321. On review of the information contained within Chapter 1.7.2, I consider that there is a large proportion of this chapter that does not need to be specifically outlined within the District Plan. While I fully acknowledge the importance of the Vision and Strategy for the Waikato River, and that the District Plan must give effect to this document, I consider that it is not necessary within the Plan to repeat large parts of this document. I consider it necessary and relevant to provide details of the Vision and Strategy, but feel that a condensed synopsis would be more appropriate. Plan users, if they require more information, can refer directly to the Vision and Strategy document. I note that the full text of the Vision and Strategy is contained in the Waikato RPS, section 2.5. I recommend that Chapter 1.7.2 be amended as outlined within Appendix 2. In summary, the amendments recommended are:

- Condense and summarise the synopsis of the Vision and Strategy for the Waikato River.
- Include the text contained within Chapter 1.7.2.2 – Vision for the Waikato River within Chapter 1.7.1.1 Vision and Strategy for the Waikato River.
- Delete Chapter 1.7.2.3 – Strategy for the Waikato River, however retain the final paragraph on this section and include within Chapter 1.7.1.1 Vision and Strategy for the Waikato River.
- Delete the title of Chapter 1.7.2.4 and relocate the text of this section to Chapter 1.7.1.1 Vision and Strategy for the Waikato River.

- Delete Chapter 1.7.2.5 Objectives, Chapter 1.7.2.6 Health and Wellbeing of the Waikato River and Chapter 1.7.2.7 Definition of the Waikato River and its catchment area.

322. The submission of Waikato District Council (697.348) provides scope to delete unnecessary information from the Plan.
323. In response to the submission by the Waikato River Authority (642.1), I consider that Chapter 1.7.2 already provides the relief requested. I have recommended above that this part of the plan be reduced in content, so as not to repeat the vision and strategy, but make reference to it.

1.7.3 Joint Management Agreements

324. I am in agreement within the submission of Waikato District Council (697.353) that Chapter 1.7.3.3 should be amended to delete '*and the Order*' at the end of paragraph (b), to correct an error in drafting.
325. In relation to the submission by Tainui o Tainui (942.1) and the recognition of Tainui Hapuu Environmental Management Committee, this matter is addressed in section 5.6 of this report. Council have an obligation under the RMA to notify iwi on resource consent applications received by the Council.

Recommendations

326. I recommend that the submissions of Waikato District Council (697.351 and 697.353), Tangata Whenua Working Group (388.5) and Tainui o Tainui (942.1) be accepted.
327. I recommend that the submissions of Waikato District Health Board (923.21), Waikato River Authority (642.1) and Mercer Residents and Ratepayers Committee (367.36) be accepted in part.
328. I recommend that the submissions by Waikato District Council (697.352), Tainui o Tainui (942.49) and Auckland Waikato Fish and Game Council (433.35) be rejected.

Recommended Amendments

329. The following amendments are recommended:
330. Reorder Chapter 1.7.1 as shown in Appendix 2 (Waikato District Council (697.351))

331. Delete Chapter 1.7.1.5 (Waikato District Council (697.351))
332. Amend Chapter 1.7.2 to remove unnecessary text as shown within Appendix 2 (Waikato District Council (697.348))
333. Amend Chapter 1.7.3.3 to read:

The RMA requires the principles of Te Tiriti o Waitangi and any iwi management plan to be taken into account when developing the district plan. In addition, Council must consult with the iwi authority in preparing a district plan or plan change under the RMA (Schedule 1). ~~and the Order~~ (Waikato District Council (697.353))

5.8. Chapter 1.8 Statutory Acknowledgements

Submissions

334. Two submissions were received in relation to Chapter 1.8.

Submission point	Submitter	Summary of submission point
923.22	Waikato District Health Board	Retain 1.8 as notified.
697.354	Waikato District Council	Section 1.8(b) contains a list of statutory acknowledgements relevant to the Waikato District. The submitter sought the correction of this list as follows; (ii) Maraeroa A and B Blocks Claims Settlement Act 2012 (vii) <u>Ngati Tamaoho Claim Settlement Act 2018.</u>

Analysis

335. Waikato District Council (697.354) request amendments to the list of Statutory acknowledgements to correct errors. It is important that this list be accurate, and I recommend that the changes requested by the submitter be accepted.

Recommendation

336. I recommend that the submission by Waikato District Health Board (923.22) and Waikato District Council (697.354) be accepted.

Recommended Amendments

337. The following amendments are recommended:

338. Amend Chapter 1.8.1(b) to read

.....Statutory acknowledgements relevant to the Waikato district are as follows:

- (i) Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010
- ~~(ii) Maraeroa A and B Blocks Claims Settlement Act 2012~~
- (iii) Ngaati Koroki Kahukura Claims Settlement Act 2014
- (iv) Ngaati Hauaa Claims Settlement Act 2014
- (v) Raukawa Claims Settlement Act 2014
- (vi) Waikato-Maniapoto Maori Claims Settlement Act 1946.
- (vii) Ngati Tamaoho Claim Settlement Act 2018 (Waikato District Council (697.354))

5.9. Chapter 1.9 Statutory context and framework

Submissions

339. Six submissions and 3 further submissions were received in relation to Chapter 1.9.

Submission point	Submitter	Summary of submission point
367.37	Mercer Residents and Ratepayers Committee	Retain 1.9 as notified.
297.1	Counties Manukau Police	Requested amendment to section 1.9.3 to make reference to the National Guidelines for Crime Prevention through Environmental Design in New Zealand.
680.17 and 680.18	Federated Farmers of New Zealand	Requested the following amendments to sections 1.9.4(a) and 1.9.5(a) to accurately summarise the RMA and not to 'oversimplify' the information it contains.
FS1384.116	Mercury NZ Limited	Oppose 680.18
697.346	Waikato District Council	Sought the deletion of section 1.9.7. Its reasons were that this content is only relevant to a proposed district plan prior to notification and that it is not necessary in a plan.
FS1384.41	Mercury NZ	Support 697.346

	<i>Limited</i>	
836.22	Powerco	Seeks to ensure that the Proposed District Plan takes into account higher order documents with regard to infrastructure.
FS1211.3	First Gas	Support 836.22

Analysis

340. Chapter 1.9 of the plan outlines the statutory framework which directs the district plan. Chapter 1.9 effectively summarises the RMA and key provisions, namely s5, s6, s7, s8 and Schedule 1 Clause 4A.
341. The information contained within Chapter 1.9 is repeating the content of the RMA, and is unnecessary.
342. In response to the submission by Powerco (836.22), the submitter has not raised any examples within the submission where the submitter considers that the Plan does not take into account higher order documents. The plan is required to ‘give effect to’ or ‘must not be inconsistent with’²¹ higher order documents under the RMA. Given that there is no indication from the submitter that this is not the case, I consider that the plan does give effect to higher order documents, and as such recommend that the submission be accepted.
343. The submissions from Federated Farmers of New Zealand (680.17 and 680.18) raise concern about the ‘oversimplification’ of the summaries in relation to s6 and s7 of the RMA in Chapters 1.9.3 and 1.9.4. I agree with the submitter that there are risks in paraphrasing or simplifying the content of these provisions.
344. For the reasons above, I recommend that Chapter 1.9 be deleted from the plan. This includes Chapter 1.9.7, which was requested to be deleted by Waikato District Council (697.346).
345. Given the recommendation above to delete Chapter 1.9.3, I recommend that the submission of Counties Manukau Police (297.1) be rejected. This submitter has also sought CPTED references to be added into other plan chapters, and these will be considered in other reports.

Recommendations

²¹ s75 RMA

346. I recommend that the submission of Waikato District Council (697.346) and Powerco (836.22) be accepted.
347. I recommend that the submission of Federated Farmers of New Zealand (680.17 and 680.18) be accepted in part.
348. I recommend that the submissions of Mercer Residents and Ratepayers Committee (367.37) and Counties Manukau Police (297.1) be rejected.

Recommended Amendments

349. The following amendments are recommended:
350. Delete Chapter 1.9 in its entirety (Waikato District Council (697.346 and 697.348))

5.10. Chapter 1.10 Integration of district plan with plans and documents

Submissions

351. 12 submissions and 10 further submissions were received in relation to Chapter 1.10 – Integration of district plans with plans and documents.

Submission point	Submitter	Summary of submission point
367.39	Mercer Residents and Ratepayers Committee	Requests the addition of Waikato District's Public Toilet Strategy to the list of plans and documents under section 1.10.
FS1384.21	Mercury NZ Limited	Oppose 367.39
Chapter 1.10.1 The relationship with Council strategies and other documents		
Chapter 1.10.1.1 Waikato District Development Strategy		
281.3	Zeala Ltd Trading as Aztech Buildings	Requested the amendment of this section to refer to the correct policy in the Waikato Regional Policy Statement. Replace Policy "6.11" with "6.1.1".
524.9	Anna Noakes	Requested the amendment of this section to refer to the correct policy in the Waikato Regional Policy Statement. Replace Policy "6.11" with "6.1.1".
FS1384.83	Mercury NZ Limited	Oppose 524.9
Chapter 1.10.1.6 Development Contributions Policy		
695.8	Sharp Planning Solutions	Requested the policy be simplified and made easier to understand.
Chapter 1.10.2 The relationship with regional plans and documents		
Chapter 1.10.2.3 Waikato Region strategies and plans		
367.38	Mercer Residents and Ratepayers Committee	Retain 1.10.2.3 as notified.
81.91	Waikato Regional Council	Sought amendment to section 1.10.2.3 to correctly reference the Waikato Regional Land Transport Plan, and the development of a Hamilton to Auckland passenger rail service that will run through the Waikato District.
FS1384.56	Mercury NZ Limited	Oppose 81.91
923.19 and 923.16	Waikato District Health Board	Sought amendment to 1.10 and 1.10.2.3 to correctly reference the Waikato Regional Land Transport Plan, and the development of a Hamilton to Auckland passenger rail service that will run through the Waikato District.
FS1384.63 and	Mercury NZ	Oppose 923.16 and 923.19

FS1384.64	Limited	
Chapter 1.10.2.5 Future Proof Growth Strategy and Implementation Plan		
606.3	Future Proof Implementation Committee	Sought the amendment of clause (b) as follows: “The Future Proof Growth Strategy identifies fifty <u>thirty</u> year land supply needs... The <u>original</u> land use and settlement pattern has been incorporated in the Waikato Regional Policy Statement...”
FS1090.12	Jenny Forsyth	Support 606.3
FS1384.111	Mercury NZ Limited	Support 606.3
Chapter 1.10.3 The relationship between district plans and other resource management planning documents		
697.355	Waikato District Council	Request to refocus this section to address national policy statements and national environmental standards. There is no need to repeat the Resource Management Act. Requested that section 1.10.3 be renamed “ <u>Other resource management documents</u> ” and that section 1.10.3.1 and 1.10.3.2 are deleted.
FS1384.45	Mercury NZ Limited	Oppose 697.355
Chapter 1.10.3.2 Local Government Act 2002		
367.40	Mercer Residents and Ratepayers Committee	Supports the need to work collaboratively with Tangata Whenua. Requests section 1.10.3.2 be retained as notified.
Chapter 1.10.3.4 National Environmental Standards		
680.19	Federated Farmers of New Zealand	Requested the addition of the following sentence to the end of clause (b): <u>The land use activities over which respective NESs apply will be considered as permitted activities under this plan.</u>
FS1384.117	Mercury NZ Limited	Oppose 680.19
FS1350.1	Transpower New Zealand Limited	Oppose 680.19 - does not support the sought statement as it could be interpreted that the activity is permitted, whereas they could be controlled or discretionary under the specific national environmental standard.

Analysis

1.10.1 The relationship with Council strategies and other documents

352. Chapter 1.10 contains reference to, and information on, a number of strategies, plans and policies. These documents have been developed outside of the district plan, and are

documents produced by the Council outlining the strategic direction on particular topics (e.g. economic development) for a particular time period.

353. Some of these documents, (in particular the Waikato District Development Strategy 2015 and the Waikato Economic Development Strategy) will have directly helped to inform the development of the proposed district plan provisions, particularly in relation to urban development. This does not mean, however, that these documents need to be specifically referenced within the plan. S32 reports identify the strategic documents that informed and provided a framework for the development of the proposed district plan provisions.
354. I do not consider it necessary to include reference to these documents within the Plan. In addition, these documents generally have a shorter lifespan than the district plan, and a reference to these documents is likely to become outdated during the lifetime of the Plan.
355. The submission of Waikato District Council (697.348) provides scope for the removal of unnecessary information within the Plan, and specifically the submission raises concern that there is a risk that references to Council strategies become out of date when the Council reviews those strategies.
356. For the reasons outlined above, I recommend that Chapter 1.10.1 be deleted in its entirety.
357. Mercer Residents and Ratepayers Committee (367.39) requests the addition of Waikato District's Public Toilet Strategy to Section 1.10. This strategy, along with a large number of others²², provides a document to outline the way the Council operates or delivers services to the community. The Waikato District's Public Toilet Strategy provides details on matters that fall outside of the district plan, therefore I do not consider it appropriate that it be listed within Chapter 1.9.
358. In response to the submission by Zeala Ltd trading as Aztech Buildings (281.3) and Anna Noakes (524.9), given the above recommendation to delete Chapter 1.10.1, the amendments sought by the submitter are unnecessary. If the hearing panel is mindful to retain Chapter 1.10.1, then I would recommend that the amendments proposed to Chapter 1.10.1.1(a) to correctly refer to Policy 6.1.1 of the WRPS instead of 6.1.1 be accepted.
359. In response to the submission by Sharp Planning Solutions (695.8), it is important to note that the Waikato District Council's Contributions Policy is a stand-alone policy, which is

²² There are 15 listed on the Waikato District Council's website

not incorporated into the district plan. Chapter 1.10.1.6 refers to a document which, within the lifetime of a district plan, is likely to be updated. This is due to the changing nature of development contributions as the policy is revised over the years. For this reason, I recommend that the submission be rejected.

Chapter 1.10.2 The relationship with regional plans and documents

360. This chapter of the Plan outlines the Waikato Regional Plans and Documents that have influenced the development of the Proposed District Plan.
361. As with the Waikato District Council strategies and plans discussed above, I consider that the most appropriate place for reference to the Regional Plan Strategies and documents that have influenced the development of the district plan provisions is within the relevant s32 documents. As with district plan strategies and plans, some of those listed within this section of the plan are likely to be updated or changed within the lifetime of the district plan.
362. The Future Proof Growth Strategy is already referred to within Chapter 1.5.1, which I consider gives plan users sufficient direction to refer to this document. There is also considerable reference to, and background information contained on, this document within the s32 report for Strategic Direction and Management of Growth.
363. For these reasons, I consider that Chapter 1.10.2 is unnecessary and should be deleted from the plan.
364. I note that the submissions of Waikato Regional Council (81.91) and Waikato District Health Board (923.19 and 923.16) request that the Waikato Regional Land Transport Plan should be correctly referenced within Chapter 1.10.2.3. The Future Proof Implementation Committee (606.3) submit that Chapter 1.10.2.5 be amended to refer to a thirty year, not fifty year vision, to reflect changes in the updated Future Proof Strategy 2017, and for consistency within the NPS-UDC. If the hearing panel is mindful to retain Chapter 1.10.2, then I would recommend these amendments be made to the text, to improve the accuracy of the Plan.
365. Both Waikato Regional Council (81.91) and Waikato District Health Board (923.19) also request the inclusion of reference to the development of a Hamilton to Auckland passenger rail service that will run through the Waikato District. These submissions will also be addressed in detail in Hearing 2 – All of Plan, alongside other submissions requesting the inclusion of references and outcomes to these documents within the Plan.

1.10.3 - The relationship between district plans and other resource management planning documents

366. Waikato District Council (697.355) request that the title of Chapter 1.10.3 be amended to “Other resource management documents”. In addition, the Waikato District Council submits that Chapters 1.10.3.1 and 1.10.3.2 should be deleted, with the focus in the chapter being on national policy statements and national environmental standards.

367. I agree within the submission of Waikato District Council (697.355), as I consider it unnecessary to include within the plan reference to the obligations under the RMA. It is noted that a similar summary is provided within Chapter 2.3 of the Plan, and as such there is no need for repetition within the Plan.

368. In addition, the National Planning Standards require the inclusion of a section of the Plan called ‘National Direction Instruments’, which includes reference to relevant National Policy Standards and National Environmental Standards. Inclusion of only chapters relating to National Policy Standards and National Environmental Standards would be more consistent with the direction of the National Planning Standards.

369. For these reasons, I recommend that Chapters 1.10.3.1 and 1.10.2.3 be deleted in their entirety. I recommend that the title of Chapter 1.10.3 be amended to “Resource management documents”, to reflect that the other chapters within 1.10 are recommended to be removed.

370. For this reason, I recommend that the submission of Mercer Residents and Ratepayers Committee (367.40) to retain Chapter 10.1.3.2 as notified be rejected.

371. Federated Farmers (680.19), request an additional sentence to 1.10.3.4(b) to read:

“.....councils can impose stricter standards. The land use activities over which respective NESs apply will be considered as permitted activities under this plan.”

372. Federated Farmers want the plan to be more specific as to the relationship between the NESs and the Plan. I do not consider that the amendment proposed by the submitter is required. While the NESs apply standards, these will not necessarily be permitted activities within the Plan, given that Council may impose stricter standards to some activities if the NESs allow for this (s42B of the RMA). As outlined within the further submission from Transpower (FSI 350.1) activities could be controlled or discretionary under the specific environmental standard. While I have not undertaken a review of the Plan to ascertain the

activity status for all activities outlined in the NESs, I do consider that Chapter 1 provides an overview of the NESs without needing to be specific as to how this is delivered in the Plan. For this reason, I recommend that the submission of Federated Farmers (680.19) be rejected.

Recommendations

373. Based on the analysis above, I recommend that the submissions by Mercer Residents and Ratepayers Committee (367.38 and 367.39), Zeala Ltd Trading as Aztech Buildings (281.3), Anna Noakes (524.9), Waikato Regional Council (81.91), Waikato District Health Board (923.16, 923.19), Sharp Planning Solutions (695.8), Mercer Residents and Ratepayers Committee (367.40), Future Proof Implementation Committee (606.3) and Federated Farmers (680.19) be rejected.
374. I recommend that the submission of Waikato District Council (697.355) be accepted in part.

Recommended Amendments

375. The following amendments are recommended:
376. Delete Chapter 1.10.1 in its entirety (Waikato District Council (697.348))
377. Delete Chapter 1.10.2 in its entirety (Waikato District Council (697.348))
378. Amend the title of Chapter 1.10.3 to read;
“1.10.3 - ~~The Relationship between district plans and other~~ Resource management planning documents” (Waikato District Council (697.355))
379. Delete Chapter 1.10.3.1 in its entirety (Waikato District Council (697.348))
380. Delete Chapter 1.10.3.2 in its entirety (Waikato District Council (697.348))

5.11. Chapter 1.11 Monitoring

Submissions and Analysis

381. No submissions were received on Chapter 1.11 – Monitoring.
382. On review of Chapter 1.11, I consider that this chapter of the Plan could be reduced in detail, and still perform the same function, which is to advise Plan users of the Council's monitoring functions under the RMA. For this reason, I recommend deleting some of the information contained in Chapter 1.11 as outlined within the amendments below. The submission from Waikato District Council (697.348) provides scope to delete unnecessary information from Chapter 1.

Recommend Amendments

383. I recommend the following amendments;

Amend Chapter 1.11 Monitoring to read;

- (a) *Monitoring of the district plan is part of a comprehensive monitoring requirement of Waikato District Council, specified in section 35 of the Resource Management Act. The RMA provides for the plan to state the procedures used to monitor the efficiency and effectiveness of the policies, rules or other methods contained within it.*
- ~~(b) There are two main questions that need to be addressed concerning the efficiency and effectiveness of the plan. The first question is: Are we hitting the target we're aiming at? The environmental result actually achieved through implementing the plan needs to be compared with what it intends to achieve. The second aspect of efficiency and effectiveness relates to the question: Are there better ways of doing things? While the methods being used may be achieving the right results, it may be that other methods may produce the same results more easily.~~
- (c) *A monitoring strategy that has been developed as a separate document from the district plan will be updated. The strategy states what is to be monitored and indicates priority issues. It will also indicate how monitoring is to be undertaken. Annual monitoring programmes will then be carried out in accordance with the revised strategy. Plan monitoring will be closely linked with other monitoring which the Council is required to do under the Resource Management Act, including state of the environment monitoring and resource consent monitoring.*

- (d) ~~In time, the Council will gather information on all issues relevant to the working of the plan. Information will be gathered with reference to the environmental outcomes that the Council is seeking to achieve through the plan.~~ Reviews of the results of plan monitoring will be published every five years. ~~Various methods are available to monitor these issues, and it is important to maximise the information gained from the monitoring undertaken.~~ The Council will seek to work closely with organisations that hold relevant information. Such organisations may include central government agencies, other local government agencies, and business and community groups. Consultation with the District Plan Iwi Reference Group and Waikato-Tainui will continue to be important, including the effectiveness of monitoring methods and plan provisions. (Waikato District Council 697.348)

5.12. Submissions from Andrew and Christine Gore

Submissions

384. 39 submissions were received from Andrew and Christine Gore in relation to Chapter I – Introduction. Further submissions were received from Mercury NZ Limited (FSI384) opposing 24 of the submissions²³.

Analysis

385. The submissions were received on many sections of Chapter I. A review of the full submission has revealed that while each section of Chapter I is referred to within their submission, no particular relief, or changes to Chapter I of the Plan were sought within the submission. Given the lack of information or direction expressed in the submission, it is recommended that all submissions from Andrew and Christine Gore be rejected.

Recommendation

386. I recommend that the following submissions from Andrew and Christine Gore be rejected.

330.6	330.16	330.17	330.18	330.19	330.20	330.22	330.23
330.24	330.25	330.26	330.27	330.28	330.29	330.30	330.31

²³ Further submissions from Mercury NZ Limited FSI384.1, FSI384.2, FSI384.3, FSI384.4, FSI384.5, FSI384.6, FSI384.7, FSI384.8, FSI384.9, FSI384.10, FSI384.11, FSI384.12, FSI384.13, FSI384.14, FSI384.15, FSI384.16, FSI384.17, FSI384.18, FSI384.19, FSI384.20, FSI384.21, FSI384.22, FSI384.23, FSI384.24, FSI384.25, FSI384.26, FSI384.27, FSI384.28, FSI384.29, FSI384.30, FSI384.31, FSI384.32, FSI384.33, FSI384.34, FSI384.35, FSI384.36, FSI384.37, FSI384.38, FSI384.39, FSI384.40, FSI384.41, FSI384.42, FSI384.43, FSI384.44, FSI384.45, FSI384.46, FSI384.47, FSI384.48, FSI384.49, FSI384.50, FSI384.51, FSI384.52, FSI384.53, FSI384.54, FSI384.55, FSI384.56, FSI384.57, FSI384.58, FSI384.59, FSI384.60, FSI384.61, FSI384.62, FSI384.63, FSI384.64, FSI384.65, FSI384.66, FSI384.67, FSI384.68, FSI384.69, FSI384.70, FSI384.71, FSI384.72, FSI384.73, FSI384.74, FSI384.75, FSI384.76, FSI384.77, FSI384.78, FSI384.79.

330.32	330.33	330.34	330.35	330.36	330.7	330.8	330.9
330.10	330.11	330.12	330.13	330.14	330.15	330.37	330.38
330.39	330.40	330.41	330.42	330.43	330.44	330.21	

6. SECTION 32AA EVALUATION

387. Section 32AA of the RMA requires a further evaluation of changes made to the Plan since the Plan was completed. This relates to changes to objectives and provisions of the Plan (which are the policies, rules or other methods that implement or give effect to the objectives of the Plan).
388. Chapter 1 contains background information to plan users that 'sets the scene' for the district and illustrates the purpose of and direction taken by the district plan. This chapter of the Plan does not contain objectives or provisions for the purposes of s32AA. Although not required by the RMA, I have provided a brief s32AA analysis of the changes recommended within this report that are outlined within the various sections above.
389. Given the scale and significance of the recommended changes (being that they are not changes that affect the application of the provisions of the Plan), this s32AA summarises the recommended changes generally, rather than providing a s32AA assessment of each recommended change.
390. The changes to the Plan recommended in this report generally fall into two categories:
- Changes to improve the accuracy and/or clarity of the text of the Plan
 - Changes to delete unnecessary information from the Plan.
391. The options available are to make changes in line with the requests by the submitters or to retain the text of the Plan as notified. It is considered that the amendments recommended will more accurately provide background information to plan users, and after considering submissions, these changes are more accurate than the notified text in Chapter 1.
392. The changes recommended within this report result in the removal of a large amount of text from Chapter 1 in order to avoid unnecessary repetition in the Plan, or remove references to information that is better located outside of the Plan. It is considered that

this will result in a plan that is easier to interpret by plan users, and will only contain information relevant to achieving the purpose of the RMA. For this reason, these recommendations are considered to be efficient and effective.

393. The benefits of the recommended changes are that this chapter of the Plan will be more accurate and easier to interpret for plan users. There are no anticipated costs associated within these amendments, and it is considered that there is sufficient information outlined within the report to make the recommended changes.

7. CONCLUSION

394. This report provides an assessment of submissions received in relation to Chapter I – Introduction (excluding Chapter I.12 however which is the focus of Hearing 3 Strategic Objectives). As a result of this assessment, a number of changes have been recommended to the text of Chapter I to ensure the accuracy of the information contained within the chapter, and to remove any information that is considered unnecessary to the plan.
395. I consider that the submissions on this chapter should be accepted, accepted in part or rejected, as set out in Appendix I below, for the reasons set out in Sections 4, 5 and 6 above.
396. I recommend that provisions in Chapter I be amended as set out in Appendix 2 below for the reasons set out in Sections 4, 5 and 6 above.
397. I consider that the amended provisions will be efficient and effective in achieving the purpose of the RMA for the reasons set out in the Section 32AA evaluation undertaken in Section 6 of this report.



Debbie Donaldson
Consultant Planner – Perception Planning Limited

3rd September 2019